

5c 3/13/0527/FP – Demolition of the former stables, coach house and educational buildings. Change of use and conversion of Pearse House to create 12 no. apartments, erection of 10 no. dwellings, associated parking, garaging, alterations to access, refuse and recycling storage, and landscaping at Pearse House, Parsonage Lane, Bishop’s Stortford, CM23 5BQ for Marden Homes Ltd

Date of Receipt: 19.04.2013

Type: Full – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – ALL SAINTS

RECOMMENDATION:

That, subject to the applicant entering into a Section 106 agreement to secure the following financial contributions:

- A financial contribution of £50,773 towards primary education, £57,413 towards Secondary Education, £1,137 towards youth and £4,066 towards libraries;
- A financial contribution of £35,870 towards under 10’s play equipment and other improvements to landscaping at the Grange Paddocks site;
- £25,000 towards improvement to bus stops in the locality of the site;
- 15% of the dwellings shall be constructed to ‘Lifetime Homes’ standard.
- Fire Hydrants
- Monitoring Fee

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

1. Three year time limit (1T121)
2. Programme of archaeological work (2E02)
3. Approved plans (2E103) (Insert:- Location Plan, 12015-03, 12015-04 Rev A, 12015-05 Rev A, 12015-06, 12015-07 Rev G, 12015-10 Rev B, 12015-11 Rev B, 12015-12, 12015-13, 12015-14, 12015-15, 12015-16, 12015-17, 12015-18, 12015-19, 12015-20, 12015-21 Rev A)
4. Samples of materials (2E123)
5. Construction hours of operation (6N07)
6. The development hereby permitted shall be carried out in accordance with the recommendations as set out in the Bat Survey and Great

Crested Newt Assessment dated 18 October 2012.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

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

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

8. All existing trees, hedges and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees, hedges or hedgerows become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed

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and implemented. In the event that any tree, hedge or hedgerow dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

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

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

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

10. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 09. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

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

11. Retention of parking spaces (3V204)

Directives:

1. Other legislation (01OL1)

2. Planning Obligation (08PO)
3. Unsuspected contamination (33UC)
4. Street Naming and Numbering (19SN)

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and 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. The site is located on the northern edge of Bishop's Stortford along Parsonage Lane which is a predominantly residential area except for the educational establishments to the north and south of the site beyond the properties in Friars Road.
- 1.2 To the north east of the site and to the frontage of Parsonage Lane is an extensive landscaped area which is comprised of several large mature trees. Those trees and other trees within the site are protected by an Area Tree Preservation Order.
- 1.3 Further along the frontage and to the west is a red brick wall and gate which abut the road and lead to a red bricked building. The building also fronts Parsonage Lane and has a central gable with exposed timber within the eaves and upper gable and white fenestration. The gable is flanked by two subservient hipped projections which have small inset dormer windows and a dovecote within the roof. The building fronts directly onto the road and is shown on the application drawings to be a 'coach house', which is how it is described hereon in this report. Attached to the coach house and forming a 'U' shape into the south of the site is a further building described as 'Former Stables' on the application drawings. This building appears as a contemporary addition

but has similar form and proportions to the Coach House.

- 1.4 To the south of the Coach House and former Stables is the principal building on the site – Pearse House. The building is of significant proportions and has an attractive Arts and Crafts style with a multifaceted appearance and interesting windows and exposed timber. There is a modest spacing between the flank elevations of this building and the boundary (around five metres) where there is an attractive red bricked wall of around 2metres in height. Surrounding Pearse House and to the east within the site are a number of mature trees and other landscape features. There is a parking space to the east of Pearse House and within the U shape of the former stables and Coach House. There is also a further parking area to the east of the site and beyond the large collection of trees which front onto Parsonage Lane.
- 1.5 To the west of the site is a small residential development of detached dwellings which is known as Friars Wood. Dwellings within that development are set at varying distances away from the boundary. To the south of the site is an open space which is a designated recreational area.
- 1.6 The proposed development involves the demolition of the Coach House and former Stables and their replacement with a row of five terraced dwellings with associated amenity and parking area to the rear. The proposed development also incorporates the conversion of Pearse House into 12 residential units with parking / garages to the east of the building. On the land to the east of Pearse House and to the east of the existing Coach House, five detached residential dwellings are proposed. The proposed development therefore incorporates the provision of 22 residential dwellings in total.

2.0 Site History:

- 2.1 Planning permission was granted within LPA reference 3/89/0423/FP for lecture rooms with associated residential accommodation and garaging. Planning permission was granted for an extension to the main dwelling within LPA reference 3/91/1806/FP. A lawful development certificate was granted at the site within LPA reference 3/95/0795/CL as a residential training centre and function venue.
- 2.2 The most recent planning history relates to LPA reference 3/10/1831/FP, for the change of use of two existing detached blocks from hotel to residential units - 5no 2 bed cottages; 3no 2 bed flats and 4no 1 bed flats – no decision was made on that application, as it was withdrawn.

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2.3 A certificate of lawfulness has also been granted under LPA reference 3/13/0093/CL in relation to formation of a car park to the east of the existing buildings on the site.

3.0 Consultation Responses:

3.1 Environmental Health advises that any planning permission granted should include planning conditions relating to construction hours of operation and soil decontamination.

3.2 Thames Water advises that it is the responsibility of the developer to ensure proper provision for surface water drainage. The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Thames Water approval will be required for any discharge into the public sewer.

3.3 Natural England comment that the site is within an area which could benefit from enhanced green infrastructure which can perform a range of functions including improved flood risk management, provision of green space, climate change adaption and biodiversity enhancement.

Natural England comment that bats and great crested newts which are European Protected species may be impacted by the proposed development. In respect of bats and in reference to their standing advice, Natural England comment that further survey work is required to assess the impact on bats, through disturbance to individuals, or from damage or destruction of roost. With regards to the impact on great crested newts Natural England confirm that the Council should accept the findings of the applicant's ecology report and consider promoting biodiversity enhancements for great crested newts.

3.4 Herts Biological Records Centre (HBRC) recommends that planning conditions be attached with any grant of planning permission requiring the following:

- The applicants Great Crested Newt strategy be implemented;
- Conversion works to Pearse House do not take place until a license has been obtained from Natural England and that conversion works to the roof of Pearse House only take place from mid-September to October;
- The roof/loft space of Pearse House should be retained;
- Bat roosting spaces should be provided within the roof space of Pearse House;
- Bat boxes should be provided within the grounds;

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- The roof of Pearse House should be 'soft stripped' by hand in the presence of an ecologist;
- External lighting must not illuminate bat roost access points.

3.5 Herts and Middlex Wildlife Trust (HMWT) advises that the survey methods, conclusions and recommendations as set out in the ecology report are suitable. The development should not result in any significant ecological harm or infringement of wildlife legislation providing mitigation is complied with. As such, mitigation should form a condition of any approval.

HMWT note that many of the mature trees are to be retained and the provision of new planting will help increase opportunities for wildlife. Any new planting should include indigenous species only.

3.6 The Environment Agency (EA) recommend that a planning condition be attached with any grant of permission requiring that should the presence of contamination be found all work should cease until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority.

The site is within flood zone 1 and is under a hectare and the EA refer the Council to their standing advice. This recommends that surface water best management practices are incorporated

The EA advises also that the site is in an area of serious water stress and water efficient technologies should be incorporated into the development.

3.7 The Fire Safety Department advises that the following provisions for access and water supply would be expected:

- Appropriate access for fire fighting vehicles in accordance with relevant British Standard including relevant turning head;
- Appropriate water supplies in relation to relevant British Standard and the provision of fire hydrants.

3.8 The County Historic Environment Unit have commented that Pearse House is a large Arts and Crafts styled house built in 1878 on a site occupied by an earlier house known as 'The Villa'. The house remained in private ownership until after WW2 and it has since had various institutional uses. The heritage statement submitted with the application indicates that the building retains much of its original character and features and would be eligible for local listing. The site is on the south

side of Parsonage Lane which is on the line of Stane Street, the Roman road from Braughing to Colchester. Substantial evidence of occupation of Late Bronze Age, Iron Age and Roman date has been excavated prior to developments to the north-east of Woodside Industrial Estate and the football ground. In addition, a sherd of Anglo-Saxon pottery has been found close to the boundary of the site.

The County Archaeologist therefore considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological and historical significance and a planning condition requiring the implementation of a program of archaeological works in accordance with a written scheme of investigation is considered to be both necessary and reasonable.

- 3.9 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission subject to planning conditions.

The Highways Officer comments that the application 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 overall increase in traffic movements when compared to the existing use of the site. The Highways Officer confirms that there are no highway reasons that would justify an objection on highway safety or capacity.

The Highways Officer confirms that the site is within easy walking distance of the local bus stops but located on the edge of the town about 1.5miles from the town centre. The site is located on three local bus routes with good connections to the town centre and Stansted Airport. There are several bus stops within 400m of the site – bus stops in proximity to the site need improvements to the kerbing and shelter and financial contributions of £17,000 and £8,000 would assist in improving these features.

- 3.10 The Councils Engineers comment that the site is within a flood zone 1 and there is no records of historic flooding. The proposed development does incorporate areas of impermeability with an increased risk of flooding. Further, the proposal does not incorporate the best quality design drainage solution and the provision of above ground SUDs would compensate for the new impermeable areas.
- 3.11 Herts Constabulary comment that amendments have been made to the scheme and they now support the application on the provision that 'hostile' planting is provided around Pearse House.

- 3.12 The Conservation Officer recommends that planning permission be granted. The Officer considers that, in assessing the proposal against English Heritage guidance, that the significance of building can be summarised as a large Arts and Crafts style building constructed in 1878. The building has had various uses since WW2 but the building retains much of its original character and features. The building provides a link between past and present and retains its historic appearance as building of its era of construction. The building therefore positively contributes to the local character of the town. The style of the building is distinctive and the detailing and craftsmanship are such that the building has local interest and may be considered as a non-designated heritage asset.

Through the proposed conversion of the main building it is inevitable that some features will be lost, re-used or boxed in. The plan form of Pearse House building is largely unchanged and the original staircase(s) which make a significant contribution remain in situ. The retention of that plan form as part of this proposal has resulted in some loss of original doors, radiators, fireplaces and a glazed screen. The external alterations to the building will have little impact on the architectural style of the building.

The most contentious element of the proposal is the demolition of the stable block and coach house located to the east of the principal building. However, having regard to the historic plans relating to the site, the Conservation Officer considers that the stable block/coach house building has seen various contemporary additions and alterations and the value of the buildings has been reduced to their external architectural detail and relationship with the principal building and the frontage onto Parsonage Lane.

The Conservation Officer comments that the value of those buildings proposed to be demolished has been acknowledged through the proposed replacement building. That new building (plots 13-17) is of reduced footprint and allows the fuller extent of Pearse House to be appreciated; replicates some of the architectural detailing of the existing building to be demolished and provides a new footpath onto Parsonage Lane. The Conservation Officer accordingly raises no objection to the demolition of those existing buildings on the site.

The proposed development incorporates the provision of additional dwellings on the site which are considered by the Officer to be of an appropriate design to the context of the Arts and Craft style of Pearse House.

- 3.13 The Landscape Officer recommends that planning permission be refused. In respect of the impact on existing trees, the Officer acknowledges that a number of trees are proposed to be removed – however, most of the structure planting along Parsonage Lane is to be retained and there is a reasonable amount of new indicative planting proposed as part of the proposal.

The Landscape Officer comments that the proposed landscape layout is reasonable but some concerns are raised with certain aspects of the development:- The footprint of plot 21 is shown to be tight against a 1.9 metre high wall which does not provide sufficient space for effective soft landscaped boundary treatment. The Landscape Officer also comments that the ‘former stables and coach house’ is a prominent and unusual built structure in the landscape and is an important local landmark in the street scene which contributes to the landscape character and distinctiveness of the area. This building is to be replaced by a new building with the provision of a public footway to the front – such a building fails, in the Officers view, to respect the existing local distinctiveness of the area.

- 3.14 The County Council’s Development Services team comment that as the application is for 22 residential dwellings it falls above the current threshold where financial contributions are sought to minimise the impact on Hertfordshire County Council Services for the local community. The following contributions are sought:

- £50,773 towards primary education;
- £57,413 towards Secondary Education;
- £1,137 towards youth and;
- £4,066 towards libraries.

4.0 Town Council Representations:

- 4.1 Bishop’s Stortford Town Council objects to the planning application. The proposed development will result in the demolition of the former stables and the coach house which are of historical importance to the town. The Town Council also query the alteration to a hedgerow to provide a new opening.

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 A letter of representation has been received on behalf of the Friars Wood Residents Association. The Association welcome the principal of the application which will see the reuse of an historic building which is to be welcomed. The resident's association further support the provision of a new pavement along Parsonage Lane which, the Association infers, will improve access to the school during the busy school periods. However, the association comment that the building should be set further back from the road to allow for a greater level of visibility upon exiting Friars Wood. Furthermore, concern is levelled at the provision of any additional windows which will front onto existing dwellings in terms of the potential for overlooking and loss of privacy.
- 5.3 A letter of representation has been received from no.17 Friars Wood which largely replicates the comments from the Residents Association. In addition, the representation from no.17 raises concern with regards to the impact of the garage building in terms of its height and relationship with number 17 Friars Wood and the loss of light to the utility, kitchen, garden and side passage. The letter of representation also refers to a private covenant relating to a wall and requests that the wall to the boundary be rebuilt. The letter of representation raises concerns with regards to overlooking and loss of privacy to bedrooms serving no 17; drainage issues associated with a culvert; and a decline in bats visiting Pearse House in recent months.
- 5.4 Councillor Colin Woodward has commented that the proposal involves the loss of a section of hedgerow and that the provision of a new access to Birchwood School is not required.

6.0 Policy:

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

SD2	The principal of development
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species

LRC1 Sport and Recreation Facilities

6.2 The National Planning Policy Framework is also a material consideration in the determination of the application

7.0 Considerations:

7.1 The main planning considerations to this application relate to the following matters:

- The principle of the proposed development;
- The loss of an employment generator;
- Development on land designated for sport and recreation;
- Affordable housing provision;
- The impact on the character and appearance of the existing buildings and surroundings;
- The impact on landscape features;
- The impact on protected species;
- Highway matters and parking;
- Archaeology;
- Neighbour amenity.

The principle of development

7.2 The site is located within the built up area of Bishop's Stortford wherein policy SD2 sets out that development should be concentrated. The principle of the proposed development is therefore acceptable.

7.3 The proposed development incorporates the provision of 22 additional dwellings in a sustainable location. The core planning principle as set out in the NPPF is to proactively support and drive development to deliver the homes the Country needs. Significant weight must therefore be attached to the positive way in which the proposed development will accord with this core planning principle in boosting the supply of housing in a sustainable location.

Loss of employment generator

7.4 Policy EDE2 of the Local Plan requires a consideration of whether the proposed development would result in the loss of employment on the site. It requires evidence to be submitted to show the existing lawful use of the site for employment has been fully explored without success. As noted above, LPA reference 3/10/1831/FP was withdrawn during consideration of the application following Officers concerns that the

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requirements of this policy had not been fully addressed.

- 7.5 The applicant has sought to address this concern through the submission of additional information and marketing.
- 7.6 The applicant sets out that the hotel use of the site ceased at or around March 2011 when it was most commonly used as a conference and training venue. The site has been marketed as such by property consultants since that date. Sale boards were erected and marketing particulars were distributed together with online sale details.
- 7.7 The applicant confirms that interest in the site was relatively strong but focused primarily on residential schemes or for a care home. Interest in the building as a hotel use or office/training conference centre was negligible. Two unconditional offers were received from two locally based residential developers.
- 7.8 From the information submitted Officers understand that interest in the continued use of the building in its current use has been very low. Some interest has been shown in the use of the building as a care home which would be capable of providing some employment in accordance with policy EDE2. However, such a use was not progressed with and Officers are satisfied that an appropriate level of marketing has been undertaken over an extended period of time to show that there is no interest in the employment use of the building. The proposed development therefore accords with policy EDE2a) of the Local Plan.

Sport and recreation use of land

- 7.9 The plans submitted with the application show the development of the existing car park area to the east of the site to form residential dwellings. This area of land is designated as land for sport and recreation and its development is contrary to policy LRC1 of the Local Plan. However, the use of the land for sport and recreation has not taken place for a number of years and, as noted in paragraph 2.3 above, a certificate of lawfulness confirms this to be the case. As such, there is no conflict with the aforementioned policy.

Affordable housing provision and other financial contributions

- 7.10 In considering this application the Council should have regard to the NPPF which sets out that sustainable development is the golden thread running throughout the planning process and that the core planning principle should be to proactively drive and support sustainable economic development to deliver the homes that the country needs. In

pursuing sustainable development, the NPPF sets out that careful attention should be made to viability. The NPPF sets out that, to ensure viability, the costs of any requirements likely to be applied to development including affordable housing should, when taking account of the normal cost of development, provide competitive returns to a willing developer to enable the development to be deliverable.

- 7.11 Policy HSG3 of the Local Plan states that affordable housing provision will be expected on development within Bishop's Stortford which propose 15 or more dwellings. 22 dwellings are proposed here, which would fall within the threshold where affordable housing should be provided. The proposed development does not incorporate any affordable dwellings and is therefore a departure to the Local Plan policy. Affordable housing is a priority to the Council and careful regard should be made to any material considerations the applicant puts forward to justify the lack of affordable housing in this case.
- 7.12 To demonstrate this and, in accordance with the Council's Affordable Housing SPD, a viability assessment has been submitted by the applicant. The aforementioned SPD requires that any financial appraisal be considered independently. An independent review of the applicant's viability appraisal has been undertaken by the DVS, which is the commercial arm of the Valuation Office Agency.
- 7.13 DVS have commented that their appraisal of the viability report shows that the development will have a deficit of £99,240 against the agreed benchmark figure and that it is not viable to provide full financial contributions.
- 7.14 With regards to other contributions, as the application is for 22 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. HCC have confirmed that they will require contributions towards primary and secondary education, childcare, youth and library facilities. Those figures are set out at the head of this report. The contributions sought are based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.15 With regards to Highways contributions, the Planning Obligations SPD and policy TR8 require that, where new developments generate a need for new parking provision that a contributions of £500 (index linked) per

vehicular parking space be made. The existing site which accommodates a hotel use has a significant level of parking spaces associated with its use which exceeds the level of parking proposed in this application. As such, the proposed development does not generate a need for new parking spaces and Officers do not recommend such a financial contribution, in this respect.

- 7.16 The Highways Officer identifies that there are bus stops in close proximity to the site and such bus routes give good access to the town centre, surrounding areas and Stansted airport. The bus stops closest to the site do not meet accessibility requirements in terms of easy access kerbing and there is limited shelter provision. The bus stops are therefore a high priority for improvements and contributions of £25,000 would provide sufficient funds for improvements of those bus stops. The proposed contributions will improve the sustainable transport facilities in the immediate locality which is encouraged in the NPPF. The proposed improvements to the bus stops are proportionate to the development and fairly and reasonably related in scale and kind to the development and are therefore considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.17 The East Herts Council SPD also requires contributions towards open space provision. The Council's PPG17 audit identifies that there are deficiencies in amenity green space, outdoors sports facilities, parks and public gardens and children and young people.
- 7.18 The Planning Obligations SPD identifies that, for a development of this scale, that the following contributions are required:
- Parks and Public Gardens - £17,768
 - Outdoor Sports Facilities - £55,978
 - Amenity Green Space - £9,646
 - Children and Young People - £6,319
- 7.19 The Environment Manager (Open Space) has been consulted on these contributions and has advised that the Council have been waiting for the opportunity for external funding to introduce a new play area to Grange Paddocks which currently has no play provision. The Council have earmarked a potential location on the site near to the leisure centre and the new footpath link into the town centre. The need at this location is for an under 10 facility. There is provision for older children at the Councils existing play area in Parsonage Lane and also at the Town Council play space in Sworders Field nearby. The proposed location for the play facility is around 1500m from the Pearse House site. The

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Council has increased commitment within its corporate priorities relating to the Aging Well Agenda and various health initiatives to provide facilities to encourage healthy activity. The Environment Manager considers that the proposed monies can be used for the installation of a facility that combines play and fitness equipment and that enhances the landscape and encourages visitors to enjoy the outdoor environment in the park.

- 7.20 Having regards to the comments from the Environment Manager and, taking into account the requirements of the Planning Obligations SPD and deficiencies in open space, Officers consider that a financial contribution towards open space is considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.21 However, and as noted above, there are viability issues with regards to the development proposal and the Councils viability assessors have identified that it is not viable to provide affordable housing nor to provide full financial contributions.
- 7.22 Officers acknowledge that affordable housing is a priority for the Council and that the provision of nil affordable housing does not weigh in favour of the development. Affordable housing and financial contributions have been considered and assessed cumulatively by the applicant and the Councils viability assessors. Officers have sought to agree a balance between achieving a good housing mix against securing financial contributions to improvements to infrastructure to make the development acceptable in planning terms.
- 7.23 DVS advise that the development, with the provision of no affordable housing is only able to provide financial contributions to the sum of £174,259.
- 7.24 The County Council contributions cumulatively amount to £138,389. Given that such contributions are towards education and highways, Officers consider that full County contributions should be required.
- 7.25 As such, this leaves a figure of £35,870 towards other contributions. Officers have identified above that there is a need for open space contributions, particularly for a children's play equipment and other landscape works. Whilst £35,870 is some way below that required in the Planning Obligations SPD there is viability evidence to justify a reduced level of contributions and Officers consider that the £35,870 should be allocated towards open space provision.

Character and appearance

- 7.26 The proposed development incorporates the demolition of the buildings which front the road and the conversion of the existing building into residential flats. The buildings are not listed and the site is not located within the Conservation Area. Nevertheless, during pre-application discussions Officers advised the applicant that Pearse House is considered to represent a non-designated heritage asset of local historical significance and its retention should be encouraged. As such, the conversion of this building, as recognised by the Conservation Officer and Friars Wood Residents Association is a positive aspect of the proposed development. Pearse House is a well articulated and fragmented building and the elevational treatment and roofscape which can be viewed along Parsonage Lane is of much interest and is of historical significance.
- 7.27 Alterations externally to Pearse House itself are fairly modest including the insertion of windows. More significant internal alterations are proposed to subdivide the building into apartments. The internal significance of the building has been impacted by the previous alterations and use of the building as a hotel. There are some small elements of interest within the building including the main hallway and various architraves and fireplaces which hold the main value. In any event, the proposed internal alterations are generally considered to be acceptable and will result in limited impact on the historical interest of the building.
- 7.28 Whilst Officers recognise that the principal building is of significance and may be considered as a non-designated heritage asset, Officers do not consider that the same level of weight should be attached to the other buildings within the site. Officers recognise the comments from the Town Council and Landscape Officer in this respect and the concern with the loss of the stable building / coach house structure which fronts directly onto Parsonage Lane.
- 7.29 In considering these buildings the Council must have regard to the NPPF which advises that the effect of an application of the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.30 Officers acknowledge that the building which fronts onto Parsonage Lane does provide an interesting frontage onto the road and provides a

historical connection with the principal building which is set further into the site. The building therefore has value to the street scene and the wider setting. However, whilst the building has value, this must be assessed having regard to the scale of harm. The Conservation Officer raises no objection to the demolition of the building having regard to the value of the significance; the building which is replaced by it (of similar design and reduced footprint) and the provision of a new pedestrian link to the road. The proposed development will, in addition, provide much improved visibility from vehicles exiting Friars Wood (who's visibility is currently impeded by the existing building). Whilst Officers therefore acknowledge the value of the existing buildings fronting onto Parsonage Lane, having regard to the value of the building, the proportions and scale of the proposed building and the improvements to highway safety and a pedestrian footway and, taking into account the comments from the Conservation Officer and County Archaeologist, Officers consider that the demolition of these buildings is justified, in this case having regard to the requirements of the NPPF.

- 7.31 The proportion of the replacement building is identified above to be of reduced footprint in comparison to the buildings it replaces. The design draws upon the form and design of the existing building and is of attractive proportions which provide activity and interest to the road frontage. To the rear an appropriate level of amenity space is provided and the building sits well within the plot and in relation to Pearse House.
- 7.32 Turning to the proposed dwellings to the east of Pearse House, the Conservation Officer considers that these dwellings are of appropriate design which respects the Arts and Craft style of the principal building. The dwellings are generally of multifaceted appearance, but of more subordinate proportions and design to Pearse House. Officers are of the opinion that the overall design, scale and form of these detached dwellings are appropriate and will ensure a degree of unity with the principal building. The detached dwellings are also well spaced within their plots with an appropriate level of amenity commensurate with their size.

Highways and parking

- 7.33 The development incorporates the provision of 43 parking spaces which equates to just under two spaces per unit. The proposed plans indicate the provision of a greater number of parking spaces for the detached dwellings which is commensurate to their larger size. Officers are nevertheless of the opinion that the level of parking is appropriate for this sustainable location with good access to public transport and the town centre amenities.

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- 7.34 With regards to access arrangements, having regard to the existing lawful use of the site, Officers consider that the provision of a residential development will not lead to a significant increase in traffic movements which would be harmful to highway safety or capacity.
- 7.35 Officers note the comments from the Residents Association that the new building serving plots 13-17 should be set back further from Parsonage Lane to allow for better visibility from Friars Wood. However, the Highways Officer makes no such recommendation and Officers consider that the proposal will result in an improvement in visibility from that road junction, in comparison to the existing arrangement, which weighs in favour of the development proposal.

Neighbour amenity

- 7.36 The siting and nature of the proposed development is such that the main considerations relate to the impact on Friars Wood. Dwellings within Friars Wood form an 'L' shape around the west and southern boundary. Numbers 1-15 generally front onto the western and southern elevation of the principle building, Pearse House, which is proposed to be converted. Those dwellings within Friars Wood (1-15) are set back at differing distances to Pearse House by between 26metres as a minimum to around 30-35metres as a maximum. Whilst Officers acknowledge that additional windows are proposed to the building, having regard to that distance and, given the existing use of the building there will be no significant impact on the amenity of numbers 1-15 in terms of overlooking or loss of privacy that would warrant the refusal of planning permission.
- 7.37 Number 17 Friars Wood has a closer relationship with the development and Officers acknowledge that the proposed garage building will be visible from that property. Officers further acknowledge that the garage building is at an elevated position to the rear garden and elevation of number 17. However, given that the garage is located around 1.8 metres to the north of number 17, at a height of 4.5 metres with a hipped roof which slopes away from the boundary with this neighbour and, given the siting of an existing boundary wall, I do not consider that the garage building would result in a significant impact on the amenity of number 17 in terms of loss of light, over shadowing or overbearing impact.
- 7.38 The letter of representation from number 17 Friars Wood also raises concern with regards to overlooking between higher level windows proposed on the south west elevation. Two windows are proposed within the gables and a new rooflight. Given the existing openings that

are located on the south west elevation and, given the distance of the window serving bedroom 1 of apartment 12 and the distance to the frontage of number 17, which is around 19 metres and the angle between the window serving bedroom 2 and the frontage of number 17, Officers do not consider that there will be a significantly detrimental impact in terms of overlooking or loss of privacy to this neighbour or any other neighbour.

Landscape

- 7.39 As noted above the site is the subject of an area Tree Preservation Order. To support the application an arboricultural report has been submitted with the application and assesses the condition/impact of the proposed development on those protected trees.
- 7.40 Officers consider that the most important trees in landscape terms are those that front Parsonage Lane. Those trees are significant in their size and proportions and provide valued amenity from the street scene and provide a soft screen to the site. Internally, those trees add to the setting of the building.
- 7.41 Within the site is a belt of trees which run northeast to southwest and form a boundary with the existing parking space and adjoining school playing field. Those trees appear to be mainly self set and mutually suppressed from close spacing and, in some cases have defects. Those trees are proposed to be removed to allow for the provision of parking and buildings and no objections to the removal of these trees are made by the Landscape Officer.

Drainage

- 7.42 The comments from the Councils' Engineers are acknowledged. The proposed development incorporates a subterranean storage tank to accommodate storm flows and a modest area of permeable paving. Officers acknowledge that the provision of subterranean storage tanks are not desirable and the least sustainable form of surface water drainage given that it is not always apparent if they are working properly. The site is nevertheless not within an area of flood risk and no objections to the development have been received from the Environment Agency. The potential for other above ground SUDs including swales and balancing ponds would likely be limited owing to the protected trees within the site and the amenity space/parking and garages which form an important part of the application. In such circumstances, Officers consider that the proposed drainage solution is acceptable, in this case.

Protected species

- 7.43 With regards to the impact on protected species, the applicant has provided an ecological report which includes information on ecological surveys. That information sets out that the building is used by a small number of bats and is most likely a transitional roost rather than a maternity roost. The bat report sets out that the proposed development will not result in an adverse impact on protected species if mitigation measures are incorporated.
- 7.44 Natural England recommend that further work be undertaken in respect of the impact on bats – HBRC do not make any such comment but advise that, from the recent surveys, we know that bats are present and various recommendations are made. HBRC and HMWT consider that there is sufficient information for the Council to determine this application and advise that the recommendations and bat mitigation measures are implemented via planning condition.
- 7.45 HBRC advise that a license will be required by Natural England for the removal of a bat roost and the Local Planning Authority is also required to apply the three derogation tests in accordance with the Habitat Regulations April 2010. These tests are set out below.
- 7.46 Firstly, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is the reuse of a building of historic interest and the provision of housing which will assist the Council in meeting its five year housing targets. Officers therefore consider that the proposed development is of sufficient merit to meet this first test.
- 7.47 Secondly, there must be no satisfactory alternative. The proposed development would provide a viable use for a building of historic and architectural importance that both the Council and Town Council wish to see retained. Furthermore, any re-use of this building is likely to have some impact on protected species. Without a viable use it is likely that the existing building may fall into disrepair and could then be totally lost.
- 7.48 Thirdly, the favourable conservation status of the species must be maintained. As set out above, the applicant has provided information with regard to measures which could be required to be implemented through a planning condition to mitigate against the impact on the protected species. On that basis it is considered that the conservation status of the species would not be adversely affected by this development.

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7.49 Officers recommend that a planning condition be attached with any grant of planning permission requiring that the recommendations in the bat survey be implemented.

7.50 With regards to the impact on Great Crested Newts, there are ponds within 190m which the ecological survey submits as average suitability for newts. The ecology report does not however recommend that any further survey work or that there will be any harm on newts.

8.0 Conclusion:

8.1 The application site is located within the built up area of Bishop's Stortford where, in principle, there is no objection to development. The proposed development will bring forward a viable reuse of an important building and sufficient information has been provided to show that there are no other viable uses.

8.2 Financial information which has been independently assessed has been submitted to show that the provision of affordable housing would not lead to a viable scheme. Viability is an important planning consideration, as set out in the NPPF and Officers therefore consider that the provision of nil affordable housing is acceptable in this case. Linked to viability are other financial contributions. Officers consider that contributions relating to education, transport and open space are reasonable in this respect and will result in a viable scheme.

8.3 The proposed development does involve the demolition of a building to the front of the site – demolition of this building is considered to be acceptable having regard to the wider benefits of enabling improved visibility and access to a neighbouring residential area and the positive new building which replaces it which is considered to be of appropriate design and scale.

8.4 The conversion of the building will see the reuse of an important heritage asset and together with other detached dwellings will ensure that the redevelopment of the site is appropriate to the context of the site and surroundings.

8.5 There will be no significant impact on highway safety, landscape features or protected species and neighbour amenity.

8.6 Given the presumption in favour of sustainable development in the NPPF, Officers recommend that planning permission be granted, subject to the signing of a Section 106 agreement and planning conditions.