

5b 3/12/2154/FP – Redevelopment to form 52 sheltered apartments for the elderly including communal facilities (Category II type accommodation), Lodge Manager's accommodation, access, car parking, landscaping and provision of 432 square metres of commercial floorspace on the ground floor fronting South Street at 71-77, South Street, Bishop's Stortford, CM23 3AL for Churchill Retirement Living

Date of Receipt: 02.01.2013

Type: Full - Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – CENTRAL

RECOMMENDATION:

That (A) subject to the applicant carrying out bat emergence surveys between April and September; submitting the results to Officers and no evidence of bats or roost sites being found, and subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to provide financial contributions of:

- £565,300 towards off-site affordable housing provision to be spent within 10 years;
- £22,209 towards Sustainable Transport Programs;
- £5,000 towards the making of a Traffic Regulation Order in relation to the provision of the service lay-by;
- £5,000 towards libraries;
- Monitoring fee.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 - 40011BS-PL01, 40011BS-PL02, 40011BS-PL03 A, 40011BS-PL04 A, 40011BS-PL05 A, 40011BS-PL06, 40011BS-PL07, 40011BS-RF08, 40011BS-PL09, 40011BS-PL11, 1440-001 rev B, 1440-SK-03, F1477/10, F1477/11, SU 01)
3. No development or groundworks shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been

3/12/2154/FP

submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following components:

- Archaeological building recording of Nos. 71 and 77 South Street prior to their demolition, including the recording of any original features and equipment and a rapid record (to English Heritage Level 2) of the site.
 - An archaeological geotechnical investigation to assess the palaeo-environmental and archaeological potential of the site, and enable the construction of a detailed deposit model of the site by a geoarchaeologist, following the demolition of the buildings currently on site, but prior to the commencement of development.
 - Based on the information provided by the geoarchaeological investigation, a programme of targeted evaluation (including palaeo-environmental sampling) in the form of trial trenches of the proposed development prior to the commencement of development.
 - Appropriate mitigation measures indicated as necessary by the evaluation.
 - Analysis of the results of the archaeological work with provisions for subsequent analysis and publication of results, the production of a report and archive, and the publication of the results, as appropriate.
4. The development shall be carried out in accordance with the approved archaeological scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007)

5. Levels (2E05)
6. Boundary walls and fences (2E07)
7. Samples of materials (2E12)
8. Refuse disposal facilities (2E24)

3/12/2154/FP

9. Lighting details (2E27)
10. Materials arising from demolition (2E32)
11. Hard surfacing (3V21)
12. Provision and retention of parking spaces (3V23)
13. Wheel washing facilities (3V25)
14. Prior to the commencement of the development hereby approved, detailed drawings of the proposed alterations to the South Street footway and new access arrangement and service vehicle lay-by 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 unless otherwise agreed in writing by the Local Planning Authority, and no part of the development shall be occupied until the approved works have been constructed and the realigned footway dedicated as public highway.

Reason: To ensure that the proposed highway works are carried out and completed to an appropriate standard in the interests of highway safety.

15. Construction Traffic Route (3V26)
16. The residential use of the development hereby permitted shall be for sheltered accommodation for persons over 60 years of age for a single or eldest occupier, and 55 years of age for any additional occupiers of any single unit, except for a single manager's unit, and for no other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005.

Reason: For the avoidance of doubt and for the Local Planning Authority to retain control over the development.

17. Notwithstanding the provisions of the General Permitted Development Order 1995 (as amended), the ground floor commercial units hereby approved shall be used for A1, A2, or A3 purposes only.

Reason: To ensure that the units contribute to the economic vitality of the Secondary Shopping Frontage and that no alternative use is made of the premises which would be detrimental to the amenities of occupants of adjoining premises in accordance with policies STC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

3/12/2154/FP

18. Construction hours of working - plant and machinery (6N07)
19. Prior to the commencement of the development, detailed drawings of the buggy store, sub-station and water pump buildings shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be constructed in accordance with the approved details.

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

20. Withdrawal of P.D. (Part 2 Class A)
21. Landscape design proposals (4P12 c, d, f, l, j, k)
22. Landscape works implementation (4P13)
23. No development shall take place until a scheme to restore and enhance the Stort Navigation main river to a more natural state, by naturalising and regrading the banks of the river, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the ecological value and habitat of the water environment in accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007.

24. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including the river bank, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity afforded by the proper maintenance of landscape features and to preserve and enhance the ecological value and habitat of the water environment in accordance with policies ENV2 and ENV18 of the East Herts Local Plan Second Review April 2007.

25. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing,

by the Local Planning Authority:

- A site investigation scheme, based on the submitted preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to in (i) 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.

- 26 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 (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

27. No occupation of any part of the development shall take place until a verification report demonstrating completion of 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 a 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. The plan shall be implemented as approved.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

28. Prior to the commencement of development, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and shall not include any infiltration into the ground. The development shall be carried out in accordance with the approved details.

3/12/2154/FP

Reason: In the interests of the management of surface water flows and to protect groundwater in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

29. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express 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. In addition a full Piling Risk Assessment and method statement detailing the type of piling and noise emissions will be undertaken. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater and in the interests of the amenities of neighbouring properties in accordance with policies ENV20 and ENV24 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Unsuspected contamination (33UC)
5. Asbestos (34AS)
6. Protected Species (36PS)
7. The applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance and building demolition works between 1st March and 30th September.
8. The applicant is advised that in order to comply with this consent it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated off-site highway improvements. The applicant is advised to contact Highways, County Hall, Pegs Lane, Hertford, SG13 8DN (Telephone 0300 1234047) to obtain the requirements on the procedure to enter into the necessary agreement with the Highway Authority prior to commencement of development.

3/12/2154/FP

9. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
10. The applicant is advised to contact Phil Adshead (07710 733353) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust 'Code of Practice for Works affecting the Canal and River Trust'.
11. In respect of Condition 6 the applicant is advised that the external materials of construction indicated on the submitted drawings are not considered to be of sufficient quality for use on this site. Officers would be pleased to advise on acceptable alternatives.

(B) In the event that, as a result of the surveys carried out in accordance with recommendation A) above, bats or bat roosts are found on site, then the matter be referred back to Committee for an assessment of potential impact on the protected species.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (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 policies SD1, SD2, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR14, EDE2, STC1, STC3, ENV1, ENV2, ENV3, ENV16, ENV18, ENV19, ENV20, ENV21, BH1, BH2, BH3, BH6, LRC3 and IMP1); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies, the pre-application advice given, permission 3/09/2001/FP, and other material considerations relevant in this case, is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is located within the settlement of Bishop's Stortford, approximately 50m to the south of the junction of South Street, Station Road and Newtown Road. The site backs onto the River Stort and in total amounts to 0.3 hectare in area. The site is currently occupied by a number of buildings which are either vacant or in commercial use. The character and appearance

3/12/2154/FP

of the buildings on site varies, with some buildings being of traditional appearance fronting South Street, and some more modern industrial style buildings located to the rear. Many of the buildings are in a poor state of repair.

- 1.2 The buildings are generally two storeys in height, as are those which lie immediately to the north and south of the application site. To the west of the application site, on the opposite side of South Street, is a relatively new development known as Archer Place. This development comprises of retail units to the ground floor fronting South Street, with residential units above. The building is predominantly 4 storeys in height with some accommodation in the roof space.
- 1.3 This application seeks planning permission for the construction of 52 private sheltered apartments for the elderly, along with lodge manager's accommodation and communal facilities. Ground floor commercial floorspace is also proposed, amounting to 432m². The application also proposes alterations to the existing highway through the provision of a loading lay-by, a new pavement, and a single vehicular access at the northern end of the site. A total of 18 car parking spaces are proposed to the north of the site, accessed through an undercroft from South Street. Amenity garden space is proposed to the south of the building, and along the river frontage.
- 1.4 The building is proposed to be predominantly 3-4 storeys high, reducing to 2 storeys on the northern and southern edges of the development. Fronting South Street, the development is proposed to be a maximum height of approximately 13.3m, and fronting the river it would be of a maximum height of approximately 14.5m.
- 1.5 Only a very small part of the application site is located within the Bishop's Stortford Conservation Area. This is in the northern part of the site, and includes the building known as 71 South Street for which Conservation Area Consent has already been granted for its demolition.

2.0 Site History:

- 2.1 Members may recall that planning permission was granted in March 2010 for a 72 bed hotel with ground floor retail units (reference 3/09/2001/FP). This scheme has not been implemented due to viability reasons and a lack of interested hoteliers; the site has therefore remained vacant. A previous application for a 103 bed hotel (reference 3/08/2308/FP) had been refused on the grounds of the size, scale, massing and design of the building being out of keeping with the surrounding area, and inadequate parking provision.

3/12/2154/FP

- 2.2 Conservation Area Consent has been granted for the demolition of No. 71 South Street which lies within the Conservation Area boundary (references 3/12/2155/LC and 3/08/1824/LC).
- 2.3 Part of the application site (a smaller site at the northern end of the site) has also been the subject of a number of planning applications for residential and commercial development in the past. The relevant applications are listed below:
- 3/04/2321/FP
Demolition of commercial centre and the erection of eighteen dwellings, one retail unit and associated parking – Withdrawn January 2005
 - 3/05/1772/FP
Demolition of existing building and erection of eighteen residential units and one Class A1 shop with associated access, parking and landscaping – Withdrawn October 2005
 - 3/06/0132/FP
Demolition of existing buildings and erection of eighteen residential units and one class A1 shop with associated access, parking and landscaping – Refused May 2006

3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions, a financial contribution of £22,209 towards Sustainable Public Transport Programs, and a financial contribution of estimated £5,000 for a Traffic Regulation Order in relation to the proposed service lay-by. They comment that in terms of highway safety the new scheme offers an improvement over the existing situation for both drivers and, importantly pedestrians. The proposal provides a single access of adequate dimension (although alignment, radii and tree locations will be subject to technical review), appropriate visibility and removes the two existing substandard accesses. The existing narrow footway is replaced by a wider facility, and service vehicles are provided with a dedicated loading bay rather than having to stand within South Street. The loading bay should be secured with a Traffic Regulation Order to allow goods vehicles loading only. In terms of parking, the scheme appears to provide an adequate number of spaces for this type of sheltered development although it is below the maximum standard. Consideration should be given to providing staff parking for the retail units.

3/12/2154/FP

- 3.2 Turning to S106 contributions, despite the location of the development, provision should still be made for sustainable transport schemes through the S106 process. This development is located in a sustainable location close to the town centre, with bus stops close to the site, within walking distance of the bus interchange and also the rail station. Bus routes available from the nearest stops give good access to Thorley Park superstores and the surrounding towns such as Harlow and also Stansted airport. There are five departures per hour from each stop (Monday to Saturday daytime). Coupled with these stops being located in the town centre environment it is important to ensure that these and other stops meet accessibility requirements. Further routes and destinations are also available from the nearby bus interchange which is only a short walk from the site as is the rail station. As neither of the closest bus stops currently meet accessibility requirements in terms of easy access kerbing or shelters it is considered as a high priority for improvements at these locations and/or others in the vicinity. In terms of developer contributions £17,000 would allow for kerbing enhancements at both stops to be completed. Provision of a shelter would cost a further £8,000.
- 3.3 The Council's Housing Development Manager notes that the scheme is a sheltered scheme and that the applicant has submitted a detailed Affordable Housing Statement. The Affordable Housing Statement says that to include an affordable housing element on site is not achievable and is therefore offering a commuted sum for off-site development. The Council only accepts commuted sums in exceptional circumstances and feels that this is a case which meets these criteria. The applicant has included different methods to calculate the commuted sum and the Council would find the first option based on the grant rate that was published in 2008 as acceptable. The Housing Officer comments that in Option 1 the applicant has included some units at Fixed Equity in the calculation at nil grant, but Fixed Equity no longer exists so these would be expected to be Shared Ownership.
- 3.4 The Environment Agency initially recommended refusal on several grounds but following further discussions they have removed their objections and now recommend consent subject to conditions on naturalising and regrading the river bank, a landscape management plan, and contamination reports.
- 3.5 Environmental Health raise no objection subject to conditions on construction hours of working, contamination, and piling works. They also recommend a number of directives.
- 3.6 The Landscape Officer recommends consent subject to a condition on detailed landscape design proposals. They comment that the site layout

allows for an acceptable (if not positive) impact on the street scene along South Street with enclosed, and therefore discreet, parking court and with sufficient general scope for amenity landscape provision for future residents. They do raise concerns however about the landscaped strip running along the River Stort and access for maintenance. If this river frontage is not properly managed the visual impact of the inevitable encroachment of ruderal scrub etc. alongside the river edge will have a significant impact on the landscape setting and character of the completed development. The maintenance/management plan for this area of land should be seen as an important consideration directly related to the proposed development.

- 3.7 The Conservation Officer recommends consent subject to a revised palette of materials. They comment that the character of the area is defined by the variety of industrial units which address the roads but primarily the river, to which they historically relate. More recent 20th century intervention includes large retail, industrial and residential development which provides a mixed character along the river front which plays an important role in Bishop Stortford's history. In considering the built character of South Street and the wider Conservation Area, interest in the street scene is created by the variety of architectural eras and styles, roof heights, gable ends and the rhythm between solid and void, all of which reflect the local character of the wider area.
- 3.8 In considering this proposal against the built character of South Street and the wider Conservation Area, the design of the street elevation creates interest with the varying roof heights, introduction of gable ends, and the rhythm between solid and void, all of which reflect the local character. Furthermore, the ground floor retail units continue the linear rhythm of signage with neighbouring properties which makes for a cleaner and more traditional elevation - all of which enhances South Street. The River Stort elevation, in much the same fashion as its front elevation introduces an interesting collection of gables, roof pitches, including minor projections which all lend themselves to a waterfront environment.
- 3.9 However the success of this project relies on the quality of materials, particularly as the proposal is a large scale development within the Conservation Area. The approach to materials should therefore continue to reflect the historic and traditional elements. The officer comments that the principle of brickwork is acceptable; however it is recommended that sample panels be provided on site as part of the discharge of materials condition. The proposed use of Marley Eternit Edgemere roof tiles is considered unacceptable in a Conservation Area;

3/12/2154/FP

it is recommended that natural slate is sourced whilst the suggested 'orange' colour is addressed with plain clay tiles. All weatherboarding should be timber as this is more reflective of the historic maltings of Bishop's Stortford and as such its inherent character. Fascia soffits and windows should be timber; in considering the windows the use of timber or aluminium will reduce the overall width of the frames which in turn will enhance the visual character of the development. Preference for the rainwater goods, in this instance, would be aluminium. In considering the materials it is important to add that wider views of the development are from the bridge in Station Road; a gateway from the station into town, along the river which forms an important part of Bishop's Stortford's history. The quality of materials used is therefore imperative to the success of the development.

- 3.10 English Heritage consider the proposals to be acceptable in the context of this sensitive site within the Conservation Area.
- 3.11 The Historic Environment Unit comment that the site is located in Area of Archaeological Significance No. 114 and the application site lies over the (presumably infilled) remains of Swan Dock. Given its valley floor and riverine location, the site also has considerable potential for the survival of significant palaeo-environmental archaeological remains and archaeological deposits. In addition, Nos. 71 and 77 South Street are respectively, a mid to late 19th century former granary building and a fine example of a small well-built town house of some status. The proposed development should therefore be regarded as likely to have an impact on heritage assets of archaeological and historic interest.
- 3.12 Herts Biological Records Centre comment that the Ecological Appraisal Report (October 2012) states that six out of the eight buildings are classed as having potential to support roosting bats. Bat emergence surveys should therefore be undertaken by licensed bat ecologists to establish whether bats are using the existing buildings as roost sites and whether they are likely to be affected by the proposed development works. Bat emergence surveys can only be conducted during the period April to September. The results of the bat emergence surveys are required before the Local Planning Authority determines the planning application.
- 3.13 Natural England comment that further survey work is required in accordance with *Bat Surveys – Good Practice Guidelines* and if additional information is not provided by the applicant then the application should be refused.
- 3.14 Hertfordshire Fire and Rescue comment that the provision for fire

3/12/2154/FP

hydrants does not appear to be adequate to comply with BS9999:2008.

- 3.15 Hertfordshire Constabulary comment that the boundary to the river should be secured with a 1.0m or 1.2m bow topped metal fence to increase security and prevent the risk of residents drowning. They also raise concerns over the vehicular access and suggest that in order to maintain security of the site the area could be controlled by the use of electronic gates. In addition the lighting in the parking court should have a minimum uniformity of >25% using lighting that has a colour rendition of 60 (i.e. white lighting). Bollard lighting is discouraged due to the fact that these can be easily damaged especially by vehicles. They also comment that they would not support the scheme as the applicant does not intend to seek Secured by Design accreditation.
- 3.16 Planning Obligations comment that they would seek financial contributions as set out in the Planning Obligations Toolkit, but as a result of the age restricted nature of this development they would not seek contributions towards education, youth, or childcare services in this instance. A contribution of £4,655 towards libraries is therefore requested, along with fire hydrant provision.
- 3.17 Parking Services comment that the developers of a similar scheme in Ware (Coronation Road) have advised us of a lack of off-street parking within the development and in surrounding streets, which has put off some prospective purchasers of their apartments. The developer has approached East Herts Council asking if we would lease some space in our adjacent car park as a result. This may be possible in Ware, where supply of off-street parking exceeds demand. The proposed development in Bishop's Stortford is surrounded by either parking restrictions (i.e. yellow lines) or by an on-street resident permit parking scheme. There is no off-street long stay car park in the vicinity and in any case, demand for parking tends to match or even exceed supply.
- 3.18 Current Council policy is that the purchasers of new developments which have off-street parking that is not available to 'outsiders' (e.g. blocks of flats) are not entitled to membership of any resident permit parking scheme in which the development may be situated. Given the anecdotal evidence that older people wish to retain their cars and drive for longer than they may have in the past, and in the light of the fact that 18 parking spaces are proposed for 53 units, they think it would be relevant to identify the possible pressure on parking spaces that may arise and the likely inability of the Council to relieve that pressure under current policy constraints.
- 3.19 County Council Minerals and Waste Team comment that regard should

3/12/2154/FP

be had to the sustainable management of waste in accordance with policies 1, 1a, 2 and 12 of the Waste Core Strategy and Development Management Policies Development Document 2012.

- 3.20 The Canal and River Trust comment that the riverside balconies appear over-sized and cumbersome; they are particularly concerned by the appearance of the large corner balconies which are dominant on several of the river view visualisations. They comment that the overall appearance of the buildings appears to be quite traditional and therefore the juxtaposition of the glass balustrades within the chosen architectural style is unusual. The position of the car parking is a positive element of the development, as is the angle of the rear block so that it lies parallel to and fully addresses the river. It is a pity that no attempt has been made to modify and retain an externally interesting building.
- 3.21 They go on to comment that the brick wall and railing boundary to the river would appear to be an appropriate treatment but are concerned over the long term maintenance of the narrow strip of land between the wall and the water's edge. It is not clear how this will be managed or maintained in the future; the Trust will not take responsibility for maintaining the area which may therefore fall below standards expected by residents. They also advise that a commercial agreement will be required from the Canal and River Trust for any crane over-sailing required during construction, and consent will also be required if it is proposed to discharge water into the river. The applicant will also need to comply with their code of works for work adjacent to a waterway during the construction phase; an informative is therefore recommended.

4.0 Town Council Representations:

- 4.1 Bishop's Stortford Town Council raise no objection subject to the building nearest the river being taken down to two storeys, ensuring a buffer zone is in place, and on the condition that all construction vehicles must be accommodated on site.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 3 no. letters of representation have been received which can be summarised as follows:

3/12/2154/FP

- Improvement to current shabby buildings;
- Insufficient parking provision – suggest temporary parking bays on South Street for the retail units;
- When neighbouring buildings were constructed in the 1970s it was a condition that the buildings were set back from the road to allow for any future road widening and for safer pavements – the current width of the pavement is dangerous;
- Concern that a wind tunnel is created at the bus stop;
- Query over-provision of sheltered housing in Bishop's Stortford;
- Objection to the ground floor commercial floorspace - there are too many empty shops in town (including the new shop unit opposite which remains vacant), and vacant commercial units can attract posters, vandalism and anti-social behaviour;
- Concern over the density of development, and lack of open space in this part of town;
- Suggest that the road is widened and a wider pavement provided;
- Over-intensification of the site, crowded inner courtyard and building heights will cut down on natural light;

5.3 The Bishop's Stortford Civic Federation welcome the opportunity to tidy up and reinvigorate this very dilapidated area of Bishop's Stortford; however they make the following comments:

- Concern that the building is one storey too high. Four storeys will create a 'canyoning effect' by the river. Suggest that neither elevation should be higher than those approved under reference 3/09/2001/FP.
- Provision of 18 car parking spaces is inadequate and ignores that employees from the ground floor retail units would want to park at work, makes no provision for visitors, and being elderly does not mean residents will not own a car.

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
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes

3/12/2154/FP

TR1	Traffic Reduction in New Development
TR2	Access to New Developments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites
STC1	Development in Town Centres and Edge-of-Centre
STC3	Secondary Shopping Frontages
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in Conservation Areas
LRC3	Recreational Requirements in New Residential Developments
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework (NPPF) is a material consideration in determining this application.

7.0 Considerations:

Principle of Development

7.1 The site lies within the built-up area of Bishop's Stortford wherein there is no objection in principle to new development. The northern part of the site also lies within the Bishop's Stortford Conservation Area. The site is well located in relation to public transport services, as well as a wide variety of town centre services and infrastructure. Many buildings on site have now been vacant for many years and are in a poor condition. A redevelopment of the site would therefore make a positive improvement to this part of the town centre; however it is important to consider the details of the proposed scheme, as well as how it would impact on the economic vitality of the town.

Loss of Employment Uses

7.2 The site previously accommodated a variety of commercial uses including retail units, take-aways, offices, industrial uses and a car repairs garage, totaling approximately 2,069m² commercial floorspace.

3/12/2154/FP

This application proposes only 432m² commercial floorspace in the form of two new ground floor commercial units fronting South Street, therefore representing a significant reduction in employment use for Bishop's Stortford town centre. The previous permission to develop the site included 485m² retail floorspace, along with a 72 bed hotel. Whilst Officers consider the 53m² reduction in commercial floorspace to be negligible, the difference in terms of employment use between the approved hotel, and a private sheltered housing scheme is considered to be more significant.

- 7.3 The approved hotel would have continued to provide employment opportunities for the benefit of the town centre and wider District, and this weighed heavily in the balance of considerations in determining that previous application. Although some staff would be employed in the running of the sheltered housing scheme, the level of employment would be minimal.
- 7.4 Policy EDE2 states that development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted if the retention of the site for employment use has been explored fully without success, evidence of which must be provided. The applicant has submitted a Commercial Viability Report which confirms that marketing of the site has been carried out for a period approaching almost 10 years. Marketing was carried out by a commercial agent and included advertising boards on site, brochures sent to interested parties and market contacts, and direct mailing. The site was also advertised on at least five separate commercial property websites. No rental or sale price was attached to the particulars; this is apparently a tactic to ensure maximum interest, but no offers were received.
- 7.5 The Commercial Viability Report also confirms that the approved hotel scheme has not proved to be viable. Marketing has demonstrated that the only interested party was unable to make an offer due to the costs of construction and low room rates in this location. They also considered the level of car parking to be insufficient for a hotel in this location; hence the applicant has explored alternative uses for the site.
- 7.6 Officers are therefore satisfied that the retention of the site for employment purposes has been fully explored without success, and agree with the conclusion in the Viability Report that the reduction in employment use on the site would be negligible to the overall strength of Bishop's Stortford's retail and commercial economy.
- 7.7 Regard is also had to the need for sheltered housing in the District. The applicant has submitted a justification statement which states that

private sector supply is very low compared to the tenure structure of the District. There are apparently 188 owner-occupied sheltered housing units available within the District, compared to 1,221 social rented units. According to the Office of National Statistics, it is forecast that there will be an 84.7% increase in population in the 65+ age category between 2011 and 2035 in East Herts (compared to an average 10% increase in all other age groups), with the 75+ age category expected to double. Further, the 2004 Housing Needs Survey highlighted a demand for 1,627 private sheltered housing units between 2004 and 2007, averaging 542 per year. Only two schemes, totaling 80 units have been built since 2004. A list of existing private sheltered housing schemes is provided in the table below:

Housing name	Location	No. of Units
Elliot Court	Bishop's Stortford	35
St. Catherine's Court	Bishop's Stortford	41
Waggoners Court	Bishop's Stortford	40
Orchard Lea	Sawbridgeworth	22
Knights Court	Sawbridgeworth	10
Ermine Court	Ware	40

- 7.8 On the basis of these figures, Officers are satisfied that there is a growing need for private sheltered housing schemes in the District which is not currently being met.

Secondary Shopping Frontage

- 7.9 The site currently forms part of the Bishop's Stortford Secondary Shopping Frontage which extends on this side of the road from 39 to 81 South Street. Policy STC3 states that only certain use classes will be permitted within the Secondary Shopping Frontage provided that this would not result in an excessive concentration of non-shop uses. This application proposes 2 no. ground floor commercial units fronting South Street and the applicant suggests that they be used for a variety of A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes) or B1 (business) uses. Whilst policy STC3 includes A1, A2 and A3 uses within those permitted, it does not include B1. Given the nature of a B1 use, i.e. not being open to visiting members of the public, Officers do not consider this to be an acceptable use within a Secondary Shopping Frontage. It is therefore recommended that the use of these 2 ground floors units be restricted to A1, A2 and A3 uses.
- 7.10 Whilst A4 (drinking establishments) and A5 (hot food take-away) uses may be acceptable in this location, such uses have greater potential to

3/12/2154/FP

impact on residential amenity and should be the subject of more detailed assessment in the form of a planning application. The applicant has not suggested these uses for this reason.

- 7.11 It is noted that the previous approval restricted the use of the ground floor units to A1 retail only; however it is material to note that policy STC3 allows for a mix of uses within a Secondary Shopping Frontage and there is currently not considered to be an excessive concentration of non-shop uses in the area. Officers also note that two of the four A1 retail units at Archer Place opposite, approved in 2005 under reference 3/03/1446/FP, remain vacant. Further, the submitted Commercial Viability Report concludes that there is a lack of destination waypoint or anchor store to the south of the site and there are therefore insufficient pedestrian flows to support A1 retail on site. A flexible approach is therefore recommended by condition, allowing either A1, A2 or A3 uses.

Layout and Design

- 7.12 The building is designed to take advantage of both its South Street and River Stort frontages. The South Street elevation is to be set back from the existing highway and building line by approximately 3-5m. A new wider pedestrian footway is proposed, along with a service lay-by for the new commercial units. This represents a significant improvement over the current situation where the footway is noticeably narrow. The building is proposed to be a maximum of three storeys in height along the South Street frontage with fourth floor accommodation provided in the roofspace, with the exception of one small 1.5m wide section of four storey eaves which is unfortunate in design terms but will not appear prominent in the street.
- 7.13 Modest sized pitched and flat roof dormers are proposed which will sit comfortably in the roofscape. The roof will lower to two storeys in height to the north and south of the site, adjacent to existing two storey developments with an undercroft section over the vehicular access. The roof is proposed to be broken up in pitched and hipped roof sections, with front gable projecting features and a mix of slate and plain tile roofing materials. Feature brickwork, including string course and window heads and cills, and sections of weatherboarding are also proposed to provide interest in the building. The ground floor commercial units comprise glazed shopfronts which will provide for an active street frontage, along with modest sized fascias for future signage. Overall, the design of the South Street frontage is considered to enhance the appearance of the street.
- 7.14 The River Stort elevation will appear bulkier given its length of 44m and

3/12/2154/FP

maximum height of four storey eaves in part. The design appears similar to that of the South Street elevation, with modest sized dormers, and various gable features. The roof will be staggered in height with several hipped roofs, reaching a maximum height of 14.5m for a length of only 5.5m. The building will lower to two storeys in height adjacent to the northern boundary of the site in order to provide a transition for the existing two storey development to the north of the site. A number of balconies are proposed along the River Stort elevation, with particularly large corner balconies on the southeast corner of the building. Whilst these balconies are large, Officers do not consider them to appear unduly prominent or out of keeping with the character of the area. The balconies will also serve to provide additional amenity space for future residents.

- 7.15 There are a number of small sections of flat roof proposed within the courtyard section of the building, and the roof valleys; however Officers do not consider that these will appear prominent or harmful to the character and appearance of the surrounding area.
- 7.16 A number of concerns have been raised regarding the height of the proposed development, including a suggestion from the Town Council that the building be reduced to two storeys in height adjacent to the river. However, it is important to note that there are a number of other large developments in the area, including the four storey Archers Place development on the opposite side of South Street, the five storey blocks on the former John Dyde Training College site on the opposite side of the river, and the 4-6 storey Jackson Square development to the north of the site. Officers therefore do not consider the height or bulk of the building to be harmful in this case. Further, the roof has been designed to be staggered to reduce the bulky appearance of the building and provide interest in the town's roofscape.
- 7.17 It is also important to have regard to the previous consent for the hotel scheme (reference 3/09/2001/FP) which comprised a solid roof and steep gable pitches consistently measuring 14.5m in height for a length of 35m along the river frontage. Although the approved scheme did not extend as far along the river frontage, Officers consider the overall bulk and prominence of that approved scheme to be more significant.
- 7.18 A schedule for materials is shown on the submitted elevation drawings; however consultation with the Conservation Officer has highlighted that the quality of materials is not considered to be sufficient for this site given its location partly within the Conservation Area. Whilst no objection has been raised to the choice of bricks, the Conservation Officer has objected to the use of Marley Eternit Edgemere roof tiles;

natural slates and plain clay tiles are instead requested. The use of Marley Eternit Cedral cladding is also considered to be unacceptable; painted timber boarding should be used instead. The Conservation Officer has also requested the use of timber or aluminium framed windows (rather than uPVC), timber fascias and soffits, and aluminium rainwater goods. A condition to require samples of the external materials of construction is therefore recommended.

- 7.19 Policy ENV3 requires that new developments incorporate crime prevention measures through their design, layout and landscaping, and are designed to reduce the opportunity for crime. In this case the layout of the site allows for good natural surveillance of shared spaces, and provides a well laid out private parking area with external lighting. The Police Architectural Liaison Officer has recommended that a gate be provided beneath the undercroft in order to control vehicle movements. Officers are satisfied that this could be dealt with by condition. He also raises concerns over the lighting in the car park, but again this can be controlled by condition. The submitted Design and Access Statement sets out a range of security measures, including CCTV and a secure door entry system that have been incorporated into the detailed design of the development. Overall, Officers consider that the design and layout of the site has taken crime prevention into account, and it is not reasonable to require that the scheme seeks Secured by Design accreditation.
- 7.20 In terms of sustainability, an Energy and Sustainability Strategy Report has been submitted which determines the most appropriate energy strategy for this development. An energy analysis of the proposal has been undertaken with consideration given to renewable and low carbon sources. They propose a range of measures to meet energy efficiency requirements in addition to the minimum Building Regulations requirements. The applicant makes reference to the East of England Plan requirement to secure at least 10% of their energy from decentralised and renewable or low carbon sources, which was required by condition on the previous hotel consent. However, the East of England Plan has now been formally revoked and there is no current policy requirement for a percentage of the energy to be derived from renewable sources. Policy ENV1 does however require sustainable initiatives to be incorporated into the design, layout and construction of a development, and Officers are satisfied that this requirement has been met. No further conditions are therefore recommended in this respect.

Impact on Heritage Assets

- 7.21 The northern part of the site (including No. 71 South Street) lies within the Bishop's Stortford Conservation Area. Conservation Area Consent has recently been granted for the demolition of this building under planning reference 3/12/2155/LC, and previously under reference 3/08/1824/LC. Officers therefore raise no objection to this aspect of the scheme. Concerns have also been raised by a number of parties over the loss of No. 77 South Street, which is a pleasing Georgian building in decent condition. However, it is important to note that this building does not lie within the Conservation Area boundary, and permission has previously been granted for a redevelopment of this site including No. 77. Therefore whilst it is unfortunate that the scheme has not managed to incorporate the existing buildings at Nos. 71 and 77, Officers give significant weight to the previous consents, and do not consider it reasonable to refuse the application on these grounds. It is recommended that historic building recording be carried out on these buildings as suggested by the Archaeological Officer.
- 7.22 In terms of the impact of the proposal on the special character, appearance, and setting of this part of the Bishop's Stortford Conservation Area, the development will appear prominent in South Street as a result of its height and bulk. However, the building will be set back from the street providing a wider gap between that and the four storey building opposite. Officers consider that this is sufficient to prevent any undue tunnelling effect. Overall, subject to a revised palette of materials, the proposed South Street frontage is considered to enhance the character and appearance of the Conservation Area.
- 7.23 Principle views of the development will also arise from Station Road bridge where the buildings will be seen in the context of the existing two storey neighbouring buildings. From this perspective the proposed development, in particular the four storey elements, will appear prominent. However, it is important to note that there are existing tall buildings located on the opposite side of the river including the Health Club and cinema, and five storey buildings on the former John Dyde Training College site. Officers therefore do not consider the scale of the building to be harmful to the setting of the Conservation Area. Neither the Conservation Officer nor English Heritage has raised any objection to the proposal. It is therefore recommended that the proposal complies with policy BH6 and the National Planning Policy Framework in this respect.
- 7.24 The site also lies in an Area of Archaeological Significance. Initial investigations have been carried out and an Archaeological Desk Based

3/12/2154/FP

Assessment submitted which concludes that the proposed development will have a below ground archaeological impact. The County Historic Environment Unit agree and comment that given the location of the site, it is likely that significant archaeological remains may be discovered. A condition to require an archaeological brief and monitoring report is therefore considered reasonable and necessary in accordance with policies BH2 and BH3 and the NPPF.

- 7.25 There are no listed buildings or ancient monuments within the vicinity of the site to be affected by the proposed development.

Residential Amenity

- 7.26 Given the location of the site adjacent to commercial buildings, the proposal will result in no harm to any existing residential occupiers by way of loss of light or overlooking. Further, the development has been designed to provide for an adequate level of amenity (both internal and external) for future residents.
- 7.27 In terms of any noise disturbance to future residents, a Noise Report has been carried out and concludes that internal standards would be acceptable. No objection has been raised by Environmental Health.

Open Space and Landscaping

- 7.28 An area of amenity green space is proposed to the south of the building, along with an amenity buffer to the river. In total this amounts to approximately 600m² landscaped amenity space for use by the future residents. The Council's adopted Open Space, Sport and Recreation Supplementary Planning Document sets out a requirement of 336m² amenity green space for a residential development comprising 16 no. 2 bed and 37 no. 1 bed units. This proposal therefore exceeds this requirement and complies with policy LRC3. Further, given that the development has been designed to take advantage of its river setting, Officers consider that the landscaped buffer to the river will create a pleasing environment for future residents. The provision of a railing along the river boundary will also ensure their safety as requested by the Hertfordshire Constabulary Architectural Liaison Officer.
- 7.29 Full details of the proposed landscaping scheme will be required by way of condition in order to ensure that the planting species, locations and densities are appropriate to the context of the site. Landscaping will be particularly important along the river edge in order to soften the appearance of the building and provide a visual break to the proposed railings. It is also considered necessary, in accordance with policy ENV18, for the developer to carry out regrading and naturalising of the

3/12/2154/FP

river bank along the length of the development site. The Environment Agency initially objected to the application on the grounds that the proposal failed to restore the ecological value of the River Stort, but the developer has subsequently submitted section drawings to show regrading works. Full details of the necessary works will be required by way of condition.

- 7.30 Full details of the proposed boundary treatments will also be required by condition, and a condition to remove permitted development for walls, fences and other means of enclosures is also recommended in order to retain the openness of the site adjacent to the River Stort.
- 7.31 It is also recommended that a long-term landscape management plan, including maintenance schedules and management responsibilities, be submitted and approved in order to ensure that the ecological value of the proposal is maintained. This is considered particularly important along the river bank where concerns have been raised by both the Landscape Officer and Canal and River Trust.
- 7.32 Details of hard surfacing treatments will also be required to ensure that the development respects the character and appearance of the area, including appropriate paving to the South Street frontage.

Access and Parking

- 7.33 It is proposed to access the site from a single vehicular access off South Street, in a similar location to the existing northern access point to the South Street Commercial Centre. The existing southern access point between Nos. 73 and 75a South Street will be closed off by the new development.
- 7.34 County Highways raise no objection to this proposal and consider that the new scheme offers an improvement over the existing situation for both drivers and, importantly, pedestrians. The proposed access is of adequate dimension and provides appropriate visibility splays. The existing narrow footway is to be replaced by a wider facility, and service vehicles will be provided with a dedicated loading bay rather than having to stand within South Street. The loading bay will need to be secured with a Traffic Regulation Order in order to allow goods vehicle loading only. This is estimated to cost £5,000 and is recommended to be secured by a planning obligation.
- 7.35 The submitted Transport Statement forecasts that daily vehicle trips would amount to 76 movements per day (38 arriving and 38 departing). This analysis is based on existing sheltered housing sites. On the basis of these vehicular movement frequencies, Officers do not consider the

3/12/2154/FP

proposal to materially impact on the local highway network. The loss of the existing commercial uses will also result in fewer large vehicles using the vehicular access. Overall, therefore, the proposal is considered to result in improvements to the public highway. However, it is recommended that details of the works to the highway are controlled and secured by way of condition.

- 7.36 In terms of parking, 18 no. spaces are proposed to serve the 53 units, equating to 0.34 space per unit. The Council's adopted parking standards require a maximum parking provision of 0.5-1 space per unit for sheltered elderly housing, equating to a maximum provision of 26-53 spaces. The provision of 18 spaces therefore falls clearly below the maximum standard. However, the site is located in Zone 2 and within close proximity to the town centre and its associated services and public transport. There are existing bus stops within 100 metres of the site on South Street, and Bishop's Stortford railway station with additional bus services is located at a distance of only 250 metres. Overall Officers therefore consider the site to be well located in relation to the local public transport network, and a reduced parking provision to be acceptable.
- 7.37 Further, the applicant has submitted a Transport Assessment which makes comparisons with other completed Churchill Retirement properties. This concludes that the average parking provision across their sites is 0.32 spaces per unit, and the average for 8 other established Churchill sites based on 2012 surveys shows an average parking demand of 0.28 spaces per residential unit. This application proposes 0.34 spaces per unit therefore exceeding the Churchill average. It is also noted that electric buggy parking with charging points will be provided on site which may assist in reducing reliance on private cars.
- 7.38 There is no potential for overflow on-street parking in the surrounding area due to existing double yellow lines along South Street, and controlled parking zones in neighbouring streets. The Council's Parking Manager has confirmed that purchasers of new developments which have private off-street parking are not entitled to membership of any residents' parking scheme in which the development may be situated. The reduced parking provision will therefore not result in any harmful highway impacts. No parking is proposed in connection with the ground floor commercial units; however this is not uncommon for a town centre development.
- 7.39 Turning to S106 contributions, despite the location of the site, County Highways have recommended that the development should make provision for sustainable transport schemes in accordance with the

3/12/2154/FP

Planning Obligations Supplementary Planning Document (SPD). They comment that neither of the closest bus stops currently meet accessibility requirements in terms of easy access kerbing or shelters. Such improvements are considered to be a high priority at this location and the works are considered to be reasonable and necessary in connection with this proposal for sheltered accommodation. In terms of developer contributions, £17,000 would allow for kerbing enhancements at both bus stops, and £8,000 would allow for the provision of a bus shelter. Based on the scale of development proposed, County Highways have therefore requested a sum of £22,209 to be secured through a S106 Agreement.

- 7.40 A number of conditions are recommended in respect of access and parking, including wheel washing facilities, the provision and retention of parking spaces, details of the construction traffic routes, and details of works to the highway. These are all considered reasonable and necessary in accordance with Circular 11/95. It is noted that the Town Council have requested a condition to require all construction vehicles to be accommodated on site; however this is not considered to be reasonable. Separate legislation under the Highways Act would control any vehicles parked in the public highway.

Affordable Housing

- 7.41 The development triggers the requirement for up to 40% affordable housing to be provided on site, in accordance with policies HSG3 and HSG4. However, regard is also had to the Council's adopted Affordable Housing SPD which provides guidance related to sheltered housing schemes. The SPD states that "sheltered housing schemes require special consideration when considering the provision of affordable housing, as different factors may influence the suitability of sites to provide affordable housing."
- 7.42 The SPD acknowledges that it may not be feasible, in management terms, to provide affordable units within the same building. On larger sites this can be resolved through the provision of a separate building or wing to meet the affordable housing requirement. But on smaller or more restricted sites where this is not possible, the Council will consider off-site provision of a commuted sum in lieu of on-site provision. In this case it is acknowledged that the site is not particularly small or restrictive; however the submitted Affordable Housing Statement concludes that the site is not large enough to accommodate a sustainable sheltered housing scheme alongside a separate self contained block of affordable housing units. The Council's Housing Development Manager has therefore confirmed that a commuted sum towards off-site affordable housing would be an acceptable alternative

in this case.

- 7.43 In terms of calculating this commuted sum, the applicant has put forward three different options. Option A (£565,300) links the contribution the amount of public subsidy that has been needed in the past to deliver the units – ‘gap funding’. Option B (£476,014) links the contribution to the cost of the land that would be required for affordable housing, plus development costs and minus the capital that could be raised against the affordable housing. Option C (£555,000) assesses the contribution on the basis of the formula in the Council’s Strategic Viability Assessment evidence base document.
- 7.44 Following discussions between Officers and the Council’s Housing Team, it is considered that the most appropriate method of calculating the commuted sum is Option A. Although the public subsidy figures are based on the 2008 New Homes Commissioning Brief, and are now somewhat dated, this is considered to be an appropriate method for calculating a commuted sum and has previously been used by the Council on other sites. Therefore, based on a 40% provision including 37 no. 1 bed units and 15 no. 2 bed units at 75% social rented and 25% shared ownership, a figure of £565,300 has been calculated.
- 7.45 However, the Council’s Housing Development Manager has commented that this figure should be amended to exclude Fixed Equity units. This would result in the commuted sum increasing by £63,700 to a total of £629,000. This figure is substantially higher than the alternative options, and the developer has indicated that such an increase in financial contributions would render the scheme unviable. Officers have therefore noted this request from the Housing Team but acknowledge that the grant figures used in the calculation are generous as affordable housing funding was more prolific in 2008. On the basis that the New Homes Commissioning Brief has not been updated, Officers therefore consider a figure of £565,300 to be fair and reasonable in connection with this proposal. It is recommended that in order to enable the Council to make suitable arrangements for allocating these funds, and for suitable sites to come forward, a 10 year time restriction is considered to be reasonable and necessary.

Flood Risk and Drainage

- 7.46 The west half of the site adjacent to South Street lies within Floodzone 1 whilst the eastern part of the site adjacent to the River Stort lies within Floodzone 2. The Technical Guidance to the NPPF indicates that a residential use is an appropriate form of development within both Floodzones 1 and 2. However, a Sequential Test must be carried out for

this proposal because a Sequential Test has not been carried out for this development at Local Plan level. It is therefore important to consider whether there are any other reasonably available alternative sites for this development in an area of lower flood risk.

- 7.47 Officers have considered whether there are any other suitable sites within the Bishop's Stortford area for the proposed development, and whilst it is acknowledged that there are some large strategic sites available (including the Bishop's Stortford Goods Yard, the Causeway, and the Areas of Special Restraint), these are large sites that are not readily comparable for the proposed development. Further, the Causeway site is located in an area of higher flood risk, and the ASRs are considered to be located too far from the town centre and would experience delivery constraints. On this basis and given that only part of the site lies within Floodzone 2, Officers are satisfied that the proposal passes the Sequential Test and that the proposed development will comply with policy ENV19. The Environment Agency (EA) had originally objected to the proposal on these grounds but have since withdrawn their objection.
- 7.48 The EA had also objected on the grounds that the proposed development failed to restore the ecological value of the River Stort. The existing site has hard engineered banks which break up the important ecological continuity of the river corridor. Local Plan policy ENV18 requires that new developments preserve and enhance the water environment by improving the ecological value of watercourses and their margins, naturalisation of the river channel and promotion of nature conservation centred on water habitats. Discussions have since been held with the applicant, and amended plans have been received which include re-naturalisation of the river bank with enhanced marginal planting. The EA have therefore removed their objection in this respect. However, full details of these works will need to be controlled and secured by condition.
- 7.49 Finally the EA had objected on the grounds that the development did not include an 8m buffer zone to the River Stort. However, following further discussions and the submission of a plan demonstrating that the proposed buffer considerably improves on the existing situation, the EA have removed their objection on these grounds. They confirm that the proposed buffer improves on the existing situation and includes an extensive area of open space to the south of the site. The low level brick retaining wall has been replaced with railings which are an improvement on the initial scheme, and the buffer zone is to comprise of native planting. In conjunction with the restoration works to the watercourse, the EA confirm that they are prepared in this case to

3/12/2154/FP

accept the small areas of encroachment into the 8m buffer zone. All objections initially raised by the EA have therefore been addressed; however a number of conditions have now been recommended related to details of the regrading of the river bank, landscape management, contamination, surface water drainage and piling. These conditions are all considered to be reasonable and necessary in accordance with Circular 11/95.

- 7.50 In terms of surface water drainage, there will be a decrease of approximately 25% in impermeable surface area as a result of the proposed development. This will result in a significant improvement to the current level of flood risk. The submitted drainage report concludes that soakway drainage is unlikely to be viable; however attenuated discharge using other Sustainable Urban Drainage (SUDs) methods into the River Stort will be investigated as part of the detailed proposals. A condition is therefore recommended to require full details prior to the commencement of development in accordance with policy ENV21.
- 7.51 Finally in terms of foul water drainage, a Foul Sewerage Assessment has been submitted which indicates that the proposed development would marginally increase flows to the foul water sewer compared to the existing site, but that these flows would be significantly lower than the consented hotel scheme. The report concludes that a gravity connection to the foul sewer in South Street is viable for the redevelopment.

Protected Species

- 7.52 The site is not located within close proximity to any designated wildlife site, and the site itself is of limited ecological value given the presence of existing buildings and extensive hard surfacing. However, an Ecological Appraisal report has been submitted, and concludes that the site may provide a suitable habitat for bats and nesting birds. An initial bat survey has been carried out and concludes that 6 out of the 8 buildings have the potential to support roosting bats. The report therefore recommends that bat activity surveys be carried out to determine whether bats are using the buildings for roosting and/or whether the site is of particular value for foraging and/or commuting bats.
- 7.53 The Herts Biological Records Centre has objected to the application on the grounds that these bat surveys need to be carried out between April and September in order to determine whether any impact would arise to these European protected species. The Local Planning Authority would therefore not be able to grant planning permission until these surveys have been carried out and any impact on bats has been properly

3/12/2154/FP

determined. This is in accordance with The Conservation of Habitats and Species Regulations 2010.

- 7.54 Given that the surveys cannot be carried out until April, Officers would recommend that this application be considered by Members at this Committee and the decision delegated to Officers following the submission of the survey results. Officers recommend that should no evidence of bats or roosting sites be found then the decision can proceed to be issued by Officers (subject to the signing of the s.106 agreement). However, should any evidence of bats or roosting sites be found then the matter should be referred back to Members at a subsequent Committee meeting to properly consider any impact on protected species.
- 7.55 The development may also impact on nesting birds as a result of vegetation clearance and building demolition. The Ecological Appraisal recommends that any vegetation clearance or building demolition works be carried out outside of the bird nesting season (March to September inclusive), otherwise the site would need to be checked by a suitably qualified ecologist.
- 7.56 Overall Officers consider that the proposed development would serve to enhance the biodiversity value of the site. The provision of enhanced planting and landscaping, including native species, will provide value to local wildlife. It is also proposed to renaturalise the adjacent river bank in order to provide a more suitable water environment. Subject to addressing the issue of bats, Officers consider the proposal to comply with policies ENV16 and ENV18.

Planning Obligations

- 7.57 The proposed development triggers the requirement for a number of financial contributions and obligations; however it is important to consider whether such obligations are reasonable and necessary for an age restricted development. Herts County Council have therefore only requested financial contributions of £4,655 towards libraries, which is considered to be reasonable and necessary in accordance with the Community Infrastructure Levy Regulations 2010.
- 7.58 Further contributions have been requested from County Highways with £22,209 towards Sustainable Public Transport Programs, and £5,000 towards a Traffic Regulation Order (TRO) in relation to the proposed service lay-by. Although the site is located within close proximity to services, infrastructure and public transport routes, Highways have identified that bus stops within the vicinity of the site do not currently

3/12/2154/FP

meet accessibility requirements in terms of easy access kerbing or shelters. It is therefore considered reasonable that the proposed development makes provision for kerbing enhancements and a bus shelter. The additional £5,000 for a TRO to cover the new lay-by is also considered to be reasonable in this respect.

- 7.59 In terms of East Herts Council planning obligations, it is not considered reasonable to request contributions towards outdoor sports facilities or children and young people given the nature of the development proposed. Further, Officers consider that sufficient amenity green space and garden space is proposed on the application site and therefore no further contributions towards Outdoor Sport and Recreation are recommended.
- 7.60 Herts Fire and Rescue comment that the provision for fire hydrants does not appear to be adequate to comply with BS9999:2008. However the provision of fire hydrants is covered by this British Standard and Building Regulations. It is therefore not considered necessary to make the development acceptable in planning terms as required by the Community Infrastructure Levy Regulations 2010.

8.0 Conclusion:

- 8.1 In summary, the proposal will redevelop a vacant commercial site that is currently neglected and in poor condition. Although the proposal will result in the loss of a site previously used for employment purposes, marketing has demonstrated that there is no commercial interest in the site and that the previously approved hotel scheme has not proved to be viable. Further, the proposal includes two large ground floor commercial units which will enhance the Secondary Shopping Frontage in this location. No harm will therefore arise to the economic vitality of Bishop's Stortford town centre.
- 8.2 The scale, design and layout of the proposal is considered to be generally acceptable, subject to a revised palette of materials which can be controlled through condition. This will ensure that the proposal respects the character and appearance of the Bishop's Stortford Conservation Area. The layout also includes an appropriate level of amenity green space with a landscaped buffer adjacent to the River Stort.
- 8.3 Although no affordable housing is provided on site, the Council's Housing Team are satisfied with the offer of a commuted sum towards off-site affordable housing in this case. A sum of £565,300 has therefore been agreed with the applicant and will be controlled through

3/12/2154/FP

the recommended S106 Agreement.

- 8.4 The site is well located in relation to town centre services and public transport connections. It is therefore considered to be an appropriate site for sheltered housing for the elderly. The proposed parking ratio is low; however the site is in a sustainable location and the submitted Transport Statement provides evidence that the demand for parking on their existing sites is equally low. In terms of the public highway, the development will result in improvements through its improved access and visibility, wider pedestrian footway, and provision of a loading lay-by.
- 8.5 In terms of flood risk, although part of the site lies within a Floodzone 2, the submitted Flood Risk Assessment has demonstrated that the development will result in no harm to people or property. Initial objections raised by the Environment Agency have been overcome, subject to a number of conditions.
- 8.6 Finally, additional survey work is required in respect of bats, and cannot be carried out until April. Subject to these surveys being successful, Members are asked to give delegated authority to Officers to issue the decision. Should evidence of bats be found then it is recommended that the matter be referred to a subsequent Committee for full consideration.
- 8.7 The application is therefore recommended for approval subject to addressing this issue, the signing of a S106 Agreement for financial contributions, and the conditions set out above.