



**MEETING** : DEVELOPMENT CONTROL COMMITTEE  
**VENUE** : MAIN HALL, CHARIS CENTRE, WATER LANE,  
BISHOP'S STORTFORD  
**DATE** : TUESDAY 25 SEPTEMBER 2012  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE:**

Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, D Andrews, E Bedford, S Bull, A Burlton,  
Mrs R Cheswright, G Jones, G Lawrence, P Moore, M Newman  
(Vice-Chairman) and T Page.

**Substitutes:**

Conservative Group: Councillors N Symonds, G Williamson and  
B Wrangles.  
Liberal Democrat Group:  
Independent Group: Councillor E Buckmaster.

*(Note: Substitution arrangements must be notified by the absent Member  
to Democratic Services 24 hours before the meeting).*

**CONTACT OFFICER: PETER MANNINGS**  
**01279 502174.**

## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
  - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
  - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
  - participate in any discussion or vote on a matter in which a Member has a DPI;
  - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

### 4. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 5 - 10).

(A) 3/12/0448/FP - Development of land to provide a three storey health centre and associated car parking and landscaping at land at Silver Leys, Hadham Road, Bishop's Stortford, CM23 2QE for Care Capital Group Ltd\_(Pages 11 - 48).

Recommended for Approval.

(B) 3/12/0873/FP - Change of use from Office (B1) to Medical Centre (D1) at Building 1, Marriott Court, 101 London Road, Bishop's Stortford, CM23 3DU for Tanners Wharf Ltd\_(Pages 49 - 64).

Recommended for Approval.

### 5. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

## EAST HERTS COUNCIL

### DEVELOPMENT CONTROL COMMITTEE – 25 SEPTEMBER 2012

#### REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

#### 4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: BISHOP'S STORTFORD – SILVERLEYS;  
BISHOP'S STORTFORD CENTRAL.

---

#### **Purpose/Summary of Report:**

- To enable two planning applications to be considered and determined by the Committee.

<b><u>RECOMMENDATIONS FOR DECISION:</u></b>	
<b>(A)</b>	<b>A recommendation is set out separately for each application.</b>

#### 1.0 Display of Plans

1.1 Plans for consideration at this meeting will be displayed at the Charis Centre from 6.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required. Members are reminded that plans displayed may not constitute the full range of plans submitted for each application. If any Member wants to inspect any particular plan or wishes to raise a query which inspection of the plans would assist in answering, they are invited to contact the Planning Case Officer as soon as possible in advance of the meeting.

1.2 All of the plans and associated documents on the planning applications included in the agenda can be viewed at:  
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

1.3 Members will need to input the planning LPA reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

## 2.0 Applications under consideration

- 2.1 Members will be aware that this additional Development Control Committee has been arranged to consider two planning application proposals for the provision of medical centre facilities at two different sites in Bishop's Stortford. The details of those two proposals are explained in more detail within the accompanying papers.
- 2.2 Whilst the two planning application proposals in front of Members at this meeting relate to the provision of the same facilities, Members need to approach consideration of this matter on the basis of assessing each of the applications on their own individual planning merits.
- 2.3 Although the proposals will raise similar issues, there is no other association between the two planning applications. It is not therefore appropriate or relevant when considering the proposals neither to compare or contrast the applications nor to reach a view on which of the two proposals may be seen as a preferred option. As indicated, consideration needs to be restricted to the planning merits and issues raised by each application. Members are required to reach a conclusion on the acceptability of each application individually.

## Background Papers

The papers which comprise each application file. In addition, the NPPF, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor M Alexander, Deputy Leader and Executive Member for Community Safety and Environment. [malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officers: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407. [kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)  
Alison Young – Development Control Manager, Extn: 1553. [alison.young@eastherts.gov.uk](mailto:alison.young@eastherts.gov.uk)  
Martin Plummer – Senior Planning Officer Extn: 1550. [martin.plummer@eastherts.gov.uk](mailto:martin.plummer@eastherts.gov.uk)

Report Author:

Kevin Steptoe – Head of Planning and Building  
Control, Extn: 1407.

[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

This page is intentionally left blank



## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p><b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p><b>Place</b> This priority focuses on the standard of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity</b> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p>
Consultation:	As set out separately in relation to each matter.
Legal:	As set out separately in relation to each matter if any are appropriate.
Financial:	As set out separately in relation to each matter if any are appropriate.
Human Resource:	As set out separately in relation to each matter if any are appropriate.
Risk Management:	As set out separately in relation to each matter if any are appropriate.

This page is intentionally left blank

**4a 3/12/0448/FP – Development of land to provide a three storey health centre and associated car parking and landscaping at land at Silver Leys, Hadham Road, Bishop’s Stortford, CM23 2QE for Care Capital Group Ltd**

---

**Date of Receipt:** 20.02.2012

**Type:** Full – Major

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD – SILVER LEYS

**RECOMMENDATION:**

That, subject to the applicant entering into a S106 legal agreement requiring the following:

- A financial contribution of £30,000 towards the provision of bus stops along Hadham Road within the vicinity of the application site;
- A financial contribution of £25,000 towards sustainable transport measures;
- Prior to the commencement of the works to the sports pitch, the applicant shall submit detailed plans and information relating to the improvements to the junior playing pitch including a detailed methodology and timetable for implementation. The works thereafter shall be carried out in accordance with the agreed timetable;
- A financial contribution of £21,920 to be paid towards improvements to the football club clubhouse.

planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Prior to the commencement of the building works relating to the health centre, samples of the external materials of construction for that building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

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

3. Programme of archeological work (2E02)

4. Prior to the commencement of the building works relating to the health centre, details of facilities to be provided for the storage and removal of clinical waste from the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007

5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. Methods for accessing the site;
  2. The parking of vehicles of site operatives and visitors;
  3. Loading and unloading of plant and materials;
  4. Storage of plant and materials used in constructing the development;
  5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  6. Wheel washing facilities;
  7. Measures to control the emission of dust and dirt during construction;
  8. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

6. Construction hours of working - plant and machinery (6N053)
7. All existing trees, hedges and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following

contractual practical completion of the approved development. In the event that trees, hedges or hedgerows become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree, hedge or hedgerow dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

8. Notwithstanding the details shown on the approved drawings, no works relating to the landscaping of the site shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a) means of enclosure; b) hard surfacing materials; c) planting plans; d) schedules of plants noting species, planting sizes and proposed numbers/densities and e) a timetable for implementation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

9. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 8. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

10. No development shall take place until the earthworks required for the

proposed lighting to the west of the health centre building have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To avoid damage to health of existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any earthworks relating to such external lighting. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

12. Prior to first occupation of any part of the development hereby approved, the Green Travel Plan as set out in the Accessibility Statement June 2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To promote the use of non car modes of transport in accordance with the National Planning Policy Framework and policy TR4 of the East Herts Local Plan Second Review April 2007.

13. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation strategy as set out in Section 4 of the Phase 1 Ecology Survey by Construction evaluation February 2012 and the Aerial Inspection for Roosting Bats 01 August 2012.

Reason: In the interests of the ecology and protected species within the surrounding the site, in accordance with policies ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

14. No development shall take place until detailed plans and information in relation to the surface water drainage systems for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

## 3/12/0448/FP

Reasons: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

15. Approved plans (2E103)

### Directives:

1. Other Legislation (01OL)
2. Highways (05FC2)
3. Street Naming and Numbering (19SN4)
4. Planning obligation (08PO1)
5. Unsuspected contamination (33UC1)
6. Bats (32BA2)

### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007, and in particular saved policies SD1, SD2, TR1, TR2, TR3, TR4, TR7, TR8, ENV1, ENV2, ENV3, ENV11, ENV16, ENV21, ENV23, ENV25, LRC1, BH1, BH2, BH3, IMP1) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (120448FP.MP)

### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located to the north west of the town of Bishop's Stortford and is located to the north of Hadham Road and Cricketfield Lane. The site is accessed off Hadham Road just to the west of the junction between Hadham Road and Cricketfield Lane. The access road leads into the site which comprises of a collection of buildings including Bishop's Stortford Squash Club (a large double storey building visible from Hadham Road, which has its own dedicated parking in-between

the building and Hadham Road). To the north of the Squash Club building is the Swifts Football Team Clubhouse, a Scout Hut and a store which is used by a local boxing club. The Bishop's Stortford Rugby teams clubhouse and a building serving some light industrial uses is located further to the north.

- 1.3 To the west of the application site are playing fields comprising of two rugby pitches and a senior football pitch. Two further rugby pitches are located further to the north, behind the Rugby clubhouse.
- 1.4 To the east of the access road and beyond the squash courts and its parking is a junior football pitch. That playing field is surrounded by a belt of mature trees and other landscape features to its south, east and west boundary. The junior playing pitch is at a lower level to the adjoining land serving the squash club and its parking area. There is a bank of trees and fairly steep incline down between the squash club building, its parking area and the junior playing field pitch. The playing pitch forms the main part of the application site.
- 1.5 To the north of the junior playing field pitch there are some landscape features and mature trees – however they are thinner than that to the south, east and west boundary of the junior playing pitch. There are two dwellings, relatively recently constructed to the north of the junior football pitch – Orchard House and Church View. They are large detached dwellings which are orientated with their principal elevation facing east and the rear elevation facing west. Further to the north is Dane O'Coys Farm, which comprises a collection of agricultural buildings and a dwellinghouse, which is grade II listed.
- 1.6 To the south of the junior playing field and beyond the pedestrian footway which runs in an east/west direction adjacent to the playing field and beyond Cricketfield Lane are two further residential dwellings – 138 Hadham Road and 11 Dane O'Coys Road. Further to the south east are other residential dwellings.
- 1.7 The application comprises of two different areas – firstly, a smaller area to the west of the access road wherein an extension to the existing parking is proposed to provide 20 additional parking spaces. The second, and larger part of the application site comprises of the land to the east of the access road where there is the existing squash clubs parking area, the access road to the north of the squash club and the junior football pitch to the east of the squash club/parking area.
- 1.8 This element of the application site involves the provision of a medical centre. The building serving the medical centre will be located on the



western edge of the junior football pitch on the edge of the wooded embankment and the junior football pitch. To the east of the proposed medical centre building and with access via the use of the existing access to the north of the squash club will be a staff parking area with 31 spaces. Patient parking for the medical centre will make use of the existing parking serving the Squash Club to provide 18 spaces (14 spaces closest to the Squash Club will be retained for the Squash Club). Access to the proposed building will be via a pedestrian bridge which links between the parking area to the south of the squash club and the first floor of the medical centre building.

- 1.9 The proposed building is three storey's high, and the pedestrian footbridge will link to the first floor of the building to a reception, waiting area and a pharmacy. At this level also, nine consulting rooms, two treatment rooms, a minor operations rooms and other back office space associated with the medical centre is proposed. Above this and at second floor, are further consulting rooms and back office space associated with the medical centre. At ground floor the plans propose a sports injury clinic, and indicative plans only are provided in respect of this. The applicant has commented that it is a funding requirement for all development proposals for new medical centre's to incorporate expansion potential within the scheme in the event that the Primary Care Trust wish to expand the service in the long term. The applicant comments that, in the interim, this space will accommodate health facilities which compliment the medical centre. It is currently proposed that the space will be used as a Sports Injury Clinic or similar facility.
- 1.10 During the process of the planning application, amended plans have been submitted in respect of the design of part of the building and an amended layout for the junior football pitch and the provision of an altered landscape plan within the site and on land adjacent to a neighbouring property. The Council have formally consulted with those neighbouring properties affected by the amendments and relevant statutory consultees, including the Town Council.
- 1.11 Amended plans have also been received in respect of a change to the parking layout to the south of the Squash Club building. Those amended plans seek to address initial comments from the Landscape Officer in respect of the relationship of the parking area with existing trees. Owing to the relatively modest nature of those amendments only the Landscape Officer has been re-consulted in respect of those amendments.
- 1.12 A letter in support of the planning application has been received from NHS Hertfordshire. NHS Hertfordshire are not the applicant for this

planning application but are responsible for ensuring that adequate primary medical facilities are provided across the County. NHS Hertfordshire comment that whilst they commission primary medical services from general practices, each individual Practice operates as an independent business and it is up to each practice to organise and run its business. With regards to the running of the business, NHS Hertfordshire set out that it is the responsibility of every practice to find its own premises from which to provide primary medical services which are fit for purpose and it is the responsibility of NHS Hertfordshire to reimburse the cost of the rent and rates payable on the premises and to ensure that patients are seen in a safe and clean environment.

- 1.13 NHS Hertfordshire state in their letter to the Council that the South Street Practice currently serves a patient list of 20,117 from leased premises but the premises do not meet the current minimum standards for the delivery of primary medical care. The Practice has been seeking to identify alternative premises through a land/property search and working with the Primary Care Trust, the Council and stakeholders. The preferred option was the Silver Leys site. The design of the new surgery meets the requirements for modern primary care premises whilst also ensuring it meets emerging compliance to be introduced in 2013. The existing premises do not meet such standards and because of their age and design are unlikely to meet compliance or be able to be modified to meet such standards. NHS Hertfordshire supports the proposed relocation of the South Street Practice to the Silver Leys site.

## **2.0 Site History:**

- 2.1 The site has an established use as a sports centre, offering facilities for squash, football and rugby. The main part of the application site is currently used as a playing field. There is no planning history relating specifically to the site of the proposed development. However, planning permission was granted within LPA reference 3/03/0361/FP for an extension to the main car park.

## **3.0 Consultation Responses:**

- 3.1 Herts Biological Records Centre recommends that site clearance ideally take place during the winter months. Outside of that period, the area should be searched for nesting breeding birds by an experienced ecologist. In the event that a nest is found, a suitable stand-off zone should be established and the vegetation not removed until the nest is no longer in use.

With regards to the submission of a bat report during the process of the application, HBRC comment that detailed survey work has been undertaken to assess the trees and stump that had previously been considered as having some potential to support bats. No evidence of bats has been found and HBRC recommend that the proposals be determined and the works proceed accordingly. Should bats be discovered during the implementation of the development work must stop immediately and ecological advice sought. HBRC recommend the inclusion of a directive relating to this.

- 3.2 The Council's Drainage Engineer comments that the site is within flood zone 1 and away from flood zones 2 and 3. The development appears to show a net increase in the amount of impermeable areas with consequent increased flood risk to the surrounding area, residencies and potential increase within the development.

The SUDS (Sustainable Drainage Systems) proposed as part of this application includes rainwater storage (with a set storage volume and aspirations to use the harvested water within the building), permeable paving and controlled discharge to external infrastructure.

The applicant has confirmed that it considers the site to be constrained and therefore higher quality SUDS as set out within Councils SFRA (Strategic Flood Risk Assessment), such as green roofs, swales and other green infrastructure, cannot be provided. The applicant has confirmed that a green roof has been assessed, but was considered to be cost prohibitive.

The Councils Drainage Engineer comments that the development does not appear to have adopted the recommendations of the East Herts SFRA and it is recommended that the development make more use of above ground SUDS drainage systems.

The lower quality SUDs as proposed in this application (permeable paving, underground tanking and water harvesting) will only help to reduce the levels of pollution that are likely to be generated by the new road but will do little to reduce pollution generated from the roof drainage. This, as considered by the Councils Drainage Engineers, will create a flood risk in the Cricketfield Lane area.

- 3.3 The Councils Conservation Officer recommends that planning permission be granted. The Conservation Officer's comments are based upon the impact of the proposed development on the setting of Dane O'Coys, a grade II heritage asset located to the north east of the site.

Silver Leys, which is access off Hadham Road, comprises of a mixed use site which includes sports facilities and associated structures. The boundary is distinctive which comprises of mature vegetation which masks the building heights and presents a 'green site' within an urban area.

In assessing the scheme it is accepted that the overall scale, although three storeys, does not dominate the immediate and wider setting due to the topography of the land. In addition, the modern design of the proposal is an attractive feature which goes towards appearing to reduce the overall mass of the building.

The proposed three storey health centre and associated parking would have little or no impact on the immediate setting of Silver Leys or the wider setting of Dane O'Coys.

- 3.4 The HCC Spatial and Land Use Planning Minerals and Waste Team comment that the re-use of unavoidable waste should be encouraged where appropriate to the construction. A site waste management plan is required which should set out the ways in which site waste will be reduced and information as to where any waste is taken.
- 3.5 Sport England comment that the proposed development will significantly encroach onto the western part of the lower playing field and result in the loss of around 900 square metres of the playing field. This would result in a reduction in the available space for use of the area for sport and recreation.

Sport England comment that the development proposal has been the subject of pre-application discussion and stakeholder involvement. In this case there are considered to be a number of proposals to mitigate the impact of the development on the playing field and other benefits to sport which offset the impact which include:

- The eastern end of the playing fields will be lifted and a reinforced earth bank will be introduced to provide a new football pitch with the minimum dimensions for under 12's;
- A surface drainage system will be introduced in combination with a secondary drainage system to prevent the build up of a perched water table (*perched water table (or perched aquifer) is an aquifer that occurs above the regional water table and occurs when there is an impermeable layer of rock or sediment above the main water table/aquifer but below the surface of the land*) leading to a

significant improvement to the drainage of the whole playing field;

- The surface of the playing pitch will be cultivated and re-graded to address excessive undulation;
- A one metre ball stop will be erected at the eastern and western ends of the playing field to help retain balls within the site.

Sport England and the Football Association are supportive of the principle of the above, although detailed specifications and an implementation programme will need to be submitted.

With regards to the enhancement to the football clubhouse, Sport England advise that this is in need of improvement to allow it to be fit for purpose and be responsive to current and future needs. The agreement is for the replacement of the roof and boiler house and improvements to the changing rooms. Such enhancements will deliver the football club's priorities for improving the buildings current deficiencies and would improve the quality of the facility for users and extend its life.

The Silver Leys sports ground suffers from parking problems at weekends when all of the sports club's are using the site. The proposed staff and visitor parking will therefore be made available for the sports clubs use when the medical centre is closed which would coincide with the peak use of the sports pitches. The additional parking proposed would help address the current deficiencies and provide more convenient access for users.

Sport England note that the development proposal includes the provision of a sports injury clinic and the development would offer financial benefits to the Silver Leys Trust (in terms of annual rent) which could be used towards improving the sports facilities at the site. Sport England note however that whilst such matters can be given no weight in terms of playing field mitigation, they are nevertheless welcomed.

Sport England comment that, given the sport related benefits to the football club and the other sports clubs associated with the delivery of the proposed mitigation measures which would improve the playing fields and ancillary facilities, they are satisfied that the benefits would outweigh the detriment caused by the impact of the development on the playing field.

In respect of the proposed extension to the car park to the west of the access road, Sport England comment that whilst this would reduce the

area available for sports training, this area is limited in terms of its size and is not used for marking out sports pitches and would not be capable of being used as a playing pitch owing to its size and shape. Taking that into account and that the proposed parking will address the current deficiencies in parking, this element of the application is also acceptable.

Sport England therefore raises no objection with the development subject to the playing field enhancements and contributions to the club house being secured through either a planning condition or through a S106 agreement. The planning condition or legal agreement should include the following details:

- A detailed specification and implementation timetable for delivering the playing field improvement works;
- The submission and approval of an implementation programme for delivery of the works to the clubhouse.

3.6 Hertfordshire Constabulary comments that any grant of planning permission should include a planning condition requiring that the development achieve Secured by Design accreditation.

Concerns are raised with regards to the lack of details with regards to security – including access control and CCTV. The CPDA (Crime Prevention Design Advisor) advises that Hertfordshire Constabulary will work with the applicant to ensure that the building is safe and secure.

Hertfordshire Constabulary do not oppose the development but would require that the architect and developer work with the CPDA to achieve Secured by Design accreditation.

3.7 Environmental Health advises that any permission granted by the Council should include planning conditions relating to construction hours of working, soil decontamination and piling.

3.8 The Environment Agency comments that they have assessed the application and have no comments to make.

3.9 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that there is no technical reason to oppose the development in this location. Within the site adequate and appropriate provision for vehicle parking and manoeuvring is proposed. Beyond the site boundaries the application has been supported by a Transport

Assessment, supplemented and extended to include the impact of the potential Old River Lane development to assess the impact on the surrounding highway network. A Green Travel Plan is proposed to reduce potential traffic generation once the development is operational.

With regards to the Transport Assessment, it is considered that the analysis is a robust assessment of the likely impact of the development identifying the critical capacity of the surrounding junctions, which will not be exceeded. The analysis suggests that the traffic movements would largely be diverted trips from the existing health campuses within the town centre and elsewhere – an assumption which is acceptable to the Highways Authority.

The only junction that the Transport Assessment does identify as needing to perform above an ideal operating capacity is the Dane Park mini roundabout. However, actual impact is likely to be an increase in future years of two vehicles in any queue length within the peak hours which is unlikely to be discernable and certainly not a severe impact as referred to in the National Planning Policy Framework that would be able to justify and sustain a highway objection through the appeal process.

There is no fundamental highways objection to the proposal subject to planning conditions and appropriate S106 funding towards first strand infrastructure requirements and second strand sustainable transport requirements.

The Highways Officer considers that some concern rests with the location of the site in terms of accessibility by public transport and other sustainable modes. With regards to public transport, the applicant has been advised that the location of the existing bus stops and the footway connections are not acceptable and that the Highway Authority will require the provision of new bus stops along Hadham Road in the immediate vicinity of the site. This requirement is considered to be an essential first strand requirement and as such a financial contribution of £30,000 is sought. In terms of accessibility by foot and cycle, the Highway Authority are content that the site is within recognised travel distances and therefore reasonably accessible by those modes of transport. This view will be reinforced by the Green Travel Plan requirements which will include welfare facilities and secure storage facilities for cyclists, particularly staff members.

The Highways Officer comments that the Highways Authority are aware of the concerns raised through public consultation with regards to the possible diversion of a bus service to serve the site. Discussions

between the applicant and the Passenger Transport team are ongoing in this respect. Given that the proposal moves the facility from the town centre consideration should be given to extending/enhancing the transport service which could be achieved by utilising the S106 contributions as required in the District Councils Planning Obligations Supplementary Guidance Document.

- 3.10 The Historic Environment Unit comments that the development site is adjacent to Area of Archaeological Significance No. 111, as identified in the Local Plan. This notes the discovery of worked flint of Mesolithic date and of Early Iron Age pottery and bone when levelling works were carried out in 1962 to create the playing field at Silver Leys. The finds were largely residual but they indicate occupation and activity of Mesolithic and Early Iron Age date in the vicinity. The precise site at which the finds were made is unclear, but it appears to be the playing field to the south of Dane O'Coys farm and east of the existing squash club rather than the larger playing field to the west. The proposed development site may possess significant archaeological potential and it should be regarded as likely to have an impact on heritage assets of archaeological interest. The Historic Environment Unit recommend that provision be made for archaeological evaluation and mitigation measures. The Historic Environment Unit considers that an appropriately worded condition requiring this is necessary and reasonable to provide properly for the likely implications of the development proposal.
- 3.11 The Landscape Officer comments that the development site, in landscape terms, falls roughly into two parts: the proposals in respect of alteration to the squash club car park and the proposals in respect of the health centre.

With regards to the former, the Landscape Officers comments that the three large and mature horse chestnuts on the area of grass between Cricketfield Lane and the existing squash court parking area are a significant landscape feature, both as seen from within the site itself as well as from the Hadham Road — one of the gateways” to Bishops Stortford. A Tree Constraints Plan in accordance with BS 5837 2005 (now superseded by BS5837 2012) should have informed at the site planning and layout stage, that these trees represent a major constraint on any proposals to enlarge or extend the squash club car park — with the fall back position being that any structures (manufactured objects, such as buildings, carriageways, paths, walls, service runs and built or excavated earthwork) be located outside the RPAs (Root Protection Areas) of these trees. During the process of the application the parking area has been amended which increases the distance between the



trees and the footway closest to the trees. Furthermore, the proposed pathway uses a CEDEC footpath (which is a firm but porous structure that retains moisture yet allows any excess to flow through). Some concern is raised with the location of the lamp post, lighting bollards and associated cabling – although this may be an oversight and is relatively easy to adjust through a planning condition.

There are three norway maples along the eastern edge of the car park which are classified as category B trees in the Arboricultural Report and they make a significant contribution to the visual quality and character of the car park and its setting. These trees presently provide moderate amenity value and the amended parking and turning head layout has now been modified to accommodate those trees. Their retention will be of value in terms of softening the appearance of the proposed building and helping to enclose and segregate the car park.

With regards to the proposals in respect of the health centre, the proposed development means the removal of a significant number of self set trees. The submitted Arboricultural Implications Report recognises this, and the Landscape Officer confirms that this may be acceptable, given that the three norway maples at the top of the bank are being retained.

It is important to make a realistic assessment of the probable impact on trees on development and vice versa, which includes taking into account space for their future growth and maintenance requirements. Shading of buildings by trees can be a problem, particularly where there are rooms which require natural light, although it should also be noted that shading can be desirable to reduce glare or provide for comfort during hot weather.

With regards to matters in respect of the Sustainable Urban Drainage System proposals (SUDS), the Landscape Officer comments that the proposed development does not make the best use of sustainable drainage measures, contrary to the SFRA.

An attempt to justify a non sustainable and “traditional” drainage system for the development has been put forward, whereby surface water run off would be collected by conventional channels and gullies that would discharge to the below ground positive drainage network - which would then discharge into the local sewer network.

Such an approach is not considered by the Landscape Officer to be in accordance with the SFRA (Strategic Flood Risk Assessment) which clearly states that SUDS must be included within all developments when

technically possible. The proposal for the provision of attenuation tanks/etc is therefore at odds with the SFRA.

- 3.12 Natural England comment that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The protected species survey submitted with the application has identified that the following European protected species may be affected by this application: Bats and Great Crested Newts.

Natural England refer the Council to their standing advice and comment on the application that further survey work is required to be undertaken in respect of the impact of the development on bats and, if not provided the planning application should be refused. With regards to great crested newts, Natural England advises the Council to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with in accordance with the NPPF (National Planning Policy Framework) and Section 40 of the Natural Environment and Rural Communities Act.

As requested by Natural England, a further bat survey has been undertaken and Natural England direct the Council to their standing advice that, "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".

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

- 4.1 The Bishop's Stortford Town Council object to the planning application on the grounds that it is contrary to policies LRC1, ENV1 (effect on Orchard House), ENV3, TR1, TR3, TR4, TR8, LRC11 and SD1. The Town Council comments that the proposed development does not conform to the settlement plan and there is a considerable weight of public opinion against the proposal.

- 4.2 The Town Council make no further comments on the amended plans.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 262 letters of objection have been received which can be summarised as follows:

- The land is designated for sport and recreation and the proposed development will result in the loss of this land contrary to Local Plan policies;
- The site is not located within the built up area of Bishop's Stortford but is located in a green field location, contrary to Local Plan policy;
- The proposed development should be in the town centre where it will be more accessible and support other town centre uses;
- The site is not as accessible as the existing surgeries town centre location which will impact on the elderly, infirm, disabled and ill people not being able to have proper access to health care;
- Inadequate access in terms of pedestrian/cycle/bus.
- The proposed development will impact on highway capacity and will lead to congestion in the immediate and wider locality;
- Impact on wildlife within the site;
- Insufficient parking provision (which will lead to indiscriminate parking elsewhere);
- The Transport Assessment is inaccurate;
- No proper public consultation in respect of the development proposal;
- Impact of development (including storage/refuse disposal facilities at ground floor) on neighbour amenity in terms of overlooking, loss of privacy, overbearing, loss of outlook and noise and general disturbance;
- Building will be overly dominant in setting;
- No sequential test has been undertaken to assess whether there are any more preferable sites within the town;
- Retention of the satellite clinic in South Street will not be enforceable by the Council;
- Lighting of building will impact on neighbour amenity and the surroundings;
- Loss of trees and other landscape features.

5.3 167 letters of support have been received which can be summarised as follows:

- The existing surgeries premises are inadequate in terms of space, access and accommodation;
- The development will provide a new purpose built premises which will provide enhanced facilities to the benefit of patients;

- The existing town centre site for the medical centre does not benefit from suitable parking arrangements;
- The proposed site will be more accessible than the existing sites.

## **6.0 Policy:**

6.1 The most relevant Local Plan Policies in respect of the consideration and determination of this application are:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking Standards
TR8	Car Parking – accessibility contributions
ENV1	Environment and Design
ENV2	Landscaping
ENV3	Planning Out Crime
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
ENV23	Light Pollution and Flooding
ENV25	Noise Sensitive Development
LRC1	Sport and Recreational Facilities
BH1	Archaeology and New Development
BH2	Archaeological Conditions and Assessments
BH3	Archaeological Conditions and Agreements
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework is also of relevance.

## **7.0 Considerations:**

7.1 The application site is located towards the northern edge of the settlement of Bishop's Stortford. The area to the south of Hadham Road and Cricketfield Lane adjacent to the site has a residential character consisting of a mixture of housing types and densities. The application site itself has a more open, rural, settlement edge and sylvan character and comprises of a mixture of uses. However, in a planning policy context, the site is located outside of the Green Belt and within the settlement boundary of Bishop's Stortford, as defined in the East Herts Local Plan Second Review April 2007. From a planning policy

perspective then and despite the character, the site is located within the built up area wherein the general policy approach of the Council, as set out in policy SD2 of the Local Plan, is to concentrate development. This approach is compatible with national guidance and requirements of the Regional Plan (policy SS2).

- 7.2 Some letters of representation comment that the application site is not located within the built up area of Bishop's Stortford but represents a green field site. As set out above, whilst Officers acknowledge the character of the site – from a planning policy viewpoint, the site is located within the built up area of Bishop's Stortford, as defined in the Local Plan and there is therefore no objection in principle to the development.
- 7.3 The proposed development involving the provision of a new health centre will clearly enable the provision of a modern, up to date source of primary care for existing patients of the Health Centres and any new patients. For the most part, commentators on the planning application indicate that the existing facilities at the South Street surgery is inadequate and support is generally given for the provision of a new health care centre. The applicant sets out that the new health centre will provide much needed alternative accommodation to the existing South Street and Bishop's Park surgeries and will be equipped with the essential range of facilities required to accommodate the modern primary care needs of the local community. The NHS Hertfordshire have commented and support the planning application, commenting that the existing surgeries (South Street and Bishop's Park) do not meet current standards and that this development proposal will enable the requirements of a modern primary care premises to be met. In Officers opinion, significant weight should be attached to the infrastructure investment that the proposed development will represent.
- 7.4 Of those letters in objection to the planning application, concern is primarily raised with the location of the proposed building – that it could be located within the town centre on a site which would enable better access and linked trips to the town centre. Considerations in respect of that issue are discussed below. Some letters of representation, including comments from the Bishop's Stortford Civic Federation, comment that a sequential test should be undertaken to consider whether there are any more sequentially preferable sites within the town for such a form of development.
- 7.5 Policy STC1 of the Local Plan sets out that town centres are the preferred location for new retail development and other key town centre uses. Policy STC1 refers to PPS6 (Planning Policy Statement 6) which

has been cancelled and is replaced by the NPPF. Officers therefore consider that planning considerations in relation to such matters should defer to the NPPF – the most recent policy document. The NPPF defines main town centre uses which does not include medical centres (Annex 2: glossary). As a result, Officers do not consider that it is necessary in policy terms, for a sequential test to be undertaken or considered as part of this planning application. Such a position is consistent with the latest policy guidance in the NPPF.

7.6 There is nevertheless a significant strength of opinion borne out through the public consultation of the planning application, that the location of the site for a medical centre does not enable easy access for the whole community and that a town centre location should be the preferred option. Officers have already set out above that the principle of development at the application site is acceptable and is in compliance with policy SD2 of the Local Plan and the Councils overriding policy objective of ensuring that development proposals are concentrated within the settlement boundaries of the main centres, including Bishop's Stortford.

7.7 Nevertheless, accessibility to the proposed health centre is considered by your Officers to be material to the considerations of this application. This Report will review that issue together with a range of other issues including:

- Matters of highway safety, parking and financial contributions relating to transport matters;
- Development upon land designated for sport and recreation ;
- The impact of the development on the character and appearance of the site and surroundings;
- The impact upon neighbour amenity;
- The retention and enhancement of existing landscaping.

#### Accessibility

7.8 As indicated above, letters of representation in objection to the application raise concern that the site is not as accessible for the majority of the current patients when compared to the existing site in South Street. Furthermore, concern is raised that the public transport links to the proposed site are inadequate and that the site is not easily accessible to the vast majority of patients to the south and east of Bishop's Stortford owing to the distances involved, the poor permeability of pedestrian and cycle access and the gradient of the hill on Hadham

Road leading from the town centre to the application site, impeding pedestrian and cycle access. The concerns raised are that those needing primary care with the surgery who are ill, elderly, disabled or infirm, will not have proper and satisfactory access to the medical centre. Many letters of representation comment that they are either able to walk or take a bus journey into the town to access the existing health centre. Concern is raised that this will not be possible with the proposed development.

- 7.9 Turning firstly to the concern raised that the site is not as accessible as the existing site in South Street, Members should be mindful that this planning application is for the provision of a medical centre at this site at Silver Leys. What is the key consideration is whether the site at Silver Leys is appropriate, in terms of accessibility. Whilst comparisons can of course be drawn between the existing town centre site and that at Silver Leys, in the determination of this application, what is considered to be material is whether the application site is acceptable in terms of accessibility.
- 7.10 The applicant has supported their position in terms of accessibility within a Transport Statement and an additional accessibility statement. The applicant's general position is that the proposed site has adequate parking provision for those patients who either need to, or wish to visit the health centre by car and that the site is within acceptable walking and cycling distances. The applicant sets out that the existing South Street surgery will be retained as a satellite surgery for four years which will provide some patients with access to a town centre surgery, in the short term.
- 7.11 The walking distances referred to by the applicant are based on the CIHT (The Chartered Institute of Highways Transportation) guidelines "Providing for Journeys on Foot" which suggests that 80% of walking journeys in urban areas are less than 1.6km and the average length of a walking journey is 1km. The applicant provides information to show the 1.2km (or 15minute) walking distance from the site which covers the area surrounding the application site, extending to the south, south east and south west covering Hadham Road, Maze Green Road, the area around Bishop's Stortford College and to the north including the Cricketfield Lane Area.
- 7.12 With regards to access for cycling, the applicant comments that the primary cycling 'desire lines' for the proposed development will fall on routes radiating out from the site to the surrounding local residential areas – all of the town is within a 5km cycle ride of the application site.
- 7.13 With regards to access to the site from public transport, the applicant

comments that there are a number of regular local bus routes serving the local road network in the vicinity of the site which includes bus service number 351 and 700. The applicant makes reference to the CIHT guidelines "Planning for Public Transport in Developments" which indicates that the maximum walking distance to a bus stop should be no more than 400metres and preferably no more than 300metres. The applicant comments that the nearest bus stop is 150metres from the application site.

- 7.14 The applicant acknowledges that the accessibility of the proposed development is not as good in terms of service frequencies and destinations as the South Street Surgery, but is considered by the applicant to be sufficient for the needs of the site.
- 7.15 Within the additional accessibility assessment, the applicant refers to the consultation response from the Highways Authority who do not object to the planning application and consider that the site is within recognised travel distances in terms of walking and cycling. The applicant has also confirmed a willingness to meet the suggested contributions by the Highways Officer of £30,000 towards improvements to the existing bus stops in the locality of the application site. The applicant has also confirmed a willingness to meet the financial contribution required in the Councils Planning Obligations SPD and policy TR8 to pay a financial contribution of £500 per parking space towards investments in schemes identified within the Local Transport Plan to improve passenger transport, walking and cycling facilities in the travel catchment of the development.
- 7.16 The NPPF sets out that the Governments approach to the transport system needs to be balanced in favour of sustainable transport modes, giving people a choice about how they travel. The NPPF sets out that, in the determination of planning applications, Councils should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The NPPF requires that developments that generate significant amounts of movement should be supported by a Transport Statement and decisions should take account of whether the opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that limit the significant impacts of the development. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.



made by the applicant and, in considering the location of the application in the context of the town as a whole and in relation to the distribution of the applicants patients, Officers would accept that the application site is not in as sustainable a location, in access and transport terms, as the existing town centre site. The current site is centrally located and is accessible from all directions by walking, cycling or from public transport from the surroundings residential areas. The application site is on the edge of the settlement and is able only to be access from the residential areas to the south and east.

- 7.18 There is therefore salience in the concerns raised by third parties with regards to access to the new health centre – the impact will be greatest to those living further to the south and east of the town who may well have to travel further and potentially via a more convoluted route to reach the proposed site. Officers can further appreciate the concerns raised with the location of the site in terms of it being along an incline and off a fairly busy route into the town (Hadham Road) which may also impact on patient’s capacity or desire to walk or cycle to the proposed health centre site. Whilst such comparisons between the application site and the existing surgery do not weigh in favour of the application, what is being considered is whether the proposed site is acceptable, in terms of access.
- 7.19 With regards to those patients of the health centre who are either unable to walk, cycle or use public transport and are therefore dependent on private transport, including cars or taxi’s, Officers are mindful that the application proposes dedicated parking spaces for patients and there is not therefore likely to be conflict with access to the health centre for those patients. The same is true of those patients who live in the surrounding villages and communities who use private transport.
- 7.20 From a planning policy perspective, the site is located within the settlement boundary of Bishop’s Stortford as defined within the Local Plan and it is therefore, by definition, in a sustainable location in transport terms. Officers acknowledge that the site is not as sustainable as the existing site in South Street – it would however appear to be equal if not more appropriate in sustainability and access terms than the Bishops Park surgery. Nevertheless, the NPPF places a high test in considering development proposals in access and transport terms. The residual cumulative impact of the development must be “severe”, for planning permission to be refused planning permission on transport grounds.
- 7.21 In highway safety terms, although concerns are raised by third parties in

respect of the impact of the development in terms of capacity/congestion/etc and some concern is leveled at the accuracy of the Transport Assessment, Officers are mindful that the Highways Authority considers that the development is acceptable in terms of the impact on Highway Safety and capacity.

- 7.22 Some third party representations raise concern that inadequate levels of parking are proposed for the site. The development relating to the health centre involves the provision of 51 additional spaces for the proposed development – 31 are allocated for employees and 20 spaces are proposed for patients. However, the applicant sets out that the existing 50 spaces at the site will act as an overflow car park for the Health Centre during the week when the Sports facilities are not in use. The proposed development therefore has the potential for 51 spaces as a minimum, which has the potential to increase to around 100.
- 7.23 Policy TR7 is the relevant Local Plan policy in which to consider parking provision. That policy sets out maximum standards for development, which for a surgery amounts to 3 spaces per consulting room and an additional space per employee. From the information submitted, Officers understand that a total of 17 treatment rooms are proposed, which will require the provision of 51 spaces. In addition, the Transport Assessment indicates that around 58 people will be employed at the health centre which cumulatively will require the provision of 109 parking spaces.
- 7.24 However, the site is located within zone 4 wherein the Councils Parking SPD does allow for a reduction in parking of between 75-100%. In the case of this development proposal therefore a lower number of 91 spaces will be required as a maximum. Officers are also mindful of the guidance in the NPPF, which sets out that when setting local parking standards for non-residential development, local planning authorities should take into account, the accessibility of the development; the type of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 7.25 The proposed development provides 51 parking spaces which is below the maximum permitted in policy TR7 and the related SPD. However, as noted above, there is scope for the existing spaces on the Silver Leys estate to provide further parking, which has the potential to make up the shortfall. It is not however clear how that additional overflow parking is able to be ensured through this planning application as it falls outside the red outline of the planning application. There is nevertheless a commitment within the submissions made by the applicant that it is

possible for such overflow parking to be used by the health centre. Given that commitment from the applicant, which is recognised and accepted by Sport England, it is reasonable to accept that the additional spaces will be made available for users of the medical centre.

- 7.26 In accordance with the above considerations, the proposed development site is considered to be in a sustainable location with appropriate levels of access in terms of walking and cycling. Officers also note that the applicant proposes to retain the existing South Street surgery for four years which will provide some patients with access to a town centre surgery, in the short term. The level of parking provision proposed is acceptable and in proportion with the nature of the development proposal. Appropriate levels of financial contributions, which meet the tests in S122 of The Community Infrastructure Levy Regulations (CIL) 2010 are proposed and accepted by the applicant, which will allow money to be focused on improving the bus stops in the locality of the application site and allow money to be directed to improve cycle and walking facilities in the locality.
- 7.27 Whilst Officers do acknowledge that the proposed development is not in as sustainable a location as the existing South Street surgery, in considering the appropriateness of the application site for a health centre it is considered to be acceptable. The impact of the siting of the development in accessibility and transport terms could not, in Officers opinion, reasonably be considered to be severe (which is the relevant test in the NPPF) when the above considerations are taken into account.

#### Designation of land for sport and recreation

- 7.28 The site is designated as an area for sports and recreation and consequently is subject to the requirements of policy LRC1 of the Local Plan. That policy states that proposals which result in the loss of public, outdoor, sports recreation and other open space facilities will be refused unless suitable alternative facilities are provided or it can be demonstrated that the facility is no longer needed. A number of letters of representation raise concern that the development is located on land designated for sport and recreation which is contrary to the requirements of the above mentioned policy.
- 7.29 Some commentators on the application make reference that the land was transferred in trust and was to be retained as an open amenity space. Officers have limited information in respect of this, but would comment that any private agreement pertaining to the transfer of the land is not a planning matter. It is however designated as land for sport

and recreation and the development must be assessed against the policy criteria of LRC1 of the Local Plan – that is the relevant planning consideration relating to this planning application.

7.30 The applicant comments that the proposed health centre and staff car park will be located on part of the playing field which is significantly underused owing to its ‘boggy nature’. Furthermore, part of the playing field will be retained for use as a junior football pitch. That playing field will continue to be able to be used by the local football club – The Swifts, and will accommodate a playing field pitch for under 8’s, 11’s and 12’s football, in accordance with Sport England’s pitch size standards. This application also proposes a substantial enhancement package for the benefit of Swifts Football Club to mitigate the loss of part of a playing field. That enhancement package includes:

- Lifting the eastern end of the playing field and introducing a reinforced earth embankment to provide a new pitch with minimum dimensions for under 12’s football;
- Installation of a new drainage system to prevent the build up of a perched water table, which will significantly improve drainage;
- Cultivation and re-grading of the surface of the pitch to address undulations;
- Installation of ball stop fences to the eastern and western ends of the pitch;
- Repairs/replacement of the football clubs roof;
- Relocation of the boiler and refurbishment of changing rooms serving the football club.

7.31 Commentators on the planning application raise concern that the proposed development – the construction of the health centre, will result in the loss of a playing pitch and recreational land, contrary to policy LRC1 of the Local Plan. As set out above, the applicant acknowledges that the proposed development will involve the loss of a section of the playing pitch, but argues that the part of the pitch where the building is proposed to be located is ‘boggy’ and is not able to be used properly for sports activities. The appellant further argues that the enhancement package will outweigh any conflict with policy LRC1 and there will be an overall benefit to the recreational land.

- 7.32 Some third party representations raise concern with the arguments put forward by the applicant, commenting that the land is not 'boggy' and there is no justification for developing on land designated for sport, which will result in the loss of space available for sport and recreation.
- 7.33 The consultation response from Sports England acknowledges that the site where the proposed development is proposed to be located suffers drainage problems which restricts its use for football. It is also material that the applicant has engaged with Sport England in respect of this development proposal and that the statutory consultee raises no objection with the application. Sport England advise the Council that, although the development will result in the loss of some of the playing fields, this is appropriately mitigated by the proposed works to enhance the existing junior football playing pitch and, given the proposed works to improve the clubhouse and additional parking for sports facilities at the site.
- 7.34 Whilst the proposed development is acknowledged to be in conflict with policy LRC1 of the Local Plan, in that no suitable alternative facilities in terms of quantity are being provided and that there is a need for the facilities, given the comments from Sport England and, given the potential to improve existing sports facilities at the site, the loss of part of the playing fields at the application site is, on balance, considered to be acceptable.
- 7.35 The proposed works to the pitches (as set out in para 7.30 above and as recommended by Sport England) and the provision of financial contributions will however need to be agreed through a S106 agreement, which is recommended at the head of this report. This is a position that the applicant has agreed to. Officers recommend that, in respect of the financial contributions, that the S106 agreement require that such monies be given to the Council who will then be able to transfer to the Football Club once the works have been satisfactorily carried out.

#### Design, Character and appearance

- 7.36 The site is characterised by the existing buildings adjoining the application site and the openness of the playing fields and landscape features and trees to the boundary of the application site. The buildings within the Silver Leys complex are generally utilitarian in appearance and appear unassuming in their setting. The Squash Club building is a fairly significantly sized building with limited architectural and defining features. The greatest attribute to the application site is considered to be the way in which it is well screened from external and public views by

the mature landscaping and trees. There are four large and attractive trees on the corner junction of Cricketfield Lane which provide significant amenity value from Hadham Road. To the south of the application site and Hadham Road, the locality is characterised by a mix of residential development with a variety of types and densities with none predominating.

- 7.37 Local Plan policy ENV1 requires that all development proposals represent a high standard of design and that they should be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks, relate well to the massing and height of adjacent buildings and the surrounding townscape, incorporate sustainability initiatives, consider the impact of any loss of open land and minimise loss of and damage to important landscape features. Policy ENV2 calls for existing landscape features to be retained and enhanced, also referred to in policy ENV11. The NPPF places great importance in securing high quality design in all developments.
- 7.38 The proposed building is located to the east of the existing Squash Club Building, set away from the slope at a lower level. The building is at three storeys, however, owing to the change in levels, views from the road frontage will give the appearance of the building being at a similar level to the adjoining Squash Court building. The retention of the existing slope and amendments to the layout of the parking area will, as noted by the Landscape Officer, allow three Norway maples to be retained and enable the provision of additional landscape features and trees along the embankment and on the road frontage. This will help soften the impact of the building and help it to assimilate with the character of this part of the site.
- 7.39 The design of the proposed building is modern and contemporary in its design. The proposed health centre is a large flat roofed building, with a variation of materials and shapes on the elevations which helps break up the massing and provides articulation to the facades. The south (and principal) elevation of the building provides a pedestrian access bridge which links the proposed patient parking area with the reception, waiting area and pharmacy associated with the proposed development. There is a large and dominant curvilinear design to this elevation at first and second floor which, in association with a large over-sailing canopy, will provide an interesting and dynamic entrance to the building from the parking area and in views from Hadham Road, Cricketfield Road and the pedestrian footway.
- 7.40 The east, west and northern elevations are more subdued in their design, which is appropriate, given the reasonably limited public views of these parts of the building. The west elevation fronts the parking area

and squash club building, but will be obscured by the retention of existing trees and other landscape features. The east elevation is more interesting, where there is a mix of materials and fenestration configuration and where the first and second floor oversails the ground floor element. This creates greater interest to the building from the playing field. The northern elevation which fronts onto the access road, continues the overall design of the building. The fenestration has however been amended during the process of the application and involves angled windows (to help protect neighbour amenity), which are considered to be appropriate to the overall architectural detail of the building.

- 7.41 The ultimate success of the proposed building will be dependent on the provision of high quality materials of construction which complement the modern design. Within the surroundings there is a predominance of brick, render and a mixture of roofing materials. The plans submitted and details submitted with the application do propose materials which would appear to be appropriate to that context. However, in order to fully assess the quality and appropriateness of those materials and in the interests of the appearance of the development, it is appropriate to require the submission of materials of construction through a planning condition.
- 7.42 As mentioned above, the siting of the proposed development makes the most of the slope and landscape features and trees within the slope and to the front and surrounding the slope. The trees of significance to the front of the site, including the horse chestnuts and the Norway maples are identified by the Landscape Officer as able to be retained and are able to be protected from damage during the implementation of the development through the provision of appropriate planning conditions. This is considered to be a positive aspect of the scheme.
- 7.43 Surrounding the playing pitch, trees and landscape features are generally retained and in places strengthened – particularly the area between the parking area and Orchard House.
- 7.44 With regards to the landscape plan as submitted, the Landscape Officer does raise a concern with respect to the lighting proposed to the front of the patient parking area. However, as noted by the Landscape Officer this is able to be dealt with through the provision of a planning condition, which Officers have recommended above – condition 11.
- 7.45 Having regard to the advice from the Landscape Officer, the level of landscaping retained and proposed as part of the development proposal is considered to be acceptable. Planning conditions are recommended

which will ensure retention of existing trees and other landscape features which are considered to be necessary and reasonable in the interests of the amenity of the site and surroundings.

- 7.46 Turning to the impact on heritage assets, there is only one relatively nearby listed building– Dane O’Coys Farmhouse. However, the siting of the development and distance to that listed building with Orchard House and Church View in-between the application site and the listed building results in no harm to the immediate setting of the listed building, in accordance with section 12 of the NPPF.

Neighbour amenity matters

- 7.47 Officers consider that the main considerations in respect to neighbour amenity relate to Orchard House and Church View. Those properties are located to the north east of the proposed building, and are at an elevated position to the playing field by around 2-3 metres. There is a shallow slope and landscaped bund between the playing field and those properties with some mature trees.

- 7.48 Turning to the impact on Church View, the western boundary of this property is around 39metres from the eastern edge of the proposed parking area and around 70 metres between the flank elevation of the proposed building and the rear elevation of Church View. Having regard to those distances, the degree of existing landscape features to the boundary, Officers do not consider that the proposed development will result in a significantly detrimental impact on the amenity of that property in terms of overlooking, loss of outlook/light/privacy, overbearing or noise and general disturbance that would warrant the refusal of planning permission.

- 7.49 With regards to the impact on Orchard House, this property has a closer relationship with the proposed building and parking area. Orchard House is set around 7metres from the boundary. From that boundary, there is a further distance of around 6metres to the proposed parking area. The proposed building is located around 30 metres to the southwest of Orchard House. During the process of the application the applicant has amended the plans to show the provision of windows which are angled away from Orchard House and which are directed towards the buildings to the north west. In addition, the applicant also proposes the provision of additional landscaping between the edge of the proposed parking area and the boundary to Orchard House.

- 7.50 Having regard to the distance between the proposed building and the orientation of Orchard House, Officers do not consider that the



proposed development will result in a significant impact on Orchard house in terms of overbearing impact, loss of outlook or light. With regards to overlooking or loss of privacy, having regard to the location and design of the proposed fenestration and the siting of the building in relation to the orientation of Orchard House, Officers do not consider that the proposed development will result in significant harm to neighbour amenity. The windows are set at an angle and will not directly overlook Orchard house or its garden amenity space.

- 7.51 Turning to noise and general disturbance associated with the proposed access road. There will be some impact here in association with the vehicular movements to the parking area on the amenity of Orchard House and, to a lesser extent Church View in terms of noise and general disturbance. Officers note that additional planting adjacent to the boundary with Orchard House may reduce the impact in terms of noise. Such planting will take time to establish. However, with regards to the impact on noise, Officers are mindful of the current relationship of the application site with the playing field pitches and the potential noise associated with a recreational playing field for sports activities. Whilst the nature and type of noise associated with a playing field is clearly different to that of a vehicular access, it is material that some noise would be associated with the current use of the site.
- 7.52 Having regard to that consideration and, given the slightly elevated position, orientation and distance to the neighbouring property, Officers are of the opinion that the degree of impact associated with the relationship of the proposed vehicular access is acceptable and would not result in such harm to neighbour amenity as to warrant refusal of planning permission. The applicant has intimated a willingness for a planning condition to be attached with any grant of planning permission restricting the hours of use of the staff car park to the following hours:- 7am to 9:30pm on Mondays, 7am to 8pm Tuesday to Friday and between 8am and 1pm Saturdays and Sundays. However, for the reasons set out above, Officers are of the opinion that such a condition would be unnecessary, in this case.
- 7.53 With regards to a consideration of other neighbour amenity – namely 135 Hadham Road and 11 Dane O’Coys Road, having regard to the distance and relationship between the development site and those neighbouring properties, Officers do not consider that the development will result in significant harm to neighbour amenity.

Other matters

- 7.54 The comments from the Councils Engineers and Landscape Officer are

noted in respect of the issue of surface water drainage. The applicant has provided further information to help the Council better understand the proposed drainage for the site, which the Councils Engineers have commented on.

- 7.55 The Council have published a level one Strategic Flood Risk Assessment (SFRA) in November 2008, as was previously required in PPS25 (which is now superseded by the NPPF). The Councils SFRA is a desk-based study and provides sufficient detail to consider flood risk in the allocation of sites as part of the LDF process. It also provides information in respect of the decision making process of planning applications.
- 7.56 The SFRA has been endorsed by the Environment Agency and provides a number of recommendations for sustainable drainage policy including the provision of SUDS in new development where technically possible, in preference to positive connections to mains drainage; the use of the Environment Agency's SUDS hierarchy and; a reduction in surface water run off from new development so that greenfield discharge rates and 1 in 100 year attenuation is taken into account.
- 7.57 The site is an area of lower flood risk – zone one, and the Environment Agency, who have been consulted on the application, make no comment on the application and raise no comments in terms of flood risk.
- 7.58 However, the Councils drainage Engineer is dissatisfied with the proposed drainage because the proposal does not maximise the use of more sustainable SUDS within the site, and so, by implication, the proposals are less sustainable than they could be. The solution advanced has potential by itself to cause a flood risk (the failure of mechanical pumping system).
- 7.59 The site does however have its limitations in terms of space for sustainable drainage measures and the retention of the youth playing field pitch must be seen as a priority, in light of its designation within the Local Plan and given the comments from third parties within this consultation process. The applicants have given a commitment to optimise the use of SUDS in the form of rainwater storage, permeable paving and controlled discharge to external infrastructure, which can be seen as a positive aspect of the application. However, the concern of the Councils Engineers is that there is nevertheless greater potential for a better form of sustainable drainage.

solution will, from a technical point of view, adequately address and deal with surface water drainage but does constitute an ongoing maintenance liability and could not be held up as an exemplar in sustainability terms.

- 7.61 In summary, the proposed development is considered to be acceptable in terms of flood risk and no comments are made by the Environment Agency in this respect. The use of more desirable forms of SUDs has not been advanced by the applicant. Although this is disappointing, the limitations within the site for such features and the need for retention of the playing pitches are acknowledged and the applicant has identified financial constraints limiting the potential for more desirable SUDs such as the provision of a green roof. In overall terms, it is considered that this matter should only be given minimal weight against the scheme.
- 7.62 Turning to the impact on protected species and ecology, the application is supported by an ecological survey. That report sets out that the most important ecological features on site are the large mature trees and the large tree stumps. These areas are important for their potential as bat roosting areas and are also of benefit to birds, invertebrates and support species of fungi. The areas of woodland and the small area of scrub are of moderate ecological value, areas of ruderals and non-native shrubs are of low to moderate value and the amenity grassland and hardstanding areas are of low ecological value.
- 7.63 The ecological survey found no direct evidence of protected species being on site although protected species have been recorded locally and suitable habitats for them occur on site. Recommendations for further surveying and mitigation for those species are recommended in the ecological survey, which is supported by HBRC.
- 7.64 During the process of the application the initial consultation response from English Nature set out that further information in respect of the impact on bats (a European protected species) should be undertaken. Such work has been undertaken by the applicant and an additional bat survey has been submitted to the Council – HBRC and Natural England have been consulted on that additional bat survey; their comments are set out above.
- 7.65 The additional bat survey found that there was no evidence of roosting bats within the tree stumps at the site nor was there considered to be any reasonable likelihood of bats roosting in the trees within the site. In accordance with those findings and, having regard to the advice from HBRC and English Nature, it is considered that the proposed development will not result in significant harm or impact on the habitats

of bats.

- 7.66 The other European protected species which was identified by English Nature which may be affected by the proposed development are Great Crested Newts. The Ecological Report sets out that there is only one water body within 250m of the Application site. Under Natural England's current great crested newt surveying guidelines newt populations in water bodies up to 250m away from the site should be considered being close enough to be potentially affected by the development. The ecological report does not however consider that the proposed development will result in significant harm to Great Crested Newts and does not recommend that any further survey work or mitigation be undertaken.
- 7.67 In accordance with the advice from HBRC and English Nature the proposed development will not, in Officers opinion result in significant harm to European Protected species – bats or great crested newts.
- 7.68 The impact on other ecological receptors is not considered to be significant, as set out in the ecological report submitted with the application. HBRC do recommend that tree removal be undertaken in the winter months and care be given to ensure that nesting birds are not impacted upon – this is also recommended in the ecology report. To ensure that the mitigation measures relating to ecology are properly undertaken and, in the interests of the ecology and biodiversity relating to the site, Officers recommend that a planning condition be imposed requiring that the development be carried out in accordance with the recommendations in the Ecology Report.
- 7.69 Tuning to the historic environment, policies BH1, 2 and 3 of the Local Plan set out the approach in relation to dealing with archaeological matters. These policies set out that appropriate investigation and assessment is required before decisions on proposals that affect areas of archaeological interest can be made.
- 7.70 Having regard to the response from the County Archaeologist it is considered that there is a likely impact on heritage assets of archaeological interest and that it is appropriate to deal with such matters through the provision of a planning condition requiring the monitoring and evaluation of any archaeology found at the site. Such an approach would, in Officers opinion be necessary and reasonable and in accordance with the above mentioned policies and section 12 of the NPPF.

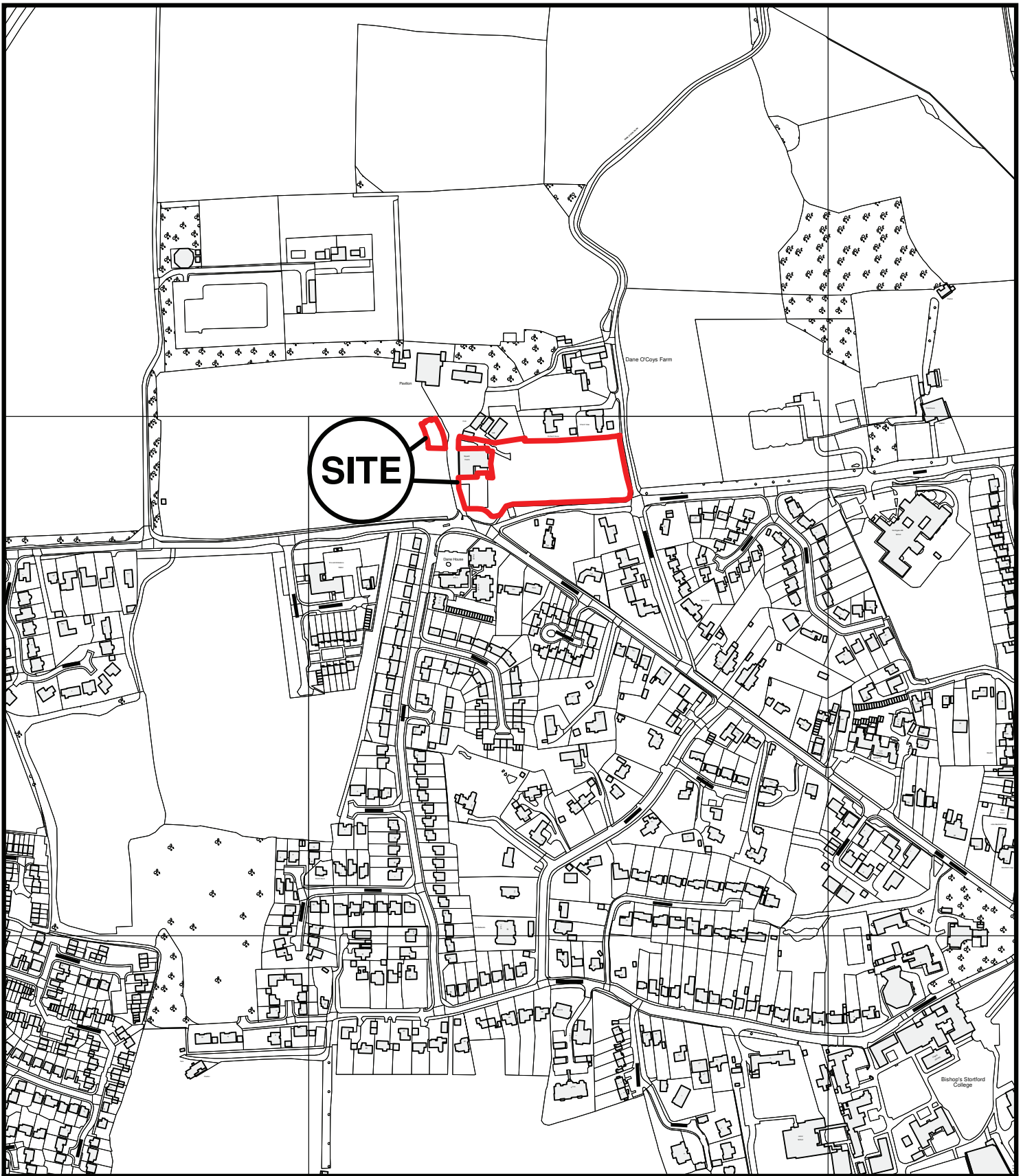
Highways Officers and the requirements for additional information relating to the construction of the development. In accordance with that advice and in the interests of amenity, Officers consider that it is necessary and reasonable to attach a planning condition relating to a construction method statement and a limitation on the hours of construction.

## **8.0 Conclusion:**

- 8.1 The proposed development is located within the boundary of the main settlement of Bishop's Stortford. In accordance with policy SD2 of the Local Plan there is therefore no objection in principle to the provision of a medical centre. The development will result in the loss of open space for sports provision, however the mitigation measures which are proposed outweigh that conflict. Such mitigation measures will however need to be agreed through a legal agreement.
- 8.2 Significant representations from third parties are acknowledged in terms of the appropriateness of the site in accessibility terms and the site is acknowledged to have some constraints in respect of this. However, in considering the appropriateness of the application site for a health centre and, for the reasons set out in this report, the location of the site for such a use is considered to be acceptable and represents a sufficiently sustainable location. Parking levels are acceptable, in accordance with policy TR7 of the Local Plan and the development will not result in significant harm in terms of highway safety or congestion. Financial contributions relating to improvements to public passenger transport and sustainable transport measures are for the reasons set out in the report, considered to be appropriate in this case.
- 8.3 The building is considered to be sensitively designed in terms of layout, elevational treatment and retention/enhancement of existing landscape features. Some concerns have been levelled at the surface water drainage that forms part of the infrastructure design of the building. However, the SUDS put forward are, on balance considered to be acceptable, given the constraints on the site.
- 8.4 The building and associated development is sympathetic to the surroundings and is considered to be of a high standard of design and layout in accordance with policy ENV1 of the Local Plan and the NPPF. The development will not result in significant harm to neighbour amenity.
- 8.5 Whilst some harm is identified in terms of matters relating to accessibility and drainage, when balanced against the other planning

**3/12/0448/FP**

issues identified above and that the development will provide a new medical centre for the town, the development is considered to acceptable, subject to the signing of a legal agreement relating to financial contributions and, subject to the conditions set out above.



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings  
Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright  
2009 East Herts Council. LA Ref: 100018528



**East Herts Council**  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ  
Tel: 01279 655261

**Address: Land at Silver Leys, Hadham Road, Bishops Stortford, CM23 2QE**  
**Reference: 3/12/0448/FP**  
**Scale: 1:5000**  
**O.S Sheet: TL4721NE**  
**Date of Print: 29 June 2012**

This page is intentionally left blank



# Agenda Item 4b

4b **3/12/0873/FP – Change of use from Office (B1) to Medical Centre (D1) at Building 1, Marriott Court, 101 London Road, Bishop’s Stortford, CM23 3DU for Tanners Wharf Ltd**

---

**Date of Receipt:** 18.07.2012

**Type:** Full – Major

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD – CENTRAL

## **RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. The building shall be used as a medical centre and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** To ensure that no alternative use is made of the premises which would be detrimental in transport terms, in accordance with the National Planning Policy Framework.

3. Approved plans (2E103) (PL10 P2; 122 X;123 S;124 P;120 V;125 P;126 C;150 E; 151 G;160 H)

## **Directive:**

1. Other Legislation (01OL)

## **Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007, and in particular saved policies SD1, SD2, TR3, TR4, TR7, EDE2, ENV1, ENV3) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (120873FP.MP)

## **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It is located in-

between the railway line and the River Stort with access gained off London Road close to the public house known as The Tanners Arms.

- 1.2 The site comprises a number of large buildings, some which have not been completed. The buildings were originally granted outline planning permission within LPA reference 3/04/0657/OP for ‘The erection of 130 Apartment Dwellings, Erection of 2no. Commercial (B1) Office Buildings, Undercroft Car Park, Sub-station and Domestic Refuse Enclosure”. Subsequent reserved matters applications (as set out in section 2 below), granted full consent for the development.
- 1.3 The approved development commenced on site but ceased in December 2008 when the developer, Herts and Essex Homes Ltd and Bishop’s Stortford Development Ltd went into receivership.
- 1.4 The approved commercial office buildings lie to the far north of the site but only one building is partially constructed – office building 1. Office building 2 (which lies to the south of 1), has been started in terms of piled foundations only.
- 1.5 The residential element, which lies to the south of the office buildings, comprises of 130 apartments. Those units are split into two areas – the open market housing (90 residential units) and the affordable units comprising of 40 residential units being owned and developed by Paradigm Housing Association. The affordable units have been completed and some of the open market residential units have also been completed. The access road/junction into the site has now been implemented.
- 1.6 The application seeks planning permission to change the use of office building 1 to a medical centre.
- 1.7 Within the DAS (Design and Access Statement), the applicant comments that the application does not involve any alteration to any aspect of the layout or design of the existing approved building – the application seeks to establish whether the proposed use of the building as a medical centre is acceptable.
- 1.8 The applicant indicates that the envisaged use of the building is for a new state of the art Medical Centre which would exceed the standards of both patient services and sustainable building practice. The applicant states that the doctors practice staff and Primary Care Trust (PCT) are aiming to upgrade the quality of the service available in the local area since the potential for expansion and upgrading of the existing local facilities are limited by physical constraints.

### 3/12/0873/FP

1.9 The applicant has indicated that the medical centre will provide reception and waiting rooms, approximately 15 consulting rooms, 5 treatment rooms, a minor operating theatre, sports injury clinic, physiotherapy unit, staff accommodation, meeting rooms, administration office and a pharmacy. The applicant indicates that the total number of permanent staff employed at the building is likely to be around 55.

## **2.0 Site History:**

2.1 The following is the relevant planning history relating to the site.

<b><u>LPA reference</u></b>	<b><u>Description of development</u></b>	<b><u>Decision</u></b>
<u>3/11/2137/SV</u>	Modification of s.106 agreement in respect of the commercial buildings approved under ref: 3/04/0657/OP by the removal of a £125,000 Highways Contribution	Appeal has been received for non-determination of application.
<u>3/11/0688/SV</u>	To remove commuted sums apart from £125,000 Commercial Highways contribution	Members resolved to grant subject to variation of S106 agreement.
<u>3/07/2675/FP</u>	Erection of 4 storey office for B1 Office Use	Approved
<u>3/07/1220/RP</u>	Erection of a 4 storey office for B1 Office Use	Approved
<u>3/06/2304/FP</u>	Change of use of part existing undercroft car park for residents fitness suite and external alterations to form door and window openings	Approved
<u>3/05/0824/RP</u>	Approval of reserved matters for the erection of 130no. apartments	Approved
<u>3/04/0657/OP</u>	Erection of 130 Apartment Dwellings, Erection of 2 no. Commercial (B1) Office Buildings, undercroft Car Park, Sub-station and Domestic Refuse Enclosure	Approved

## **3.0 Consultation Responses:**

3.1 Herts Biological Records Centre comment that they do not have any

known biological records for the site. Building one is very modern and the application is for a change of use and there are not known to be any ecological constraints relating to the site.

- 3.2 Environmental Health comments that they do not wish to restrict the grant of planning permission.
- 3.3 The Environment Agency raise no objection to the proposed development.
- 3.4 Natural England comments that the application is not likely to result in significant impacts on statutory designated sites, landscape or species.
- 3.5 County Highways Authority comment that they will be seeking a S106 contribution based upon the Councils SPD of £500 per vehicular parking space as a replacement for the sum agreed for the previous office development.

The Highways Officer confirms that, given the high staff numbers and relatively limited parking a robust Travel plan is essential to ensure that the staff make use of sustainable modes of transport ensuring that patients have access to an appropriate level of parking. In this respect it is important that the Travel plan is agreed prior to the commencement of development and implemented before occupation of the building as a medical centre, rather than after, as the applicant suggests.

The Highways Officer comments that, if the Council are minded to view the application favourably, it is recommended that a Travel Plan be agreed through a planning condition to meet such a timeline. The Highways Officer also comments that, if the proposed development remains unacceptable, the Highway Authority would support the refusal of planning permission based upon a lack of information regarding the Travel Plan and a commitment to use sustainable transport.

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

- 4.1 Bishop's Stortford Town Council object to the planning application and comment that the development would generate excessive traffic in the area; there is a lack of parking facilities and that it is an inappropriate form of development at the site.

#### **5.0 Other Representations:**

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

5.2 Two letters of objection have been received which can be summarised as follows:

- Insufficient parking;
- Impact on highway infrastructure in terms of congestion;
- Insufficient information submitted in respect of access to the site using sustainable modes of transport;

5.3 One letter of support has been received which comments that the site is close to the town centre and the existing South Street surgery, it is close to existing public transport and the development is large enough to accommodate all foreseeable health services.

## **6.0 Policy:**

6.1 The most relevant Local Plan Policies in respect of the consideration and determination of this application are:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
EDE2	Loss of Employment Sites
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking Standards
ENV1	Environment and Design
ENV3	Planning Out Crime
IMP1	Planning Conditions and Obligations

6.2 The NPPF (National Planning Policy Framework) is also of relevance.

## **7.0 Considerations:**

7.1 The planning considerations relevant to this application are as follows:-

- The principle of development;
- Loss of an employment site;
- Accessibility to the application site;
- Highways matters;
- Parking provision.

### The principle of development

7.2 The application site is located within the built up area of Bishop's Stortford as defined in the Local Plan. The general policy approach of

the Council, as set out in policy SD2 of the Local Plan, is to concentrate development in the main settlements, which includes Bishop's Stortford. This approach is compatible with national guidance and the requirements of the Regional Plan (policy SS2).

- 7.3 The submissions made by the applicant that the use of the building will provide a new state of the art medical centre are noted. Significant weight should be attached to this beneficial impact.
- 7.4 It is further noted that the applicant mentions in the DAS that the doctors practice staff and the PCT are aiming to upgrade the quality of the service provision owing to the limited provision to upgrade the existing facilities. It is not clear, however, whether this application is submitted with a specific end user in mind.
- 7.5 Notwithstanding the uncertainty surrounding what user this application is intended for, or whether it has the support of the related interested parties, such considerations are not material to the determination of this planning application. What Members are considering is whether the use of the building is appropriate in this location. As mentioned above it is a material consideration of significant weight that the use of this building will provide a new up to date medical centre.

Loss of an employment site

- 7.6 Policy EDE2 of the Local Plan requires consideration of whether the proposed development would result in the loss of employment provision on the site. It requires evidence to be submitted to show that the use of the site for employment purposes has been fully explored without success.
- 7.7 The site has a history of employment use. Prior to the grant of outline planning permission within LPA reference 3/04/0657/OP, the site was occupied by Atkins and Cripps Ltd, whose main business was the stocking and distribution of hardwood and other timber products. Atkins and Cripps Ltd occupied the site since 1968. The site also contained a two storey office building. The site was previously considered to represent a B8 storage and distribution use.
- 7.8 The aforementioned outline planning application and later full planning permissions granted consent for the construction of B1 office buildings at the site. There has therefore been a history of employment generating uses and a commitment through previous planning history requiring a continued employment use at the site.

- 7.9 The application will involve the partial loss of a B1 office building, although there remains potential for office building 2, which has been started, to be completed to provide an employment use. Members must therefore determine, as required in policy EDE2, whether sufficient information and justification has been submitted to allow the loss of an employment use at the site.
- 7.10 In respect of this matter, the applicant has indicated that the use of the building as a medical centre will, in itself, provide around 55 permanent jobs. The applicant has also provided marketing evidence from a local estate agent who specialises in the sale of commercial properties and who has been involved with the marketing of this unit. That information demonstrates that the unit has been marketed for around five years through advertisements in the Estates Gazette, together with local marketing and inclusion within web-based marketing websites including EGi and Focus/Cp-Star and advertisement through the Estate Agents.
- 7.11 The marketing exercise was successful insofar as the current applicant, Tanners Wharf Ltd, purchased the site – however there was limited other interest owing to the state of the market generally and in particular due to the issues surrounding the site which is essentially a partially complete development. The premises have continued to be marketed since the applicant purchased the site in January 2012 through a similar marketing exercise as outlined above. There have been some tentative enquires, however demand for office space is very weak at the present time. The estate agent comments that it is unlikely that an occupier will be forthcoming for the use of the office building for the foreseeable future.
- 7.12 Having regard to the information provided by the applicant, Officers would comment that an appropriate level of marketing of the building has been undertaken for an extended period of time. This shows that the retention of the building for employment use and within its current B1 office use has been fully explored without success. Officers are also mindful that the use of the building as a medical centre will provide employment for around 55 people. Taking those considerations into account, the use of the building as a medical centre is considered to meet the requirements of policy EDE2 a). This consideration weighs in favour of the development proposal.

#### Accessibility

- 7.13 Some letters of objection have been received raising concern with accessibility to the site. Officers consider that it is appropriate to consider the siting of the building in terms of accessibility. Letters of representation raise concern that the site is not as accessible as an

existing town centre medical centre site and the application is not particularly accessible by sustainable transport methods including walking, cycling and bus links. Letters of representation also raise concern that limited justification relating to these matters has been submitted. It should be noted however that a letter of support for the application has been received which raises no objection in terms of accessibility.

- 7.14 The application is supported by a Transport Assessment (TA) which has been submitted relatively recently during the process of the application. The TA has nevertheless been considered by County Highways. The TA provides a range of information in relation to transport and accessibility.
- 7.15 In terms of pedestrian access, the TA sets out that the site is accessible by pedestrians from the main access at London Road where there is a footway on both sides of the road. That footway continues in both directions along London Road, connecting with Hallingbury Road to the north where access to the town centre can be achieved. Pedestrian routes within the locality of the site are all of a reasonable condition and well lit along the main vehicular routes. There are no pedestrian crossings provided on the section of London Road away from the site (there are pedestrian signal phases at the site access) however, the vehicle speeds are relatively low and marked crossing points are found at the mini round-a-bout to the south of the site. There is also a public right of way which bounds to the west of the site along the River Stort which links to the town centre.
- 7.16 With regards to public transport, the TA comments that the nearest bus stops are to the west of the site on London Road, a walking distance of around 162 metres from the site entrance. The applicant comments that, although the stop is unmarked, regular services are provided including number 308, 319 and 386. Bus number 308 routes between Bishop's Park and Stansted airport and is provided at a frequency of 2 per hour during the week. There is also a bus stop around 260m along Hallingbury Road which offers one service to Saffron Walden, once per hour. The Bishop's Stortford rail station lies around 480metres to the north of the site.
- 7.17 In Officers opinion, the site is located in a relatively central location within the main settlement of Bishop's Stortford. The site is located around 1km from the town centre using the existing road infrastructure, although slightly less using the tow path. The residential areas of Warwick Road, Herts and Essex area and Pine Grove are located to the east of the application site and are considered to be within a reasonable walking distances to the proposed medical centre. To the south west, west and



north west are further residential areas associated with the town centre, South Road, Rhodes Avenue and Southmill Road, which are also considered to be within reasonable walking distances. The site is considered to be within appropriate distances to public transport facilities including bus and rail which in conjunction with the sites central location will enable appropriate levels of access to the site from a range of sustainable transport modes. Such considerations weigh significantly in favour of the development proposal.

- 7.18 With regards to the road infrastructure associated with the development, this also is considered within the TA. The TA uses the TRICS database to compare the proposed medical use against the previously approved office building. The TA indicates that the current office use has the potential to generate around 66 vehicle trips in the morning peak and 62 total vehicle movements in the afternoon peak. The applicant submits that the provision of a medical centre would be likely to generate a total of 75 vehicle trips in the morning peak and 64 vehicle trips in the afternoon peak. The applicant sets out that this information shows that the proposed change of use would result in a total of 9 additional vehicle trips in the morning and 1 additional vehicle trip in the afternoon.
- 7.19 The TA acknowledges the differences between an office use and a medical use – an office use would be likely to generate a greater proportion of traffic movements in the morning and afternoon, whereas traffic movements associated with a medical centre are likely to be spread out throughout the day.
- 7.20 Having regard to the above information provided in the TA and, taking into account the approved office use of the building, Officers consider that the levels of traffic associated with the proposed change of use to a medical centre will not result in a material increase in traffic generation. Having regard to the nature of the proposed use of the building as a medical centre, it is recognised that private vehicular travel to the medical centre using existing road infrastructure is likely to be more spread out throughout the day, rather than concentrated in the peak hours. The proposed development is therefore considered to be acceptable in terms of vehicular access and highway traffic movements.
- 7.21 Turning to levels of parking provision, this is raised as a concern by third party representation. The application form indicates that 50 parking spaces will be associated with the development proposal although, subsequently, the agent has advised Officers that 60 spaces will be provided and the submitted plans appear to indicate that such a number is achievable. The Transport Assessment indicates in fact that 63 parking spaces will be available for the proposed medical centre. In view

of this minor discrepancy, Officers are seeking clarification from the applicant as to the precise level of parking associated with the application, and this will be reported to members at the Committee meeting.

- 7.22 Officers have, nevertheless, reviewed the plans relating to the original permission for the office buildings. As currently constructed, it is considered that there is scope for 60 parking spaces associated with the development, both within ground floor parking under the building and on the first floor podium. Whilst there may be scope for more, not all of the parking spaces as originally associated with the two office buildings have currently been realised, as office building 2 has not yet been completed and it is not clear whether it will be. Officers consider therefore that (subject to any further information from the agent) the application should be determined on the basis of the provision of 60 vehicle parking spaces.
- 7.23 The TA uses the TRICS database and information relating to vehicular trips to assess the level of parking associated with the development. Using that information, the applicant has determined that parking accumulation will generally be high throughout the day but will peak at demand for 59 spaces between 11:00-12:00.
- 7.24 Policy TR7 is the relevant Local Plan policy in which to consider the application. That policy sets out maximum standards for development, which for a surgery amounts to 3 spaces per consulting room and an additional space per employee. The applicant indicates that there is to be around 15 consulting rooms which would indicate a need for 45 parking spaces. The applicant also indicates that the number of permanent staff is expected to be around 55. Cumulatively there would therefore be a need for a maximum of 100 parking spaces.
- 7.25 However, the site is located within zone 4 wherein the Council's Parking SPD does allow for a reduction in parking of between 75-100%. There would therefore be a maximum requirement for around 75 spaces.
- 7.26 The provision of 60 vehicle spaces therefore falls below the maximum provision for parking associated with the proposed medical centre. However, Officers are mindful of the above information provided by the applicant in respect of likely demand for parking. Officers are also mindful of the guidance in the NPPF, which sets out that when setting local parking standards for non-residential development, local planning authorities should take into account, the accessibility of the development; the type of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

- 7.27 The Highways Authority have commented that the high levels of staff and limited parking provision is such that a Travel Plan should be implemented prior to the occupation of the building as a medical centre. Officers acknowledge that there is some under provision of parking provision when tested against policy TR7 of the Local Plan which does not weigh in favour of the development proposal. However, the applicant has shown through the TA that sufficient parking is provided for the proposed development. Taking that consideration into account and the sustainable location of the application site, the level of parking provision is, on balance, considered to be acceptable.
- 7.28 However, in considering this matter Officers do acknowledge the requirements of policy TR4 of the Local Plan and the concerns raised by the Highways Authority. Given that the level of parking is finely balanced, Officers do consider that the Council should require a greater level of commitment from the applicant to secure more sustainable methods of transport. This, in Officers opinion, can be secured through the provision of a Green Travel Plan, as recommended by the Highways Officer.

#### Contributions

- 7.29 Officers note the recommendation from the Highways Authority that a S106 contribution of £500 per vehicular parking space be required to replace the contributions previously related to the building. Members will recall from the August and earlier September Development Control Committee meetings that an application has been submitted under LPA reference 3/11/2137/SV for the removal of a financial contribution of £125,000 towards sustainable transport measures within the Bishop's Stortford Transport Plan. An appeal against the non-determination of that application has been received by the Council. Members indicated at the earlier September Committee that, if able to do so, they would have refused permission for such an application.
- 7.30 The recommendation from Highways Officers is that, within the current application, the Council should secure a financial contribution of £500 per vehicle space and replace that contribution with the contributions previously agreed within the S106 agreement which relates to previous applications.
- 7.31 In considering this, Members should note that, the previous S106 agreement relating to the building runs with the land and will not be prejudiced by a favourable determination of this application.
- 7.32 The current application being considered by Members is the proposal to change the use of the building to a medical centre. There is no alteration

proposed to the number of parking spaces provided at the site. Policy TR8 of the Local Plan allows the Council to seek financial contributions for all new developments that generate a need for new parking provision.

This is not a new development however, insofar as it does not relate to the construction of a new building. The building and the parking associated with this change of use application is already in place and is the subject of an existing agreement as regards a sustainable transport contribution. Officers do not therefore consider that it is appropriate or reasonable for the Council to seek further financial contributions or replace contributions which have previously been agreed within the earlier application. In this respect, Officers do not recommend that the contribution suggested by the Highways Authority is sought.

#### Character and appearance

- 7.33 The application proposes the change of use of the building into a medical centre. Accordingly, no physical alterations to the external appearance of the building are proposed. In this respect, the proposed development will not, in Officers opinion, result in any material harm to the character or appearance of the building or its setting.

#### Neighbour amenity

- 7.34 The proposed building is located in relatively close proximity to the residential flats which form part of the redeveloped site. However, taking into account the previously approved office use of the building, the change of use to a medical centre will not, in Officers opinion, result in any greater impact on neighbour amenity that would warrant the refusal of planning permission.

#### Flood risk

- 7.35 The building is located in close proximity to the River Stort and is within an area of higher flood risk. However, the building has been implemented and the comments from the Environment Agency are noted. In this respect, the proposed development will not result in significant harm in terms of flood risk.

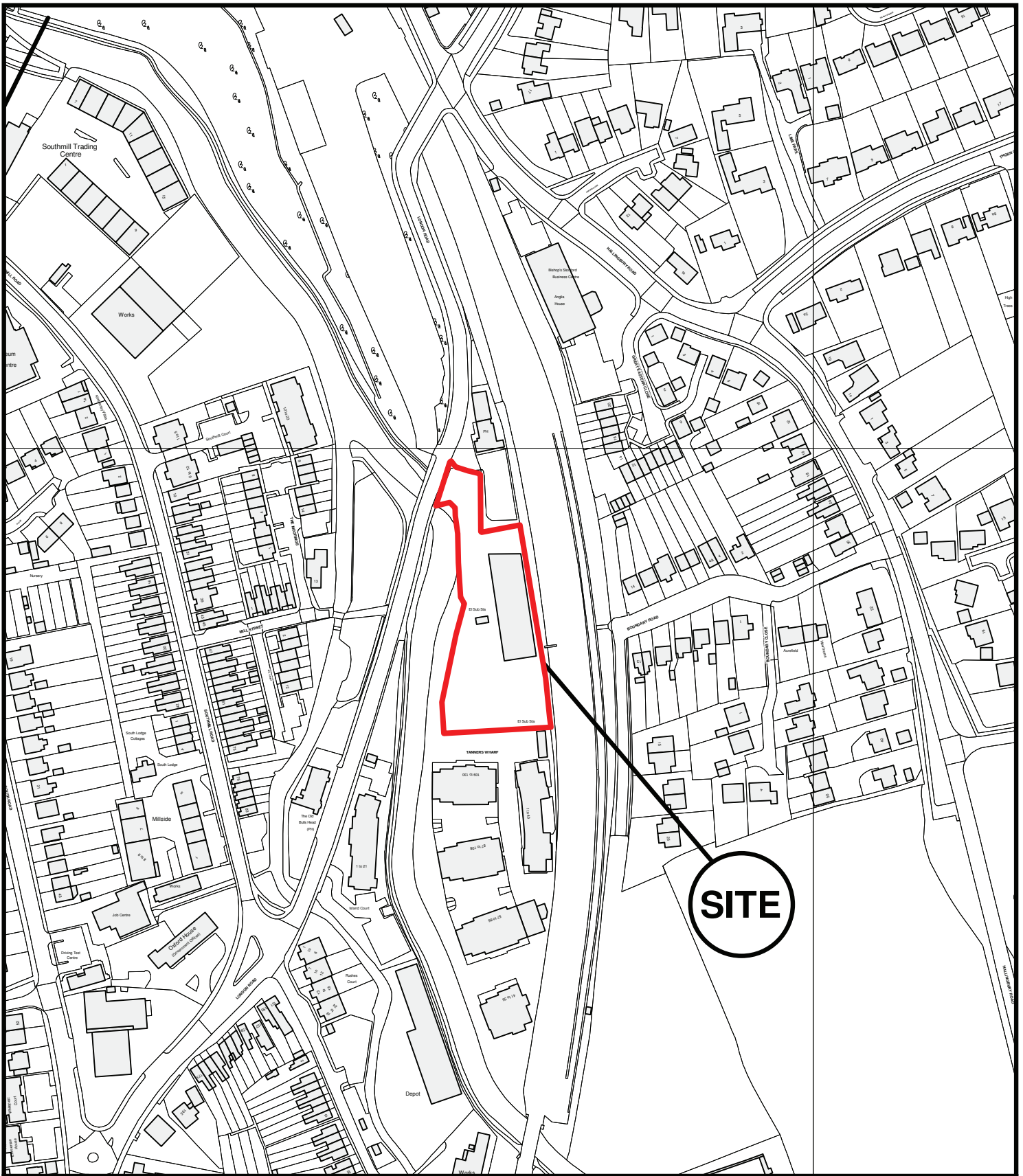
#### Ecology

- 7.36 The comments from HBRC and Natural England are noted. Having regard to their advice, the proposed development will not result in significant harm to ecology or protected species.

**8.0 Conclusion:**

- 8.1 The application site is located within the built up area of Bishop's Stortford where, in principle there is no objection to development. The applicant has provided marketing information to show that the potential use of the building for other employment uses has been fully explored. The proposed development will nevertheless provide employment for around 55 people and will provide a new, modern medical facility. Such considerations weigh in favour of the development.
- 8.2 The location of the site within the built up area of Bishop's Stortford is such that it is in a sustainable location. The site is located fairly centrally within the town with good access to the surrounding residential areas, the town centre and other public transport. Furthermore, the traffic generation associated with the development is considered to be similar to that of the existing approved office use. Whilst the level of parking falls short of the maximum requirements in policy TR7 of the Local Plan, given the sustainable location of the site in transport terms, parking provision is considered to be acceptable. A Green Travel Plan, which is recommended as a planning condition, will help ensure that sustainable methods of transport are considered and implemented by any future users of the building as a medical centre.
- 8.3 The application does not propose any material alterations to the external fabric of the building and there will therefore be limited impact on the character and appearance of the building and its setting. Furthermore, the development is acceptable in terms of neighbour amenity, flood risk and ecology.
- 8.4 For the reasons set out above it is therefore recommended that planning permission be granted subject to the conditions set out at the head of this report.

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings  
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright  
 2009 East Herts Council. LA Ref: 100018528



**East Herts Council**  
**Wallfields**  
**Pegs Lane**  
**Hertford**  
**SG13 8EQ**  
**Tel: 01279 655261**

**Address: Building 1, Marriott Court, 101, London Road, Bishops Stortford,**  
**Herts, CM23 3DU**  
**Reference: 3/12/0873/FP**  
**Scale: 1:2500**  
**O.S Sheet: TL4920SW**  
**Date of Print: 13 September 2012**

This page is intentionally left blank