

5b a) 3/12/0977/FP – Erection of foodstore with associated car parking and landscaping and b) 3/12/0978/LC – the demolition of existing buildings at the Former Lancaster Garage Site, London Road, Bishop’s Stortford, CM23 3BJ for Aldi Stores Ltd

Date of Receipt: 18.06.2011

Type: Full – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – ALL SAINTS

RECOMMENDATION:

a) That, subject to the applicant or successor in title signing a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- £36,500 towards sustainable transport measures included in the Bishop’s Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the site by public transport;
- £5,000 towards a Traffic Regulation Order;
- The provision of fire hydrants;
- £300 standard monitoring fee per clause.

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

1. Three year time limit (1T121)
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and reenacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store only (as defined in Directive 5) and for no other purpose within Class A1.

Reason: To ensure that the use as approved reflects the identified retail requirement’s of Bishop’s Stortford, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

3. Samples of materials (2E123)
4. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing, by the Local Planning Authority and thereafter implemented in accordance with any approved details:

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- 1) A preliminary risk assessment which identifies:- all previous uses and potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

5. Prior to the occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

6. If, during development contamination not previously identified is found

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to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. No development hereby permitted 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:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) A restriction on any burning of materials on the site.

Reason: To safeguard the amenity of residents of neighbouring properties in accordance with policies ENVI and ENV24 of the East Herts Local Plan Second Review April 2007 and in the interests of highway safety and in accordance with the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan

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Document policies 1 and 12.

9. Any existing vehicular access onto the Station Road or London Road frontages of the site and not incorporated with the approved plans shall be permanently closed.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

10. Construction hours of working – plant and machinery (6N072)

11. Prior to the commencement of development detailed plans and elevations of the west and southern edge of the parking area and the relationship with the railway line and adjoining car park, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate boundary treatment serving the application site and neighbouring land is implemented.

12. The soft landscape works shall be carried out in accordance with the approved landscape plan, drawing number V0290-L01B, unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its 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 policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

13. Hard surfacing (3V21)

14. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

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15. No delivery vehicles for the retail element of the development hereby approved shall be allowed on the site between 11:00PM and 07:00AM unless they are parked on the site with their engines switched off between those times.

Reason: In the interests of residents and future residents of nearby development, in accordance with policy ENVI of the East Herts Local Plan Second Review April 2007.

16. Prior to first beneficial use of the development hereby approved, details of the measures to protect against crime in relation to the operation of the retail unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

17. Approved plans (2E103) (0290-100, 0290-101, 0290-103, 0290-104, 0290-105, 0290-106, 0290-107, V0290-L01 B).

Directives:

1. Other Legislation (01 OL)
2. Planning Obligation (08P0)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. The Limited Assortment Discounter store hereby approved is defined, in accordance with the Competition Commission's report 'The Supply of Groceries in the UK Market Investigation' of 30 April 2008, as being stores which carry a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

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 Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts

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Local Plan Second Review April 2007, and in particular policies SD1, SD2, SD5, TRI, TR2, TR7, TR8, TRI4, STC1, ENV1, ENV2, ENV3, ENV20, ENV25, BH6 and IMP1) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

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

1. Listed building three year time limit (1T141)
2. Conservation Area (clearance of site) (8L134)

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 Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007, and in particular the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (015311FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site lies partially within the Bishop's Stortford Conservation Area. The site is located on the Lancaster Garage site on land in-between London Road and the railway line / Bishop's Stortford train station. Station Road is located to the north of the site. Vehicular access to the site is off London Road.
- 1.2 The site currently consists of two buildings which were formerly used as a car dealership and garage. The building immediately adjacent to London Road formerly consisted of the car showroom. That building appears as a large 'shed' type structure from the southern and eastern elevation. From the north elevation from Station Road, the building is more distinct with a 'shop front' type appearance at ground floor, windows at first floor and red bricks. Immediately adjacent to the west of that building is a larger industrial shed type building, with roller shutter openings on the southern elevation and features a grey corrugated external material.

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- 1.3 The site has subsequent to the closure of the car dealership been used as a car park with small car washing and valletting service to the front of the car show room building. Those uses were however unauthorised, and an Enforcement Notice required the ceasing of those operations by 28 January 2011.
- 1.4 The site and the buildings within it are currently unoccupied and the buildings are boarded up.
- 1.5 To the west of the larger industrial building are the buildings associated with the Fyfe Wilson site. That site is also unoccupied and comprises of a series of industrial type buildings. The site was refused planning permission within LPA reference 3/04/1360/FP for a flatted residential development. However, the proposal was allowed at appeal. That permission has not however been implemented, although there are currently two applications to renew those two permissions which have not yet been determined by the Council.
- 1.6 A redevelopment proposed for the application site has previously been granted planning permission by the Council under LPA reference 3/11/0153/FP. That application granted consent on 12 December 2011 for the 'Construction of a Limited Assortment Discount food store with 14 no. residential flats above, with associated car parking and new vehicular access from London Road'. That application was for a Lidl food retailer.
- 1.7 The current application is for Aldi which, like Lidl is also a limited assortment discount retailer. The scheme now before Members is similar to the approved Lidl store in terms of the siting and footprint of the building. However, the Aldi scheme does not propose any residential development above the building nor any underground parking.
- 1.8 During the process of the application the applicant has discussed the development proposals with Local Councillors, interest groups and Officers. There have been some amendments to the scheme during the process of the application.
- 1.9 The applicant initially submitted plans for a contemporary and modern development at the site which consisted of a fully glazed flat roofed entrance to the south elevation a design feature within the centre and northern part of the building which front London Road.
- 1.10 Following the consultation period, some concern was levelled at the proposed scheme from consultees and third party representatives. As a result the applicant met with Local Councillors and interest groups,

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including the Bishop's Stortford Civic Federation. Following those meetings, the applicant submitted amended plans for the Council to consider – the Council re-consulted with neighbouring properties, objectors, internal consultees and English Heritage in respect of those amended plans. However, those amended plans were not received favourably and the applicant asked the Council to determine the application on the basis of the plans which were originally submitted and consulted upon.

- 1.11 At this point Officers remained concerned with the development proposal in terms of design matters and that a recommendation to Members in respect of that scheme at that stage would be for refusal.
- 1.12 At the request of the applicant further meetings and discussions took place to seek a more satisfactory design. As a result of those discussions an amended scheme for the redevelopment of the site was received on 09 November. Consultees and third parties have been re-consulted on the amended plans and it is those latest amendments which Members are now asked to consider.

2.0 Site History:

- 2.1 Planning permission was refused for retrospective consent for the use of the site as a pay and display car park within LPA reference 3/09/1094/FP. Planning permission was refused as it would result in an increase in the provision of car parking spaces in the town which would be contrary to the desire to reduce long stay town centre parking to discourage car use and encourage modal transfer away from the car. As indicated above, the uses proposed in that application were unauthorised and have now ceased.
- 2.2 As noted above, planning permission has recently been granted for 'Construction of a Limited Assortment Discount food store with 14 no. residential flats above, with associated car parking and new vehicular access from London Road' under LPA reference 3/11/0153/FP.

3.0 Consultation Responses:

- 3.1 The below comments were received from statutory consultees in respect of the initial plans submitted with the application. Those consultees have not been consulted on the amended plans as the amendments do not materially alter the development in relation to the areas of interest to those consultees.
- 3.2 Environmental Health have recommended the inclusion of planning

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conditions with the grant of any permission. The recommended planning conditions relate to a noise assessment, restriction on construction hours of working, piling, lighting and soil decontamination.

- 3.3 Thames Water have commented that there are public sewers crossing or close to the site. Approval from Thames Water is required, should any building be within 3 metres of a public sewer. It is the responsibility of the development to make proper provision for drainage to ground, water courses or a suitable sewer.
- 3.4 The Environment Agency recommend the approval of planning permission, subject to the provision of planning conditions relating to decontamination.
- 3.5 Hertfordshire Constabulary comment that they have concerns that the site will be a crime generator and increase the crime figures for the area due to shoplifting. There are three Aldi stores in Hertfordshire which have suffered from a level of crime commensurate with their locations. In order to reduce the impact that this development will have on crime figures it is recommended that the applicant consult with the Police design advisor in to address this issue.
- 3.6 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. The Council should consider the impacts resulting from the proposal on protected species, local wildlife sites and potential for biodiversity enhancements.
- 3.7 HBRC (Herts Biological Records Centre) comment that there are no known biological records for the development site and, given the urban nature of the site, the potential for presence of species would be limited.

HBRC recommend that the development incorporate the provision of green roofs and that more imaginative landscape planting be considered for SUDs to encourage biodiversity. Consideration could also be given for the provision of bird and bat boxes.

- 3.8 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the proposed development in this application is no different from the previous Lidl scheme. There are no highway reasons that would justify an objection on highway safety or capacity grounds.

The application is supported by a Transport Assessment which correctly assesses and identifies the traffic generation and concludes that the

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proposal will not give rise to a significant increase in overall movements when compared against the previous commercial use of the site. An appropriate level of car parking is provided on site and funding of further parking restrictions can be included within the S106 agreement to mitigate against any indiscriminate parking on the surrounding public highways, through a Traffic Regulation Order (TRO).

With regard to a S106 agreement, in addition to the £5000 towards a TRO, a further contribution of £36500 based on the Councils SPD is required towards sustainable transport measures included in the Bishop's Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the premises by bus.

- 3.9 The Councils Drainage Engineer comments that the site is within flood zone one, there are no historic flood incidents recorded for the site and the site is away from surface water inundation zones. The Engineers would welcome the provision of SUDS and engineering solutions which minimise flood risk which are referred to by the applicant. The development appears to show a decrease in the amount of impermeable areas with a consequent decrease in flood risk. It may be possible to incorporate the small pockets of soft landscaping as bio retention areas and it may be possible to incorporate the flat roof as a green roof which would improve the SUDS solution, reduce run off, increase attenuation and increase biodiversity.
- 3.10 In respect of the amended plans now being considered by Members, the following consultation responses have been received.
- 3.11 The Conservation Officer has recommended that planning permission be granted in respect of the latest amended plans. The Conservation Officer advises that, from a historical perspective the site was established in the early 1900's as a commercial use as garage and workshop. Prior to this, the same site was used to sell carriages, carts and steam engines, the industrial and commercial appearance of which includes, a neighbouring malthouse to the west which contributes to the immediate character of this part of the conservation area.

The immediate character to the east of London Road, is predominantly late Victorian – early Edwardian terraced residential properties elevated above the street, opposite the 'garage site', originally occupied and providing the residence for local business, overlooking the valley to the east, which includes the industrial roofscape of the immediate area. The western side of London Road, towards Hockerill Hill, has been subject to later redevelopment resulting in a collection of commercial or retail

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units and carpark. There is a fragmented street edge, in contrast to the rhythm generated by the terraces found opposite.

The footprint of the proposed food store unit is smaller than the telephone exchange located to the north (Station Road) and the mill site located north-west of the site (Station Road), which are dominant buildings within the immediate area of the application site and which contribute towards to the character.

The Conservation Officer acknowledges that the mass, scale and form of the building has not altered since the amended plans – however, the main difference between this scheme and the previous scheme is the use of traditional materials of construction, the introduction of vertical rhythm and alteration to the roof scape at eaves level which results a building which reflects the character of the immediate area whilst acknowledging the industrial part.

- 3.12 The Landscape Officer recommends that planning permission be granted. The proposed development meets the benchmark for soft landscape design and general layout. There is no hard landscaping specification at this stage although it is assumed that these will be drawn to a construction detail.

4.0 Town Council Representations:

- 4.1 Bishop's Stortford Town Council have objected to the plans originally submitted on the grounds that the scale and character of the development is not in keeping with the surroundings. At the time of writing this Report, no comments have been received from the Town Council in respect of the amended plans now presented to Members. Officers will update Members on any further comments received at the Committee Meeting.
- 4.2 Birchanger Parish Council have objected to the plans originally submitted, commenting that the development would represent overdevelopment of the site and disproportionate to the street scene in terms of the height of the building. As above, no comments have been received from the Parish Council at the time of writing, but any additional comments will be reported to Members at the Committee.

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 24 letters of representation have been received in respect of the plans originally submitted with the application which can be summarised as follows:

- Unsuitable site for a large retail store;
- Inappropriate location for retail store in relation to town centre;
- Impact on neighbour amenities in respect of deliveries, noise, loss of light and outlook;
- Difficulties with egress/ingress into and out of the site onto a busy road;
- Impact on traffic congestion and highway safety;
- Impact on local parking provision;
- Inappropriate form and over-development of the site;
- Insufficient parking.

5.3 3 letters in support of the plans originally submitted with the planning application have been received.

5.4 At the time of writing no further comments from neighbouring properties have been received – Officers will report any further comments received to Members at the Committee Meeting.

5.5 The Council have also referred both the original and amended scheme to the Hertfordshire Design Review Panel – their comments are discussed below.

6.0 Policy:

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD5	Development on Contaminated Land
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking Standards
TR8	Car Parking – Accessibility Contributions
STC1	Development in Town Centres and Edge-of-Centres
EDE2	Loss of Employment Sites
ENV1	Environment and Design
ENV2	Landscaping
ENV3	Planning Out Crime

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ENV20	Groundwater Protection
ENV25	Noise Sensitive Development
BH6	New Developments in Conservation Areas
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework is also of importance in the determination of this planning application.

6.3 In addition, Members should be mindful of the Bishop's Stortford Vision which provides a vision for future development in Bishop's Stortford and sets out that any development must take full account of the history of Bishop's Stortford, including the blending of the new and the old. The vision is that access in and around the town should be easy and attractive and not limited by congestion and that the Town Centre should be a bustling high street supported by national anchor stores, whilst keeping a strong independent retail presence and a thriving market.

6.4 The Bishops Stortford Town Plan 2008 is also of relevance to the considerations of this application. The Town Plan mainly consists of information from a survey of residents in Bishop's Stortford and identifies a number of areas of concerns relating to the town in general.

6.5 The Bishop's Stortford Civic Federation 'Peoples Vision' is also relevant to the considerations of this application.

7.0 Considerations:

7.1 The main planning considerations in respect of the planning application relate to the following:

- The principle of development;
- Employment use of the site;
- The acceptability of the development in terms of retail impact;
- Impact on the character and appearance of the street scene and Conservation Area;
- Parking provision and highways matters;
- Neighbour and future residents amenity;
- Financial contributions;
- Demolition of existing buildings within Conservation Area.

The principle of development

7.2 The site is located within the built up area of Bishop's Stortford, as

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defined in policy SD2 of the Local Plan. Accordingly, in principle, there is no objection to development.

- 7.3 Achieving sustainable development is seen as the mantra within the NPPF and developments which accord with the development plan and reflect sustainable development should be approved without delay. The NPPF sets out however that there are three aspects of sustainable development – an economic, social and environmental role.
- 7.4 With regards to the economic role there is a strong commitment within the NPPF to ensure that sustainable economic development is supported and encouraged through the planning system and that it does not act as an impediment to sustainable growth. The provision of a development incorporating a food store is considered to be a form of economic development which the Government does encourage through the NPPF.
- 7.5 Development which provides economic benefit and which will increase the range of retail offer for the town and which has the potential to increase employment and spending within the built up area of Bishop's Stortford, is a material consideration in the determination of this application which must weigh in favour of the development proposal.

Employment use of the 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 applicant has not submitted within this application a significant level of detail with regards to a consideration of the development under this policy. However, as noted above, this application follows from a previous approval for demolition of the existing buildings on the site and their replacement with a retail food store. The Council determined that previous application under policy EDE2 of the Local Plan and considered that the loss of an employment use had been properly tested through marketing of the site for such a use.
- 7.8 Having regard therefore to that previous approval and, taking into account the employment generated by the development, this application will not, in Officers opinion, conflict with policy EDE2 of the Local Plan.

Retail planning matters

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- 7.9 As with matters of employment, the applicant relies on previous submissions and the relatively recent grant of planning permission for a retail food store at the site. Within the previous application for Lidl, the Council considered the acceptability of the site for a retail foodstore in terms of the requirements of PPS4 and the impact of the development on the town centre of Bishop's Stortford. The Officers Committee Report for that application generally found that Bishop's Stortford is deficient in terms of an offer for a discount food retailer and the introduction of such a facility would increase choice and competition in the towns retail offer. The Officers Committee Report considered that a discount food retailer would not adversely impact on the trading position of individual retailers within the town centre and would not harm the overall vitality or viability of the town centre.
- 7.10 Since the determination of the Lidl scheme, PPS4 has been replaced with the National Planning Policy Framework (NPPF). The NPPF has not significantly altered the position in terms of how retail development should be considered.
- 7.11 The Council has also established a town centre boundary following a report to the Executive Committee on 07 August 2012. The application site falls outside of that boundary. However, given that the requirements of the NPPF are similar to PPS4, which is the policy document the previous approval was determined under, no objections are now raised with this application, in terms of the provision of a discount food retailer. A sequential test has previously been undertaken showing that there are no more sequentially preferable locations available for the proposed development. It is considered that this situation remains unchanged.

Character and appearance

- 7.12 As noted above, there are three aspects to sustainable development – Officers have noted the significance of the development in terms of supporting the economy – of equal significance is the environmental role. The NPPF requires that development should contribute to protecting and enhancing the natural, built and historic environment. Section 7 of the NPPF relates to design and it indicates that good design is a key aspect of sustainable development and that development should take the opportunities available for improving the character and quality of an area.
- 7.13 Local Plan policies relating to environment, design and conservation issues can be found within policies ENV1 and BH6 of the Local Plan. A high standard of design is expected from all development proposals

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(policy ENV1), which is reflected in the NPPF which places importance on the quality of design. Policy ENV1 requires that development 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. The site is partly within the Bishop's Stortford Conservation Area - policy BH6 requires that new developments are sympathetic in terms of scale, height, proportion and form. Historically significant features should be retained wherever possible and important views should be respected.

- 7.14 The character of the site is dominated by the industrial form and nature of the existing buildings and large area of hardstanding. The large shed type building on the site is not of a particularly high standard of design, although it does reflect the former industrial nature of the site. Attached to that building is a red bricked 2 storey building. The height of that building and the height and volume of other surrounding buildings together with their relationship with the road frontage forms part of the existing character of the surrounding area. Residential properties to the east are typical of their era and play a significant part in the character of the area. Those buildings and other buildings along Station Road are at 2-3 storey's in height which, in association with the change in levels do provide a degree of vertical emphasis along the road frontage.
- 7.15 It is a material consideration that planning permission has previously been granted for a retail building at the site. That approved building is a part two/part three storey structure. In terms of the scale of the buildings, Officers do consider that some weight needs to be attached to that previous approval.
- 7.16 This latest amended scheme now being considered by Members involves a more traditional design than that originally submitted. The overall length of the building along the London Road elevation remains similar to the earlier scheme (55metres long), but the elevational treatment is different. The London Road elevation is split into 11 bays. There is a larger 'book end' bay to either end of the elevation – the southern elevation features the entrance with extensive glazing and the northern elevation has a similar design feature with less glazing. In between these two book ends are 9 bays each of which feature a brick pier and archway with glazing subdividing the bay horizontally. The three central bays are at an elevated height with a parapet and additional glazing which breaks up the horizontal form of this part of the building. The bays feature a mixture of glazing, brick and render.
- 7.17 The southern elevation of the building features three large bays which

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are entirely glazed within the pier and archway. A canopy wraps around the middle section of the building at a height of around 3.5metres above ground level.

- 7.18 The northern elevation features three flat roofed elements which stagger down towards the Fyfe Wilson site, following the change in level of Station Road. The brick pillar and archway design is continued with less fenestration but a mixture of brick and render.
- 7.19 This report has already set out above that it is a material consideration of weight that there is an approved scheme for a building at the site. In addition, it appears to be acknowledged by all that the existing shed buildings and structures on the site do not make a positive contribution to the character, appearance of setting of the Bishop's Stortford Conservation Area. No objections are raised *per se* with the demolition of the existing buildings on the site.
- 7.20 Whilst Officers acknowledge that the scheme now presented is different to that previously granted planning permission in terms of its height, design and overall massing – what must be considered is whether the proposed development results in a design solution to the site which is also acceptable.
- 7.21 As acknowledged by the Conservation Officer, the overall scale and form of the building has not altered significantly within the latest set of amended drawings which Members are now considering. The dimensions and layout of the building is of a standard format which suits the operational requirements of a large food retail developer, such as the applicant. The scope for amendments to the building in relation to matters of scale and layout are therefore limited, in this respect.
- 7.22 The footprint and siting of the building is considered to be appropriate as it reflects the pattern of the existing development on the site, in accordance with policy BH6(c). In this respect, the key consideration is whether the building that is proposed is acceptable in terms of its height, mass and relationship with the surroundings.
- 7.23 The applicant has acknowledged the concerns raised through the processing of the application which have been raised by Officers, local community groups, the Town Council and other third parties. A building design with the provision of more traditional form and materials of construction has now been achieved through the latest amended plans, which Members are now considering.
- 7.24 The proposed building design does feature some architectural elements

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which give both height and vertically to the overall proportions of the building. This is shown in the two ends to the building – the entrance to the store and the Station Road elevation. The glazed entrance to the building is the more dynamic and interesting aspect of the building which is achieved through the provision of extensive glazing and a canopy – the height and design of the element of the building works well and marks the entrance to the building. Views of this element will be possible on the approach to the site from the south along London Road.

- 7.25 From the London Road elevation the building elevation is broken up through the change in height of its northern and southern elevations. The middle part of the elevation is also articulated through the provision of three glazed central bays and a parapet serving those bays. That feature, combined with the brick piers and arch design of the bays creates some lift and vertically to the building, which responds well to the street frontage and the rhythm and height of the residential dwellings opposite the site. The northern elevation of the building which fronts onto Station Road, responds well in height to the Thomas Heskin building which is immediately to the north of the site, and seeks to replicate in a positive way, the height and character of the existing red bricked structure which is presently on this part of the site.
- 7.26 Whilst Officers do consider that the proposed development is generally acceptable in terms of size, scale, form and design and relationship with the surroundings, the plans submitted show that the changes in level to the south west part of the site – the car park which backs onto the railway line - will be treated simply by the application of a raised deck area. In addition, the proposals do not take advantage of a possible opportunity to jointly improve the parking and access area to the railway station to the south. With regard to the south west corner, it is unclear what or what appearance the decked area will present outside the site. There is an opportunity to create a more visually attractive frontage onto the railway line which is able to be viewed from the west. This is considered to be a matter which, in Officers opinion, can be controlled through a planning condition. There is nevertheless a missed opportunity to provide an enhanced relationship with the parking area to the south. This potential benefit of the proposals cannot be achieved through any conditional approval.
- 7.27 This missed opportunity must be balanced against the positive aspects of the scheme which, in visual terms, principally involve the removal of the current vacant industrial buildings on the site. The removal of those buildings is considered to be acceptable when balanced against the re-development to provide a new, modern building which reflects and responds to the character and appearance of the surroundings.

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- 7.28 A consideration needs to be made in respect of whether the proposed development contributes towards enhancing (or preserving) the built and historic environment. This is an important site which provides an entrance to the town centre on the edge of the Conservation Area. Officers consider that the alterations to the elevational treatment of the building does provide an appropriate design which will assimilate well and respect the historical significance of the immediate and wider setting. The provision of arched bays and the rhythm and vertically this provides to the elevational treatment combined with the provision of brick and render creates a built form which is sympathetic to its surroundings and will integrate well with the historical significance and character of its surroundings. In this respect, the proposed development does, in Officers opinion, improve the character and quality of the area, when compared with the existing buildings at the site. The development is considered to preserve and enhance the character and appearance of the Conservation Area.
- 7.29 Officers consider that there is a need for high quality materials of construction which reflect the materials of the surroundings; it is also necessary and reasonable for this matter to be agreed through a planning condition.
- 7.30 There are limited landscape features on the site as existing – however, the proposed landscape plan is acknowledged to be acceptable by the Landscape Officer. To ensure that such a landscape plan is properly implemented, a planning condition is recommended. There is however limited information in respect of hard landscaping, including hard surfacing. A planning condition in relation to such a matter is therefore also necessary and reasonable.
- 7.31 Members should note that the above considerations are based upon the information and consultation responses received at the time of writing the report. Comments have not yet been received from English Heritage or the Design Panel and any comments received from those consultees shall be reported to Members at the Committee meeting. These respondents objected to the previous versions of the scheme.

Parking provision and highway matters

- 7.32 The site has previously been considered to be acceptable, in terms of the provision of a retail food store with regards to highway safety and levels of parking provision. The scheme now before Members does involve a reduction in the overall sales area for the retail store and an

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increase in the level of parking to 68 spaces.

- 7.33 The Highways Officer comments that the proposal is supported by a Transport Assessment which correctly assesses and identifies the traffic generation and concludes that the proposal will not give rise to a significant increase in overall traffic movements when compared to the commercial use of the site.
- 7.34 Having regard therefore to the advice from the Highways Officer and, taking into account the increase in the parking provision at the site, the development proposal is considered to be acceptable in terms of highway safety and capacity and parking provision.
- 7.35 The Highways Officer also recommends the provision of a £5000 financial contribution towards securing a TRO (Traffic Regulation Order). This contribution was previously agreed by the Committee Members as part of LPA reference 3/11/0153/FP and was to go towards the serving of a TRO in the vicinity of the site, following a concern that the development proposal may impact on local roads, in terms of the displacement of parking.
- 7.36 A figure of £500 per vehicular parking space has been requested by County Highways towards Sustainable Transport Initiatives. This contribution will assist in improving existing sustainable transport infrastructure to increase accessibility to the site for customers visiting the premises by transport modes other than cars in order to help mitigate against the highway impacts of this new development, and is in accordance with the HCC Planning Obligations Toolkit and Local Plan policy IMP1.
- 7.37 The contributions recommended by the Highways Officer have previously been agreed through the Lidl scheme under LPA reference 3/11/0153/FP and, in accordance with the above considerations are considered to meet the tests in S122 of the Community Infrastructure Levy 2010.

Neighbour and future residents amenity

- 7.38 The previous scheme for a three storey building was considered to be acceptable in terms of the impact on neighbour amenity. The development proposal now before Members is similar in terms of footprint and siting, but is of a lower height and with no residential element. Having regard to the previous approval and, taking into account the siting, form and height of the proposed building and parking areas, the proposed development will not, in Officers opinion result in

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significant harm to neighbour amenity.

- 7.39 The proposed development does include the provision of a service access to the rear of the property in-between the western boundary and the adjoining Fyfe Wilson site. Such a relationship is similar to that previously granted planning permission for the Lidl Scheme. A planning condition was attached with that permission which restricted the hours of delivery vehicles – the condition stated the following:-

No delivery vehicles for the retail element of the development hereby approved shall be allowed on the site between 19:00 and 07:00 unless they are parked on the site with their engines switched off between those times.

Reason: In the interests of future residents of the approved and nearby development, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

- 7.40 With the current application, the applicant has submitted that an Aldi store is typically serviced by only one dedicated delivery per day from the central depot, which in this case will be Chelmsford. Aldi's delivery vehicle will be a standard 16.5m articulated lorry. The store would also be expected to be served by a daily milk and bread delivery from a local supplier who will utilise much smaller vehicles. A weekly refuse collection vehicle would also be expected. The application is supported by a drawing showing how the Aldi vehicle would enter and leave the site which shows that the delivery vehicle would need to manoeuvre over identified car parking. As such Aldi would need to service the store outside of the peak trading hours which would also be outside the peak periods on the local road system. Aldi's proposed opening hours would be 8am to 9pm Monday to Saturday and 10am to 4pm on Sundays and Public Holidays and their preference would therefore be to receive deliveries when the store is not open to customers and, as such, have proposed the delivery hours of 7am to 11pm.
- 7.41 A Noise Assessment has been submitted with the application to support the proposed delivery hours and demonstrates that any noise will be within acceptable levels. The design and orientation of the store is such that delivery noise will, in Officers opinion, be kept to a minimum, with the delivery area being located to the rear of the store, away from residential properties to the east of the application site. The future use and layout of development on the adjoining Fyfe Wilson site is subject to change. Should a residential use come forward along the lines of the most recent permitted proposals, it is considered that the traffic and other activities generated by the retail development, will not result in

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significant harm to potential residential occupiers.

- 7.42 Although the delivery hours are greater than that previously required by condition in the previous scheme, it is considered that extended hours of delivery is acceptable and will not result in a significant impact on neighbour amenity in terms of noise and general disturbance.

Other matters

- 7.43 The comments from the Hertfordshire Constabulary are noted. Policy ENV3 of the Local Plan relates to matters of crime prevention, and encourages commercial development proposals to incorporate crime prevention measure through the design, layout and landscaping. The applicant has responded to the criticisms from the local Constabulary, setting out that the proposed development has been designed in such a way with crime prevention in mind. The applicant indicates that natural surveillance is provided by virtue of the relationship with nearby residential properties and the provision of additional security in the form of CCTV, walls, boundary treatment and planting around 'quiet' areas of the building will help protect against crime. The applicant also indicates that the building will employ CCTV within the store and security shutters when the building is closed.
- 7.44 In accordance with those considerations, Officers do consider that appropriate design measures, in compliance with policy ENV3 of the Local Plan have been considered by the applicant. To ensure that any such measures are implemented to the satisfaction of the local Constabulary, Officers recommend that a planning condition is attached with any permission requiring the submission of details in respect of such matters. Such a condition would be necessary and reasonable given the comments from Hertfordshire Constabulary and the requirements of policy ENV3 of the Local Plan.
- 7.45 The Environment Agency have recommended a number of planning conditions relating to decontamination of the site, which are similar to that attached with the Lidl scheme. Officers understand that there is a principal aquifer beneath the site and watercourses to the south of the site. Given the previous uses of the site for car repairs and workshop type uses, the Council must ensure that the proposed development protects against the possible impact on those environments, in accordance with policy ENV20. Having regard to the requirements of those policies and, taking into account the comments from the Environment Agency, it is considered that the proposed development would be acceptable in terms of contaminated land subject to planning conditions, as recommended by the Environment Agency.

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- 7.46 The comments from HBRC and the Councils Drainage Engineer in respect of SUDS and the incorporation of more imaginative landscaping are noted. However, having regard to the constraints of the site and taking into account the comments from the Landscape Officer, the landscape design proposals are considered to be appropriate and the development will not result in significant harm in terms of flood risk, taking into account the advice from the Environment Agency.
- 7.47 With regards to matters of ecology, having regard to the advice from HBRC the proposed development will not, in Officers opinion, result in significant harm on any protected species or ecology.

8.0 Conclusion:

- 8.1 In accordance with the above considerations, the development site is within the built up area of Bishop's Stortford and involves an economic form of development which is encouraged through the NPPF. Weight is attached to that consideration and that the development has the potential for job creation and will not result in harm to the retail offer of the town centre.
- 8.2 The proposed development will not, in the opinion of Officers, result in a significant rise in traffic generation and the level of parking provision is considered to fall within the requirements of policy TR7 and the NPPF. The proposal will not, therefore result in harm to the local highway network. Financial contributions are recommended by Officers, in line with the Councils Planning Obligations SPD to offset the impact of the development on local infrastructure. Those are also matters which in favour of the development proposal.
- 8.3 The proposed development has been the subject of various amendments which has followed consultation with a range of stakeholders. Taking into account the previously approved retail scheme at the site, the amended scheme now proposed is of much reduced scale and the design proposes a more traditional approach, which is considered to reflect the historical significance of the immediate and wider surroundings. The size, scale, form and design of the building now proposed is considered to be appropriate to the context of the site and surroundings and will not result in significant harm to the character and appearance of the street scene and Conservation Area in accordance policies ENV1 and BH6 of the Local Plan and section 7 the NPPF.

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8.4 For the reasons set out above Officers therefore recommend that planning permission is granted.