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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 26 August 2011

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 25 AUGUST 2011

Please find attached the Additional Representations Summary as circulated by the Head of Planning and Building Control prior to the meeting in respect of the following:

4. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 3 – 14)

Yours faithfully,

Peter Mannings
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East Herts Council
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MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : MAIN HALL, CHARIS CENTRE, WATER LANE,
BISHOP'S STORTFORD
DATE : THURSDAY 25 AUGUST 2011
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 25 August 2011

Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.

Summary of representations	Officer comments
<p>The Environment Agency(EA) have provided further comments to the application and comment that they now withdraw their objection subject to planning conditions being attached to any grant of planning permission and a S106 agreement.</p> <p>The EA comment that they are not entirely happy with the proposal and the surface water drainage is not considered to be sustainable and that by not de-culverting the Old River Stort, that an opportunity has been missed for the area.</p> <p>The lack of open space incorporated into the design has resulted in a situation whereby the main option for storage of rainfall is in underground storage tanks which cannot be drained using gravitational forces and is therefore reliant on a pumped system, which will need to be maintained and operated for the lifetime of the development. Any failure of such a system could result in an increased risk of flooding.</p> <p>The EA recommend planning conditions requiring that the development be carried out in accordance with the Flood</p>	<p>Members will have noted that, in the schedule of recommended conditions and legal agreement requirements, Officers set out that, as part of the legal agreement, the applicant be required:</p> <p><i>To undertake further investigations into the potential impact, in flood risk terms, of the removal of the existing river wier to the north of the FCA (GR TL4886721913). Subject to the agreement of the Environment Agency and the Council with regard to the implications, the removal of the wier and subsequent works of reinstatement to the river banks.</i></p> <p>Further consideration has subsequently been given to this matter. Potential removal of the weir (and river enhancement works) has not formed part of the development proposals nor does it fall within the application site. It is possible to secure these measures through a legal agreement. However, Officers are of the view that, given the potential impact of the removal of the weir in visual and amenity terms and the requirement to investigate further the implications of removal, its potential removal should be the subject of further scrutiny.</p>

Risk Assessment, a design of the Flood Compensation Area (FCA) be submitted for approval together with a schedule of the long term management and maintenance of that area. The EA recommend landscape conditions and conditions relating to decontamination of the Flood Compensation Area and a survey of the condition of the Old River Stort culvert.

With regards to S106 matters, the EA seek for the weir to the north of the FCA to be removed, to ensure that the development provides river restoration to compensate for not restoring the Old River Stort through the main development site. Removal of the weir will also reduce the risk of blockages at this structure and therefore removes a source of flood risk in the area.

Following the removal of the weir, additional works will need to be carried out on the river corridor including bank re-profiling and the restoration of wetland features such as ditches and scrapes within the two open spaces.

The EA also request a financial contribution of £25,000 for river enhancements at Grange Paddocks and Red, White and Blue public open spaces.

The EA maintains its objection if the removal of the weir is not secured. It seems unlikely that the EA would be a signatory to a legal agreement requiring these steps as it is not an owner of land on which they would be undertaken.

The applicant has offered to fund the necessary investigative works and costs of removal, if this is considered to be acceptable in visual and technical terms.

However, given the requirement to refer to proposals to the Secretary of State if the EA maintains an objection, Officers cannot recommend a process (the legal agreement) to satisfy the requirements of the EA if it has no subsequent ability to reassert its objection if the removal of the weir is unacceptable on technical or amenity (or other) grounds.

The removal of the weir is not necessary in flood risk terms.

Officers consider that two options are available to Members therefore:

EITHER: Members defer the application to enable further consideration to be given to the removal of the weir, to enable consultation on that matter to be undertaken and, when a clear route forward is available, to report the matter back to the committee

OR: To delete from the legal agreement the requirement for the removal of the weir and the additional river enhancement works. The EA have confirmed that its objection will be maintained as a

	<p>result. This will require that, if Members support the proposals, referral to the Secretary of State will be required. This is the course of action that is set out in the recommendation contained in the report – along with the necessary amendments to the legal agreement requirements.</p>
<p>The <u>Landscape Officer (LO)</u> now recommends that planning permission be granted.</p> <p>The LO comments that the space between building blocks C & D and Waitrose still appears awkward in plan geometry. This area is part of the central core to the development, around which the hierarchy of open spaces pedestrian links and squares that contribute to the overall character of the development ought to hinge. This area of outdoor space needs to be redefined and a bolder and formal approach is justified here. The LO advises that there is potential to create another (and larger) square as part of the sequence of open spaces incorporated within the development.</p> <p>The ring road and western perimeter to the site is improved by the more discrete underground car park entrance. It is still important however that sufficient space is allowed for the planting of large trees along the frontage to the road.</p> <p>The open street containing the cinema has been slightly widened and realigned to create a more positive vista and visual link from or through the development to the motte and parkland to the west. However further widening of this link will more fully achieve this aspiration. The direct route and</p>	<p>Noted</p>

<p>bridge to the motte is a good idea.</p> <p>There is an existing grassed strip between Charrington house and the ring road. The proposal still seeks to widen the carriageway at the expense of this already fairly minimal grassed strip. An area of soft landscape along this frontage to the development, i.e. in front of the hotel would help considerably in assisting the development to assimilate into and with the surroundings – that being the Motte and surrounding parkland / woodland of The Meads. An extension / linear expansion of the grass verge at its widest point in front of Charrington House along this frontage as a minimum is still recommended.</p> <p>The LO considers that there are a number of outstanding / unresolved matters in relation to the development proposals, however these and other issues can be revisited under reserved matters stage.</p>	
<p>English Heritage have commented on the Officers Committee Report and ask that paragraph 7.106 be amended to read:-</p> <p><i>“In addition, EH does not consider that the re-modelling of block D would convince viewers that this is a collection of building forms, rather than a large block with appended details.”</i></p>	<p>Correction noted</p>
<p>A letter of representation has been received from Cllr Colin Woodward, Cllr Daniel Abbott, Cllr Janice Elliott and Cllr Peter Gray - East Herts Council, Bishop's Stortford Town</p>	<p>Noted</p>

Council which supports the proposed development.

The Councillors letter notes that the proposed development is in line with the recommendations set out in the Chase and Partners Retail Assessment 2008. The letter also refers to the Trading Opportunities report by Experian, producers of 'Where Britain Shops'. That document concludes that the Old River Lane development would, for Stortford, "see a rise in its market share (of retail spend)", and without the investment in Old River Lane, "spending would decrease". The Experian report sets out that Stortford has become a "convenience (shopping) centre" which does not retain or attract its affluent resident and catchment area shoppers who, "drive elsewhere for comparison (shopping)".

In response to the comments made by the Bishop's Stortford Town Council, the Councillors set out the following comments:-

Loss of historic sightlines and the destruction of open areas close to the town centre

- From North Street, South Street and most of High Street there should be no visible change;
- The most obvious sight from the Link Rd car park and Castle Mound is of a large car park, Charrington's House and a modern Waitrose store. Charrington's House, which will be retained, already partially obscures the Bridge Street view and also one of the most predominating sights from other viewpoints;

<ul style="list-style-type: none"> • The existing car park is an unattractive vista. <p>The development would cause irrevocable damage to an important town centre site</p> <ul style="list-style-type: none"> • The site is outside of the historic town centre, is currently dominated by a very large car park and an unremarkable office building. <p>The transport and traffic assessment is inadequate and unacceptable congestion will be caused particularly during the construction phase</p> <ul style="list-style-type: none"> • Government and District policies are geared towards reducing provision for cars as an essential measure to protect our historic town and the wider environment; • The development proposal establishes safe and sustainable solutions for encouraging sustainable methods of transport; • The Development Control Committee should consider whether the Town Council objection on transport and traffic matters was founded on a thorough understanding of the highly detailed professional studies of Stortford traffic, and the dialogues with highways professionals; <p>The case for additional housing has not been adequately made</p> <ul style="list-style-type: none"> • This objection from the Town Council seems to be a complaint against past decisions to allow considerable development in the town area which is not a basis for refusing this application; 	
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- It is a myth that there is much unsold property in Bishop's Stortford. Some may cite Tanners Wharf on the other side of the Town regarding the argument of unsold properties but that is a special case relating to a financing problem;
- The applicant has indicated that the residential developments will be different, offering larger better quality units in the centre of town and include houses and roof gardens that would suit the older and downsizing generation which is a positive increase in the diversity of residential provision.

Some of the developments will present a “canyon”

- This may be a possibility but this an outline application only and there is no detail with regards to the design which should be considered at reserved matters stage;
- £105m investment is not a sum anyone would risk by making Stortford an unattractive place to shop in or visit.

There does not appear to be a plan for flood risks

- The Flood Compensation Area would free the Town Centre for the first time from its '100 year flood risk' and clear a large piece of contaminated land for public access and wildlife;
- The FCA will allow an area of contaminated land to be removed and replaced.

Wildlife issues: Bats and mature trees

<ul style="list-style-type: none"> • The development will take account the legal responsibilities of mitigation; • The development could involve the provision of more trees within Bishop's Stortford than as existing. <p>No archaeological assessment has been made</p> <ul style="list-style-type: none"> • Test digs have take place at the main site which found modern household rubbish and contamination from the WWII US base at the area proposed for the Flood Compensation Area. <p>The Councillors comment that overall sufficient basis for refusing outline permission has not been established and there remains the opportunity to shape this most significant investment opportunity for Bishop's Stortford should a detailed application follow.</p>	
<p>The United Reform Church have commented on the Officers Committee Report and ask that the following clarifications be made:-</p> <ul style="list-style-type: none"> • The existing URC Church Hall is of a satisfactory layout / space for their current needs; • The URC are in negotiations with the applicant with regards to the relocation of the Church Hall but no decision/agreement has yet been reached; • The URC have discussed the possibility of relocating to the Charis centre but no decision/agreement has yet been reached; • The distance between block C and the Church should 	Noted

be increased from 13metres to 20metres. The amended plans which suggest that the upper floor be set back us not sufficient to ensure proper separation.	
A petition against the proposed development with 107 signatures has been received from Country and Colonial (32 North Street, Bishops Stortford). The petitioners consider the proposals are unrealistic and undeliverable. They ask the Council to consider the impact of the proposals on the town carefully.	Noted
The <u>Bishop's Stortford Civic Federation (BSCF)</u> have commented that the amended plans do not address the concerns previously raised by the Federation. In addition to the comments previously raised the BSCF consider that the proposed development is not in accordance with the Local Plan, the Town Plan or the 2020 Vision. They comment that the proposed development will cause harm to the Conservation Area and note that the proposal has been rejected by English Heritage and the Urban Panel	Noted
The <u>Bishop's Stortford and District Footpaths Association</u> raise concern with the proposals as there are footpaths which run through the Flood Compensation Area which will be disrupted during the building works to that site.	The detailed treatment of the FCA work will come through as part of any reserved matters proposals.
Eight additional letters of representation have been received which object to the proposed development for the reasons generally set out in the Officers Committee Report.	Noted
Three letters in support of the application have been received which consider that the proposed development will provide an	Noted

<p>important development into Bishop's Stortford.</p> <p>The Councils Solicitor has submitted a number of comments on the Officers report. In summary these are: Legal Agreement 1. Affordable housing: the agreement should seek an element of both direct provision and commuted sum 2. URC Church hall: agreement should ensure that the replacement facilities are to the satisfaction of the Council in consultation with the URC 7. Alternative parking: the agreement should ensure availability prior to the loss of any current parking 12. Bridge: agreement should seek the investigation of the feasibility of provision and cover subsequent maintenance liabilities 10. weir: timing for removal should be specified and further works sought should be specified.</p> <p>The Solicitor comments generally that it is considered that insufficient commentary is given in the report to the potential of contamination risk as a result of the proposed works in the FCA. The vehicle movements required for the removal of spoil from the FCA are not specified and, in relation to the derogation tests, it appears that further schemes are possible which would not result in loss of habitat.</p> <p>Regarding the proposed conditions, the Solicitor comments that no 20 – tree protection, should cover protection to the Beech tree to the rear of the Lemon Tree. Cond 22 should require the timing of provision of replacements. A cond should be inserted seeking details of the landscaping and</p>	<p>Agree to the Solicitors suggestions with regard to items 1, 2, 7 and 12 in the legal agreement. Item 10 is the subject of the commentary above.</p> <p>Noted</p> <p>Agree to the Solicitors comments with regard to new and amended conditions.</p>
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<p>biodiversity measures to be implemented in the FCA.</p> <p>Generally the Solicitor comments that there remains 'some tension' with regard to a number of issues, citing flooding and the impact on heritage assets as examples.</p>	<p>Noted</p>
<p>All Members of the committee will have received a copy of the applicants schedule of comments on the report and the other circulated material in support of the proposals.</p>	

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