

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-

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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.

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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.

<u>LPA reference</u>	<u>Description of development</u>	<u>Decision</u>
<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

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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.

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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.

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- 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

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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.

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- 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.