

Agenda Item 5a

3/10/0906/FP - Demolition of an existing main car dealership, erection of a new car dealership at front of the site along with a car park with a raised storage area. Erection of 60no. flats within five new residential blocks at the rear of the site at 295, Stansted Road, Bishop's Stortford, Herts, CM23 2BT for Gates Group Ltd

Date of Receipt: 11.06.2010

Type: Full – Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - MEADS

RECOMMENDATION

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

1. Loss of employment land (E021)
2. The proposed residential development by reason of its scale, height, massing and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and detrimental to the character and appearance of the surrounding area. The proposal is therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. Inadequate affordable housing provision (H051)
4. The application lacks sufficient information regarding flood risk to enable the Local Planning Authority to properly consider the planning merits of the application. The proposal would thereby be contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007.
5. The application lacks sufficient information regarding the presence of bats to enable the Local Planning Authority to properly consider the planning merits of the application. The proposal would thereby be contrary to policy ENV16 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.
- 1.2 The site is located to the west of Stansted Road and within the built up area of Bishop's Stortford.

- 1.3 The surrounding area is characterised by residential properties to the east and south of the site with industrial units to the north and north east within the Stort Valley Industrial Park, Birchanger Industrial Estate and Goodliffe Park. Adjacent to the site to the west is a railway track, with the River Stort beyond this.
- 1.4 The site is currently occupied by a car dealership. There are three buildings on the site which are used for the car showroom, a workshop and another ancillary building. The existing car show room and work shop buildings are two storeys in height.
- 1.5 The application proposes the demolition of all of the existing buildings at the site and the erection of a new car dealership along with a raised storage area, a 2 storey car park and the erection of 60no. flats within five new residential blocks. The existing access is proposed to be used to serve both the car dealership and the residential units at the rear of the site.
- 1.6 The proposed new car dealership would be sited in the position of the existing car showroom to the front of the site. The showroom itself would be set back by approximately 50 metres from the highway, with a parking area adjacent to Stansted Road and a further raised parking area between this and the car showroom building. Due to rising land levels from west to east the height of the raised car parking area would vary, commencing at approximately 1.5 metres at the closest point to Stansted Road and rising to 2.8 metres as the land falls to the west.
- 1.7 The car showroom and the adjoining garages/workshops are designed with shallow sloping roofs that would be obscured by a parapet. The car show room would reach a height of 10 metres and the adjoining garages would decline to a height of 9 metres and 4.5 metres
- 1.8 Opposite the proposed car dealership a car park with a raised storage area is proposed which would be adjacent to the eastern site boundary with the residential properties at Nos.283, 285, 287 and 289 Stansted Road. This car park would be 2 storeys reaching a height of approximately 4.8 metres. The car park would provide staff parking at ground floor and car storage at the first floor.
- 1.9 The parking provision for the car dealership comprises of 28 staff parking spaces proposed within the 2 storey car park and 12 visitors spaces which are proposed to the front of the showroom.
- 1.10 The residential development is proposed to form 5 blocks of flats, that would be sited to the rear of the application site.

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- 1.11 Block A would be sited to the west of the car dealership and within 5 metres of the site's northern boundary with the Stort Valley Industrial Park. Block A would accommodate 6 flats and would be 3 storeys in height, reaching a ridge height of 11 metres. 6 parking spaces are proposed to be sited to the south of the building to serve these flats.
- 1.12 Block B is proposed to the west of Block A and would provide 8 flats. This building is divided into 2 No. 4 storey elements, reaching a ridge height of 14 metres, with a connecting 3 storey section. 19 car parkings spaces are proposed for these flats to be sited to the west of this building and adjacent to the railway line.
- 1.13 Block C is proposed to be sited within the south western part of the site, adjacent to an electrical substation. Block C provides 16 affordable flats across 4 storeys of accommodation. This building would reach a ridge height of 14.2 metres, which would reduce to 13.4 metres where the building is closest to the southern boundary of the site. The car parking spaces for these flats would continue along the west boundary of the site with the railway line, providing 9 spaces for Block C.
- 1.14 Blocks D and E are connected to form one building that would be sited in-between Block C and the 2 storey car park. Block D would commence at a position of approximately 11 metres from the boundary of the site with the adjacent residential property, No.11 Denny Court. The flank elevation of Block D would be adjacent to the flank of No.11 Denny Court. Block D would provide 7 affordable flats within 3 storeys of accommodation, albeit the 2nd floor would be within the roof space. Block D would reach a ridge height of 10 metres. Block E would accommodate 12 flats within 4 storeys, reaching a ridge height of 12.5 metres. 14 parking spaces are proposed to serve these flats, 8 of these spaces would be sited up to boundary with No.11 Denny Court.
- 1.15 The proposed buildings are similar in their design to each other. The buildings are designed with projecting gable ends, some of these occurring only above the eaves height, varying roof heights, some balconies and a mix of materials.
- 1.16 A total of 60 flats are proposed at the site which would comprise of 33 No. 2 bedroom and 27 No. 1 bedroom units. A total of 23 of the flats are proposed as affordable units which comprise of 14 No. 2 bedroom and 9 No. 1 bedroom units.

2.0 Site History

- 2.1 In 1991 planning permission was granted at the site for the change of use from B1 to 1) car showroom/open sales 2) parts and servicing counters 3) car rental 4) accident/body shop under lpa reference 3/91/0653/FP.
- 2.2 The site has been subject to other planning applications for extensions, alterations and advertisements, none of which are considered to be of any particular relevance to the consideration of the current application.

3.0 Consultation Responses

- 3.1 Thames Water have stated that they have no objection to the application however advise that it is the responsibility of the developer to make proper provision for drainage to ground watercourses or a suitable sewer.
- 3.2 Environmental Health have recommended conditions in relation to construction hours of working, air quality, asbestos and contaminated land.
- 3.3 The Council's Housing Development Manager has confirmed that a 40% provision of affordable housing would be expected which should be 75% rented and 25% intermediate housing. If the developer considers this to be unviable then it will be necessary for the developer to provide a detailed viability assessment. There is also the need to provide lifetime homes.
- 3.4 The Council's Engineer has stated that the Council has records of historical flooding at the site, which was reported both internally and externally of the main showroom and a secondary workshop. The developer has suggested within the Flood Risk Assessment that a number of culverts are constructed next to the existing two culverts, however it is unlikely that this would be sufficient to provide long term protection from flooding. The proposed residential areas located at the rear of the site are situated in the area currently identified as subject to overland flow paths/pooling and it is therefore reasonable to assume that the development would be likely to be affected by localised flooding by rain water generated at the site and additionally from surrounding areas.
- 3.5 The County Planning Obligations Unit has requested financial contributions of £13,062 towards Secondary Education, £7,386 towards Nursery Education, £2,173 towards Childcare, £394 Youth, £5,327 towards Libraries and fire hydrant provision.
- 3.6 The Environment Agency object to the proposal as the development does not take the opportunity to remove the culvert, restoring lost habitat, and would prevent the future possibility of doing so and due to the inadequate

Flood Risk Assessment (FRA) that has been submitted. The Environment Agency comment that the FRA inadequately assesses the known flood risk associated with the Birchanger Brook, inadequately addresses surface water flooding issues on the site and an 8metre buffer zone from Birchanger Brook would not be retained.

- 3.7 The Hertfordshire Biological Records Centre advise that the application can not be approved due to insufficient information relating to the absence or presence of bats.
- 3.8 Initial comments have been received from County Highways which confirm that whilst the layout of the development is not ideal in terms of accessing the residential development through a split commercial site, the on-site carriageway is to remain private and has been designed to accommodate all vehicle movement and with segregated pedestrian facilities. Whilst I acknowledge that traffic movements will increase it will not be to such an extent that would justify an objection on the grounds of unacceptable impact upon Stansted Road.

In terms of Section 106 contributions County Highways consider that it is appropriate for this development to make an accessibility/sustainable transport contribution totaling £61,625. This figure is arrived at using the two strand approach contained in the HCC Planning Obligations toolkit with £20,000 for infrastructure improvements and £41,625 as a second strand contribution toward measures contained in the BS Transport Plan.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council object to the application and comment that the development would represent a loss of employment land in breach of policy and in addition the development would be overbearing on neighbouring properties and would create an unacceptable level of traffic on Stansted Road.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 12 letters of representation have been received which can be summarised as follows:-
- Additional traffic onto Stansted Road;
 - Hazardous access;

- Need for flats in Bishop's Stortford when there is an unfinished block at Tanners Wharf;
- Inappropriate change of use;
- Inadequate parking provision resulting in overspill into the surrounding area;
- Noise disturbance caused by car parking area adjacent to Denny Close;
- Noise disturbance during construction and as a result of its end use;
- Overdevelopment and overcrowding of the site;
- Impact upon views;
- Loss of privacy;
- The flats are out of proportion and character with the surrounding properties;
- Noise and removal of trees would impact upon birds;
- Flood risk;
- Air pollution;
- Impact upon wildlife;
- Impact upon bats that have been seen entering the existing buildings;
- Use of access would hinder drop-off parking and access to neighbouring dwellings;
- Height out of keeping.

5.3 In addition a petition has been submitted against the development which has been signed by 14 residents of Denny Court.

5.4 A letter has also been received from Mark Prisk MP which requests that when the Committee considers the application that the concerns of local residents are borne carefully in mind and states that many people feel that the prospect of another block of flats being erected in the town would be highly inappropriate and indeed unnecessary given the state of the local market and the significant over-supply of flats in the town.

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
EDE1	Employment Areas
BIS9	Employment Areas
HSG1	Assessment of sites not allocated in this Plan
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime- New Development

ENV11	Protection of Existing Hedgerow and Trees
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV25	Noise Sensitive Development
TR1	Traffic Reduction in New Developments
TR3	Transport Assessments (if over 1000sqm)
TR7	Car Parking- Standards
TR8	Car Parking- Accessibility Contributions
TR14	Cycling- Facilities Provision (Residential)
IMP1	Implementation

7.0 Considerations

- 7.1 The site is located within a designated Employment Area as identified in the Local Plan. Policy EDE1 outlines that Employment Areas are reserved for industry comprising Use Classes B1 (Business), B2 (General Industrial) and, where well related to the transport network, Class B8 (Storage or Distribution). The proposed residential use at the site forms a departure from this Policy and therefore a fundamental consideration is whether sufficient special circumstances have been demonstrated to allow the development that is contrary to Local Plan Policy. The other determining issues are whether the proposed development complies with the remaining Policies of the Local Plan.

Principle of Development-Employment Site

- 7.2 The site is within the built-up area of Bishop's Stortford, wherein there is no objection in principle to development in accordance with Policy SD2 of the Local Plan.
- 7.3 The site, however, is located in the Stansted Road Employment Area, which in accordance with Policy EDE1 is reserved for industry comprising of Use Classes B1, B2 and B8. Whilst there is considerable pressure for residential development in the District, it has also been established that a sufficient supply of land for employment uses needs to be maintained within the District in order to support its economy. Any redevelopment of the site for purposes other than those listed above is therefore in conflict with the aims of Policy EDE1.
- 7.4 The East Herts Employment Land and Policy Review, 2008 uses a traffic light system for employment sites within the district. The application site is identified as a 'green' site together with the neighbouring Goodliffe Park, Stort Valley Industrial Estate and Birchanger Industrial Estate. For sites identified as 'green' the review recommends that 'these are protected

through a policy which ensures they are only released in exceptional circumstances. These estates represent the priority employment sites in the District and are essential in meeting future employment needs.’ For Bishop’s Stortford as a whole the review states that ‘the strong demand and low vacancy rates in combination with the scarcity of supply mean that existing employment sites in the town need to be safeguarded.’

- 7.5 The Employment Land Review updates and strengthens the basis for Policy EDE1 and the need that it imposes to reserve designated employment sites such as this for B1, B2 and B8 uses.
- 7.6 The existing use of the site as a car dealership forms a mixed use with a particular emphasis upon B2 (General industry), due to the workshop, and a sui-generis use in the case of the car showroom. Officers have no objections to the proposed continued use of the site for a car dealership as although this use does not comprise solely of B1/B2/B8 uses which are expected by Policy EDE1 within Employment Areas, a significant amount of the use would be for B2 purposes and the nature of the business makes the existing site ideal for access, parking and storage purposes. Furthermore, having regard to the permission that was granted in 1991 for the existing mixed use of the site an objection to the redevelopment of the site for the same purposes would be unreasonable in this case.
- 7.7 The applicant contends within the supporting Planning Statement that the existing use at the site does not fall within the B1/B2/B8 use classes and that the proposed development introducing a residential use would continue the site’s existing use for non-B1/B2/B8 purposes and therefore alleges that this would not conflict with the aims of Policy EDE1. As outlined above Officers consider that a significant amount of the existing use of the site is for B2 purposes and that there are special circumstances due to the nature of the business that provide some justification for this use within an Employment Area. The existing use of the site may well justify the grant of planning permission for the continued use of the site for a car dealership but does not provide any justification for the proposed residential use of the site, which would introduce a new use that would clearly conflict with the aims of Policy EDE1. The applicant also argues that there is no shortage of employment land in the District. However, The Employment Land and Policy Review, 2008 suggests otherwise and outlines that there is an overall additional need within the District for employment land of between 2 and 5 ha between 2008 and 2021.
- 7.8 The proposed development would not displace the existing employment use as the existing car dealership would remain at the site. The loss of employment land that would occur is therefore restricted to those areas towards the rear of the site where the residential development is proposed.

Officers consider that the ability to replace the existing car dealership, within a smaller area of land compared to that used at the existing site does not provide any justification for the loss of the remaining site to a non-employment use. Instead the opportunity should be taken to make a more efficient use of the whole site for employment purposes in order to seek to meet the demand for these uses, that the 2008 Study identifies, within existing Employment Areas and therefore reducing the future demand for the use of less sustainable sites outside of the built up area to accommodate the District's needs.

- 7.9 Officers consider that the applicant has failed to demonstrate any special circumstances that are sufficient to outweigh the harm that would be caused by allowing the loss of land designated within an Employment Area for a residential use.

Amount, Scale and Density

- 7.10 The residential development proposes a density of 60 dwellings on an area of 0.56 hectares of land. Although the Council's policies, inline with Planning Policy Statement 3: Housing seek to achieve an efficient use of land, Officers consider that the proposed density has led to buildings of an inappropriate scale and massing that would be out of keeping with the character and appearance of the surrounding area.
- 7.11 Policy ENV1 expects new development to complement the existing pattern of development and to relate well to the massing and height of adjacent buildings and the surrounding townscape. The character of the surrounding area, albeit a mix between residential and commercial, consists of 2 storey buildings. The proposed flats, reaching up to 3 and 4 storeys in height would be out of keeping and over dominant in relation to the surrounding area. The prominence of the development would be particularly evident from within the 2 storey, residential street scene of Denny Court. The residential blocks would also be visible from Stansted Road and a 4 storey element of the building that forms Block B would be seen through the opening of the vehicular access into the site off of Stansted Road.
- 7.12 Officers consider the height and scale of the proposed residential development to be inappropriate and that it would fail to relate well to the massing and height of the surrounding buildings and the overall character and appearance of the area, contrary to the aims of Policy ENV1.
- 7.13 In relation to the proposed car dealership, this would replace the existing use at the site and would essentially result in a reduction in floor space by approximately 750sqm. The amount of development that is proposed for the car dealership is therefore considered to be acceptable. The majority of

the new building for the car dealership would be of a similar height or less than the existing building at the site, except for the showroom itself which would exceed the height of the existing building by approximately 1 metre. Having regard to the height of the proposed buildings and their set back from Stansted Road, Officers consider the scale of the development that is proposed for the car dealership to be acceptable and would not have a harmful impact upon the character and appearance of the surrounding area.

Design

- 7.14 Policy ENV1 expects new development to be of a high standard of design to reflect local distinctiveness. Officers do not consider the design of the proposed buildings to be of a high standard. Notwithstanding the use of some design features that are incorporated into the buildings such as gable end projections and balconies and some attempts to vary the eaves and ridge heights of the roofs, the buildings would offer large continuous elevations with little aesthetic interest. The building design does not appear to have been influenced by the design or character of neighbouring residential buildings and as a result would not reflect or even respect the traditional design of dwellings within the surrounding area.
- 7.15 Officers consider the proposed design of the residential buildings to be unacceptable and contrary to the aims of Policy ENV1, to the detriment of the character and appearance of the surrounding area.
- 7.16 With regards to the design of the proposed car dealership, Officers consider this to be acceptable and to be in keeping with the appearance of neighbouring commercial buildings to the north of the site.

Neighbour Amenity

- 7.17 The concerns raised by neighbouring occupiers have been fully considered and it is acknowledged that the proposed development would inevitably impact upon the amenities of some of the neighbours along Stansted Road and within Denny Court.
- 7.18 Although some short term noise disturbance may occur as a result of the construction works, having regard to the existing use of the site, Officers do not anticipate the proposed development would result in a significant rise in noise disturbance to the surrounding area as a whole. Notwithstanding this some specific parts of the development would have a greater impact upon the immediate neighbours than others.

eastern boundary of the site with the rear gardens of Nos. 283, 285, 287 and 289 Stansted Road. The proposed car park is likely to give rise to a degree of noise disturbance to these neighbouring occupiers. However, the upper level of the car park that would be likely to cause the most disturbance is proposed for the storage of cars and as such it is anticipated that the amount of activity and movement occurring within this part of the car park would be limited. Having regard to this intended use and the distance of approximately 33 metres that would be retained to the rear of these neighbouring dwelling houses, Officers do not consider that the impact that the car park would have in relation to noise disturbance as well as privacy, and outlook would be unacceptable in this instance.

- 7.20 In relation to the concern raised by the neighbour regarding noise disturbance caused by the proposed car parking area adjacent to Denny Close, it is acknowledged that the siting of car parking spaces for Blocks D and E up to the boundary with this neighbour is not ideal and would be likely to result in some noise disturbance. However, it is noted that the majority of this proposed car parking area is currently hard surfaced and used for vehicular access and parking by the existing car dealership. Having regard to the existing use and circumstances of the site, Officers do not consider that the impact that the development would have would result in an unacceptable disturbance to the residents of Denny Close.
- 7.21 It is acknowledged that the proposed residential development would be visible and would appear dominant when viewed from outside of the site. However, the individual loss of views of neighbouring residents is not a planning matter than can be considered.
- 7.22 In terms of residential amenity the proposed development would be likely to have the most impact upon the neighbouring occupiers at Nos. 283, 285, 287 and 289 Stansted Road and No. 11 Denny Court. No. 289 Stansted Road would be adjacent to the proposed car parking and display area which is within the forecourt of the car dealership. The proposed 2 storey car park would be sited approximately 33 metres from the rear of the neighbouring dwellings in Stansted Road. A minimum distance of 14 metres would be retained from the flank of residential Block D to the boundary with the neighbour at No. 11 Denny Court and the distances to other properties within Denny Court would increase from this 14 metre distance.
- 7.23 Having regard therefore to the above relationships, in relation to the impact of the proposal upon the amenities of neighbouring occupiers, Officers do not consider that the proposed development would result in an unacceptable impact upon the privacy, outlook and sunlight to warrant refusal of the application for these reasons.

Access and Parking

- 7.24 The proposal is to re-use the existing access for the proposed development to serve both the car dealership and the residential units. The concerns that have been raised in relation to the access, highway safety and traffic congestion are duly noted. However, County Highways have confirmed that they have no grounds to object to the use of the access for the development that is proposed.
- 7.25 A total of 28 staff parking spaces and 17 visitor/customer spaces are proposed to serve the car dealership, providing for both the showroom and the adjoining workshop. Appendix II of the Local Plan recommends a maximum car parking standard of 3 spaces per 4 employees and 1 space per 10 cars displayed for car showrooms and for workshops 3 spaces per 4 employees is also recommended. The applicant has indicated that 51 staff would be employed at the site. The maximum parking standard for staff parking would therefore be 40 spaces and given that 42 display spaces are proposed an additional provision at a maximum of 10 spaces would be recommended. The total recommended maximum parking standard for the car dealership is therefore estimated at 52 spaces. The total number of 45 spaces that is proposed is considered to be an acceptable provision in this case.
- 7.26 The maximum recommended car parking standards for dwellings with 1 bedroom is 1.25 spaces and 1.5 spaces in the case of 2 bedroom dwellings. The proposed development makes a provision for 1 space per residential unit, regardless of whether they are 1 or 2 bedroom dwellings. PPG13: Transport, states that developers should not be required to provide more parking than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety. Having regard to Government advice in PPG13 and the comments received from the Highways Authority that raise no objections to the proposed parking provision Officers do not consider there to be grounds to refuse planning permission due to the level of parking that is proposed in this case.

Affordable housing

- 7.27 Policy HSG3 of the Local Plan expects a 40% provision of affordable housing on sites where 15 or more residential units are proposed. The current proposal is for 60 residential units of which a 40% provision of affordable housing would amount to 24 units.

7.28 The development proposes a provision of 23 affordable units. The supporting Planning Statement outlines that this is the amount of affordable housing that the development could accommodate and that this is considered to be both appropriate and realistic. However, no evidence is given to support this claim. Officers would expect a full viability statement to be submitted to demonstrate that a provision of 40% affordable housing can not be made at the site in order to consider supporting a proposal that falls short of the Council's usual requirement. The proposed affordable housing provision is therefore considered to be unacceptable and conflicts with the aims of Policy HSG3.

Flood risk

7.29 The comments received from both the Environment Agency and the Council's Engineer confirms that there is a known history of flooding at the site. The Environmental Agency objects to the development due the inadequate Flood Risk Assessment that has been submitted. Refusal is recommended therefore due to insufficient information in relation to flood risk, contrary to the aims of Policy ENV19.

Protected Species

7.30 The comments received from the Herts Biological Records Centre outline that further information is required in relation to the presence of bats at the site. Refusal is recommended for this reason to ensure that any development proposal that is deemed acceptable is not granted permission until a satisfactory bat survey is conducted in accordance with the aims of Policy ENV16.

Planning Obligations

7.31 Should the proposed development be deemed acceptable, Planning obligations would be required to mitigate against the effect of the development upon local services and infrastructure.

7.32 In addition to the contributions that have been requested from the County Obligations Unit and County Highways, in accordance with the East Herts Planning Obligation SPD, 2008 and the accompanying standard charges calculator a contribution of £64,243.03 is required towards open space provision.

7.33 The applicant has been consulted on the required financial contributions and Officers have requested that they confirm whether they would be willing to enter into an agreement to commit to these payments should planning permission be granted. Officers will report the outcome of this verbally at

the Committee meeting.

8.0 Conclusion

- 8.1 The use of the site for residential purposes is contrary to Policy EDE1 which reserves the designated Employment Site for B1/B2/B8 uses. Officers consider that the applicant has failed to demonstrate any special circumstances that are sufficient to outweigh the harm that would be caused by allowing the loss of land designated within an Employment Area for a residential use.
- 8.2 The proposed scale, height, massing and design of the proposed residential block are considered to be unacceptable and contrary to the aims of Policy ENV1.
- 8.3 A 40% provision of affordable housing has not been made at the site and no justification has been made for the proposed short fall. The proposed development is therefore contrary to Policy HSG3.
- 8.4 Insufficient information has been submitted in relation to the flood risk and the presence of bats at the site, contrary to Policies ENV16 and ENV19.
- 8.5 Having regard to the above considerations it is recommended that planning permission is refused for the reasons given at the head of this report.