

5e a) 3/13/1936/FP – Change of use of 15/17 North Street from A1 (retail) to A3 (restaurant) and single storey rear extension to No.17. The demolition of the existing buildings to the rear of 15-17 North Street and their replacement with a residential development comprising 12no. 2 bed apartments and associated parking to the rear of 15-17 North Street; at 15-17 North Street, Bishop's Stortford, CM23 2LD for Marshgate Bishop's Stortford LLP;

b) 3/13/1937/LB – Change of use of 15/17 North Street from A1 (retail) to A3 (restaurant), single storey rear extension to No17 and demolition of the existing buildings to the rear of 15-17 North Street; at 15-17 North Street, Bishop's Stortford, CM23 2LD for Marshgate Bishop's Stortford LLP;

c) 3/13/1939/LB – Internal alterations to install kitchen fittings and mechanical and electrical equipment, ducting and servery/counters for use as restaurant at 15 North Street, Bishop's Stortford, CM23 2LD for Marshgate Bishop's Stortford LLP;

d) 3/13/1938/LB – internal alterations to install kitchen fittings and mechanical and electrical equipment, ducting and servery/counters for use as restaurant 17 North Street, Bishop's Stortford, CM23 2LD for Marshgate Bishop's Stortford LLP;

e) 3/13/1987/AD – 3no retractable awnings, new illuminated fascia and hanging signs at 15 North Street, Bishop's Stortford for Cote Restaurants Ltd;

f) 3/13/1986/LB – new plant and kitchen installation, new plumbing for kitchen, toilets and bar. 3no retractable awnings, illuminated fascia and hanging sign at 17 North Street, Bishop's Stortford, CM23 2LD for Cote Restaurants Ltd

Date of Receipt: a) 07.11.2013

Type: Full – Major, Listed Building Consent, Advertisement consent

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD MEADS

RECOMMENDATION:

a) That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- A financial contribution of £6,000 towards sustainable transport schemes and traffic calming/safety enhancement measures within the vicinity of the site;
- A financial contribution of £9,792 towards Primary Education, £5,328 towards Secondary Education, £2,340 towards Nursery Education; £156 towards youth, £684 towards childcare and £1,548 towards libraries;
- A financial contributions of £4,333 towards investment to improve access in and across the site, signage and facilities at Waytemore Castle and, in the event that monies cannot be allocated to that project, that the monies be allocated to improvements to the public realm in Sworders Field and Grange Paddocks;
- A financial contribution of £1,243 towards children's play equipment in Sworder's Field and/or Grange Paddocks;
- 15% of the dwellings shall be constructed to 'Lifetime Homes' standard;
- Fire Hydrants;
- Monitoring Fee of £300 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission (ref. 3/13/1936/FP) subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (PL.01, PL.02, PL.10, PL.11, PL.12, PL.20 B, PL.21 B, PL.22 A, PL.30 G, PL.31 F, PL.32 G, PL.33 F, PL.41 D, PL.42 A, PL.43 B)
3. Programme of archaeological work (2E02)
4. Samples of materials (2E12)
5. Prior to commencement of development a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

- 6. Construction hours of working (6N07)
- 7. Prior to the first use of units 15-17 North Street, details of the timings of deliveries to the units shall be submitted to and approved in writing by the Local Planning Authority. The use of the units shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

- 8. Prior to the commencement of the A3 uses hereby approved, a scheme for the ventilation of the premises including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of nearby residential properties, the setting of the listed building and Conservation Area and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and sections 7 and 12 of the National Planning Policy Framework.

- 9. Hard surfacing (3V21)

Directives:

- 1. Other Legislation (01OL1).
- 2. Highway Works (05FC).
- 3. A license, issued by Hertfordshire County Highways is required for any part of the building that over sails the public highway. The

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

applicant is advised to contact the Highways Authority to obtain the necessary requirements and procedures for such a license.

4. Planning Obligation (08PO).
5. Street Naming and Numbering (19SN).
6. Unsuspected Contamination (33UC).
7. Groundwater Protection Zone (28GP1)

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 the Council's housing land supply is that permission should be granted.

b) That listed building consent (ref. 3/13/1937/LB) be **GRANTED** subject to the following conditions:

1. Listed building three year time limit (1T14)
2. Listed building (new windows)(8L03)(include:- works to lantern window)
3. Listed building (new doors)(8L04)
4. Listed building (new rainwater goods)(8L09)
5. Listed building (making goods)(8L10)
6. Repairs schedule (8L11)

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 National

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

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 is that listed building consent should be granted.

- c) That listed building consent (ref. 3/13/1939/LB) be **GRANTED** subject to the following conditions:
1. Listed building three year time limit (1T14)
 2. Listed building (making goods)(8L10)
 3. Repairs schedule (8L11)

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 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 is that listed building consent should be granted.

- d) That listed building consent (ref. 3/13/1938/LB) be **GRANTED** subject to the following conditions:
1. Listed building three year time limit (1T14)
 2. Listed building (making goods)(8L10)
 3. Repairs schedule (8L11)

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 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 is that listed building consent should be granted.

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- e) That advertisement consent (ref. 3/13/1987/AD) be **REFUSED** for the following reason:
1. The means of illumination of the proposed signage would be detrimental to the visual amenities and character of the Bishop's Stortford Conservation Area contrary to policy BH15 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
- f) That listed building consent (ref. 3/13/1986/LB) be **GRANTED** subject to the following conditions:
1. Listed building three year time limit (1T14)
 2. Listed building (making goods)(8L10)
 3. Repairs schedule(8L11)

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 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 is that listed building consent should be granted.

_____ (193613FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS Map. The site is located in North Street but backs onto Basbow Lane which is to the west of North Street. The North Street part of the building comprises of two grade II Listed Buildings, 15-17 North Street. To the rear of those buildings are modern extensions which infill the space to the rear of the listed buildings and Basbow Lane.
- 1.2 The buildings within the site formerly formed the Pearsons Department store which had a principle frontage onto North Street. The applicant advises the Council that the store ceased trading in October 2012 due to difficult trading conditions and falling sales.

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- 1.3 Basbow Lane is around five metres higher than North Street and the existing buildings accommodate that fall in land levels through various stair cases and a lift. The Basbow Lane frontage of the site forms principally a service access and parking area.
- 1.4 The buildings themselves comprise of the two listed buildings, 15-17 North Street which front onto a primary shopping area. To the rear of those buildings there is an organic growth of buildings which infill the site. Those buildings are not, for the most part, visible from any public vantage point and comprise a collection of different styles and materials of construction.
- 1.5 The proposed development can be considered in two parts – works to convert and refurbish the listed buildings (15-17 North Street) into restaurants and secondly, the demolition of contemporary extensions to the immediate rear of the historic (and original parts of the listed buildings) to form outside space to the two restaurants and, beyond that, the provision of a new building to provide 12 residential apartments.

2.0 Site History:

- 2.1 Various planning and listed building applications have previously been submitted on the site for various alterations and extensions to the building. However, none are relevant to the planning considerations of these applications.

3.0 Consultation Responses:

- 3.1 Affinity Water comment that the site is located within the groundwater protection zone of Causeway Pumping Station and that construction works should be carried out in accordance with the relevant British Standards and Best Management Practices to reduce the groundwater contamination pollution risk.
- 3.2 The Environmental Health Officer advises that any permission granted by the Local Planning Authority should include conditions relating to, construction hours of working; air quality report; air extraction and filtration; soil decontamination and piling.
- 3.3 English Heritage raises no objection to the proposed development and works to the listed building. English Heritage raise no in principle objection to the conversion of the former shop into a restaurant as the works required to achieve conversion could be undertaken without

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

harming the significance of the building and the proposed repair and restoration of historic fabric would safeguard the future of the listed building.

English Heritage also comment that the buildings proposed to be demolished do not provide a positive contribution to the character and appearance of the Conservation Area and the proposed residential block is of an appropriate scale, massing and design.

- 3.4 The Conservation Officer has provided detailed feedback in relation to all listed building applications, and recommends that consent be approved for all of the applications.

The Conservation Officer comments that No 15-17 were originally two houses and are now one shop. The buildings significance is defined through its architectural and historic design and also through the buildings uses by 'Sworders' who are locally known as land agents, auctioneers and valuers, furniture makers and the appointed district agents of the principle manufactures for the sale of agricultural implements and machinery. Both buildings make a positive contribution to the surrounding Conservation Area and more immediate setting of North Street.

The demolition as proposed is acknowledged by the Conservation Officer to be extensive but is considered to be acceptable as the elements proposed to be removed are of limited historic and architectural value when balanced against the principle heritage asset (the main buildings fronting North Street). The value of those principle heritage assets would be able to be more fully interpreted with the removal of the buildings to the rear.

The proposed development incorporates the provision of a single storey extension and a fire escape to the rear elevation of the listed building which would allow the rear elevation of the building to continue to be interpreted and no objections are made in this regard. The Conservation Officer suggests that more information be provided in respect of the lantern to the rear roof.

The siting of the residential development fronting Basbow Lane is considered to be acceptable. However, to ensure the successful integration into the character of the surrounding Conservation Area the use of gable features provides a comfortable transition between existing and proposed rooflines in keeping with the street scene. The internal layout of the proposal does not impact on the character and

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

appearance of the surrounding Conservation Area or the setting of the listed building and the materials of construction can be dealt with through a planning condition.

Turning to internal alterations and, in regard to the removal of the stone steps to the front elevation of the building, the removal of this fabric is unfortunate but the Conservation Officer considers that such removal is justified given the long term viable use of the building and the need to accommodate a level floor in accordance with DDA (Disability Discrimination Act).

Demolition of internal staircases and internal partitions are considered by the Conservation Officer to be acceptable as they are not historical features important to the core of the listed building. The provision of replacement partitions, toilets, kitchen spaces, extractors and associated ducts are considered to be reversible elements with limited impact on the significance of the listed building.

The Conservation Officer comments that the listed buildings are in varying states of repair and the value of the building and its significance is limited to those elements of fabric or space which have not been the subject to adaptation to use the building for retail purposes.

With regards to the advertisements proposed at 17 North Street the Conservation Officer considers that the proposed hanging sign and fascia sign are appropriate to the previous retail use of the building and are in keeping with the character and appearance of the building. The proposed awnings will mask details of the shop front when in use but they are reversible and are in keeping with the local context.

In considering the proposed signage against the wider character of the Conservation Area, the Conservation Officer raises concern with the means of illumination, which as they are spot lights, are considered to be out of keeping with character and appearance of the area and the building which is an important feature within the street scene. The Conservation Officer recommends the refusal of the advertisement application (3/13/1987/AD).

- 3.5 The County Archaeologist comments that no. 15-17 were originally built as two houses and date from the C17 and are grade II listed. The buildings occupy two medieval burgage plots (which formed long properties running from the street frontage on North Street, back to Basbow Lane). It is likely therefore that they are not the first buildings to stand on the site. The remainder of the application site is filled with

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

numerous conjoined structures that dated to the C19 and C20.

The application is accompanied by a Historic Building Assessment which contains much useful information above the site and notes that the impact of the retail use on the building has been considerable, other than in the attic rooms of the building, but also that the removal of the C20 shop fittings and finishes will better reveal the building heritage significance. The C19 and later infill buildings are terraced into the natural slope (rising to the west to Basbow Lane). The impact of the construction of these buildings upon any archaeological remains present at the site is therefore likely to be variable.

The County Archaeologist considers that the proposal should be regarded as likely to have an impact upon assets of archaeological interest and a planning condition requiring an implementation of a programme of archaeological work is considered to be necessary and reasonable.

- 3.6 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the proposed development is acceptable in principle from a highway perspective. The town centre site is well located for all modes of transport and the impact will not significantly increase above the existing use.

The Highways Officer raises some concerns that the building bay frontage to flat 10 above first floor level overhangs the public footway and there may not be sufficient clearance from the main carriageway. The footway is narrow and the road reduces in width at this point and there is therefore a possibility of the building being struck by a high sided vehicle. The proposed over sail of the building will therefore need satisfactory clearance before a license can be granted.

The proposed development involves the provision of electronically operated shutter doors to the car park entrance which should be controlled as a planning condition.

The Highways Officer comments that servicing of the restaurant use will be to the front of the building and deliveries should therefore be undertaken at appropriate times to ensure that loading and unloading takes place in the parking bays to the front of the site on North Street.

- 3.7 The County Council's Development Services team comment that as the application is for 22 residential dwellings it falls above the current

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

threshold where financial contributions are sought to minimise the impact on Hertfordshire County Council Services for the local community. Financial contributions towards the following matters are requested:- £9,792 towards Primary Education, £5,328 towards Secondary Education, £2,340 towards Nursery Education; £156 towards youth, £684 towards childcare and £1,548 towards libraries.

4.0 Town Council Representations:

4.1 The Bishop's Stortford Town Council comment that they do not object to the planning application but regret the loss of A1 retail in North Street; have concerns over trade deliveries to the restaurants and recommend that deliveries be completed by 8AM; recommend strict observation by Officers as the buildings are listed and; comment that the awnings are out of keeping and hide the details of the building.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 2 letters of representation have been received which can be summarised as follows:

- Impact of development in terms of noise and disturbance to existing businesses/residents adjacent to the site;
- Insufficient parking for the residential element of the scheme;
- Impact on highway access and add to congestion on Windhill/Basbow Lane;
- Impact on school places;
- Modern residential development out of keeping with character and appearance of Conservation Area.

6.0 Policy:

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

SD2 – The principal of development
HSG7 – Replacement Dwellings and infill Housing Development
TR7 – Car Parking – Standards
ENV1 – Design and Environmental Quality
STC1 – Development in Town Centres and Edge-of-Centre

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

STC3 – Primary Shopping Frontage
BH6 – New Developments in Conservation Area
BH1 – Archaeology and New Development
BH2 – Archaeological Evaluations and Assessments
BH3 – Archaeological Conditions and Agreements
BH15 – Advertisements in Conservation Areas.

6.2 The NPPF (National Planning Policy Framework) is also material to the determination of the applications.

7.0 Considerations:

7.1 The application site is located within the built up area of Bishop's Stortford where, in principle and in accordance with the Local Plan, there is no objection to development.

7.2 Achieving sustainable development is seen as the key consideration within the NPPF and developments which accord with the development plan and reflect sustainable development should be approved without delay. The NPPF sets out however that there are three aspects of sustainable development – an economic, social and environmental role. Within the determination of this application the Council will therefore need to consider the following matters:

- Whether the proposal represents a sustainable form of economic development which helps to deliver business that the town needs and contribute to building a strong, responsive and competitive economy
- Whether the proposal provides housing required to meet current needs and support a strong vibrant and healthy community
- Whether the proposal contributes to protecting and enhancing the built and historic environment
- Highways considerations and measures to mitigate the development of infrastructure are also important planning considerations.

Impact of the development on the local economy

7.3 With regards to the economic role of development, there is a strong commitment within the NPPF to ensure that sustainable economic development is supported and encouraged through the planning system and that it does not act as an impediment to sustainable growth. The provision of a development incorporating a commercial development is

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

considered to be a form of economic development which the Government does encourage through the NPPF and significant weight should therefore be attached to this consideration.

- 7.4 The policy background to retail proposals is set out in the Local Plan and in the NPPF. Policy STC1 of the Local Plan sets out that town centres are the preferred location for new retail development. Policy STC2 states that within the larger towns, including Bishop's Stortford a primary shopping frontage will apply and that a change of use from shop to non-shop will not be permitted.
- 7.5 The application site is within the primary shopping frontage area and the proposed development will see the change of use from shop to non-shop. The proposed development is therefore in conflict with Local Plan Policy STC2.
- 7.6 In the preparation of the emerging District Plan, which will eventually replace the Local Plan, the Council have undertaken Technical Studies to support and act as evidence base for the District Plan. A Retail and Town Centre Study Update was recently reported to the District Planning Executive Panel on 03 October 2013 which recommends that there is no need to relax shopping frontage policies in order to encourage non-A1 Class uses to reoccupy vacant units or to regenerate rundown town centre areas. The Study reports that a *laissez faire* approach in East Herts could result in the deterioration of shopping frontages and could undermine their role as shopping centres.
- 7.7 It seems then that the Councils current policy position in respect of primary shopping frontage policy is largely consistent with the advice from the latest retail study and full weight should therefore be attached to policy STC2 of the Local Plan. However, the Council must consider whether there are any material considerations which might outweigh this Local Plan policy requirement.
- 7.8 The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth and that to achieve economic growth planning authorities should plan proactively to meet the development needs of business. Section 2 of the NPPF is more specific to the role planning has in ensuring the vitality of town centres, it sets out that local planning authorities should recognise town centres as the heart of the community and pursue policies to support vitality and viability; promote competitive town centres that provide customer choice and a diverse retail offer and; recognise that residential development can play an important role in ensuring the vitality of centres.

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- 7.9 The applicant refers the Council to permitted development rights which permit changes to any Use Class for a period of two years - the only restriction being if the unit is within a Conservation Area or Listed Building, which is the case here.
- 7.10 The applicant also refers the Council to supporting information/evidence from a local estate agent, Coke Gearing. The agent sets out that confidential marketing of the premises commenced at around September 2011 which was aimed at establishing demand in the town for a building in its current form and use. Once the building was vacated in October 2012 it was the subject of open marketing through two agents which involved a sale board and marketing on a specialist website with over 100,000,000 users. At no time during any of the marketing to date have the agents received any positive interest or viewing from any retail operator other than restaurants.
- 7.11 Whilst Officers therefore recognise that the proposed development is a departure to Local Plan policy STC2, having regard to the marketing evidence submitted, it would seem that there is very little interest in the continued use of the building for retail purposes. Having regard to that consideration and the commitment within the NPPF to encourage economic growth, these are material considerations which, in this particular case outweigh policy STC2 of the Local Plan.

Housing development

- 7.12 The social dimension in achieving sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.
- 7.13 The need for new homes in the district is recognised by the Council in the Strategic Market Housing Assessment and other technical work which has been commissioned to support the preparation of the District Plan.
- 7.14 The priority that the government is giving to the demand for new housing nationally is reflected in the paragraph 49 of the NPPF:- *Housing applications should be considered in the context of the presumption in favour of development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- 7.15 The Council has not been able to demonstrate a five year land supply in the annual monitoring of development in the District. The proposed development does not involve the provision of a significant level of housing to overcome the Councils five year land supply, but it is not an insignificant level of housing and is therefore a matter which weighs in favour of the development.
- 7.16 The site is in a town centre location where space for larger family type housing is limited. In this case, given the town centre location and the proximity to modes of sustainable transport, it is considered that the provision of a flatted development as part of a mixed use scheme is, in principle, acceptable.

Impact on built and historic environment

- 7.17 The environmental dimension of ensuring sustainable development encompasses a number of planning considerations – those principally relevant to this application are the works to the listed building and whether there is any harm to the heritage asset and; the impact of the demolition of building and new buildings on the character of the Conservation Area.
- 7.18 Turning firstly then to the proposed works to the listed building; as acknowledged by the County Archaeologist and as set out in the Historic Building Appraisal the two listed buildings have been the subject of much alteration and, other than the attic space, there is limited fabric worthy of retention. The significance of the building is therefore focussed on the fabric of value which can be retained within the building and, the external appearance of the building and the role it plays in helping to define the historic evolution of the town.
- 7.19 Externally, limited alterations to the building are proposed and neither the Conservation Officer nor English Heritage raise objection in this regard. The internal works are more significant and will see the provision of various alterations to see a modern A3 restaurant/café use. However, having regard to the internal condition of the existing retail use, such works are considered to be acceptable and will not result in significant harm to historic fabric.
- 7.20 Both the Conservation Officer and English Heritage recognise that the proposed development relating to the listed buildings will see significant works to the listed building which will see it put to a use which will ensure the retention of the listed building. Having regard to the advice

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

from those consultees, Officers are of the opinion that the proposed works to the listed building will not result in significant harm to historic fabric or the architectural character of the listed building. The proposal will see a viable use which will preserve and enhance the listed building. In Officers opinion, significant weight should be given to that consideration.

- 7.21 As noted above the proposed development involves the demolition of a number of conjoined buildings to the rear of the principle listed buildings, 15-17 North Street. The elements to be removed are acknowledged by English Heritage to be of limited historic and architectural significance and no objections are therefore raised to their removal. Furthermore, the removal of the conjoined buildings to the rear of the listed buildings will reveal the rear elevation of the listed buildings and the proposal will therefore enhance the setting and Conservation Area in this respect. This adds further weight in support of the application.
- 7.22 To the rear of the listed building a ground floor extension and fire escape is proposed to the rear of 17 North Street. Neither the Conservation Officer nor English Heritage raise objection with this element. The overall proportions and design, involving the use of a flat roof and bi-folding doors are a departure to the more traditional appearance and form of the listed buildings. However, this serves to mark the difference in the historical aspect of the building and a contemporary addition. No public views of this element will be possible and it is considered that the proposed extension is of a size, scale, form and design which will enhance the setting of the listed building and wider Conservation Area.
- 7.23 Beyond the listed buildings and to the west of the site, a modest garden amenity space is proposed for the new A3 uses which will provide a useful amenity space and outdoor space for the restaurants/cafes. That space also provides a break in the built form which is considered to be sympathetic to the Conservation Area. Beyond that a new residential block is proposed. A continuous frontage onto Basbow Lane is proposed with pedestrian/vehicular access off that street. The proposed building is of a 'T' shape layout with accommodation forming 12no. 2 bed apartments at ground, first and second floor.
- 7.24 The main consideration in respect of the residential development relates to the relationship of the development with other development along Basbow Lane and the relationship with nearby listed buildings and the wider Conservation Area.

- 7.25 The proposed Basbow Lane elevation of the development utilises a continuous frontage which is in line with the front building line set by adjacent buildings and which is commensurate in height with those adjoining buildings. A traditional approach to the design is proposed with a mixture of traditional materials including boarding and render and the mass and bulk of the elevation is broken up through variation to the roof ridge height and the provision of projecting over sailing gable features. The overall appearance of the elevation appears to assimilate well with the mixed character and architectural treatment of other built form within the street scene.
- 7.26 The traditional approach to the design is continued to the east facing elevation of the residential building. That part of the building will not be viewed publically except from the rear of the proposed restaurants forming 15-17 North Street. The western elevational treatment is nevertheless sympathetic with the setting and incorporates a number of design features including gables, hipped roofs and dormer windows which are in keeping with the character and appearance of the site, adjoining buildings and setting of the listed buildings. A mixture of brick and render is proposed which is also appropriate and the design includes retaining walls to accommodate the change in levels and a screening to the lower level parking area which provides 12 car parking spaces for the residential flats. The overall design of the residential building is a significant improvement upon the complicated mass and arrangement of the existing buildings which occupy a significant proportion of the site. The proposed development will therefore enhance the existing character of this part of the Conservation Area and respect the setting of nearby listed buildings.
- 7.27 Having regard to the scale of existing development within the site which occupies almost the entirety of the site and, considering the level of development as now proposed, there will not, in Officers opinion be a significant impact on neighbour amenity. The proposed development, involving demolition of existing buildings will result in noise and disturbance to neighbouring properties during construction and implementation of the permission and the concerns raised by a third party are noted in this respect. However, Officers are of the opinion that, subject to appropriate controls over construction works, as proposed to be agreed through planning conditions, the degree of impact will not be to such an extent as to warrant the refusal of planning permission.

Highways considerations

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

- 7.28 Turning to highways matters, having regard to the comments from the Highways Officer and, taking into account the existing retail use of the premises and the existing goods deliveries onto Basbow Lane, Officers are of the opinion that the proposed development will not result in significant harm to highway safety or access. The provision of 12 residential apartments will not lead to a significant increase in traffic movements along Basbow Lane and there will therefore be limited impact on the immediate and wider highway network.
- 7.29 The Highways Officer notes that a small part of the building over-sails onto Basbow Lane and comment that a license will be required from the Highway Authority in respect of this. The degree of over sail of the building is modest and relates to two small gable projections on the Basbow Lane elevation. The degree of projection is not significant and over-sails only the pedestrian footway not the vehicular highway. As such the degree of impact is not significant but a directive is recommended advising the applicant of a need to enter into a highway agreement in respect of this element.
- 7.30 With regards to parking levels for the residential element of the development, one space per residential flat is proposed. Policy TR7 of the Local Plan requires, as a maximum, the provision of 18 spaces – there is therefore some under provision in parking terms and Officers acknowledge the concerns from a third party in this regard. However, policy TR7 is a maximum requirement and the site is located within the town centre in a highly sustainable location in transport terms with good access to the town centre amenities and public transport provision. As such the level of parking provision is considered to be acceptable, in this case.

Contributions

- 7.31 With regards to financial contributions, as the application is for 12 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. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 7.32 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

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

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 s.122 of The Community Infrastructure Levy Regulations (CIL) 2010.

- 7.33 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 does have some parking associated with it – however, this parking is very limited and was, as Officers understand, previously used predominantly for employees. The proposed residential element of the scheme has the potential to result in a different and increased level of traffic generation and parking pressures and, in this respect, Officers consider that it is reasonable to require contributions towards improvements in sustainable transport measures to offset the impact of the development.
- 7.34 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, parks and public gardens and children and young people.
- 7.35 The Planning Obligations SPD identifies that, for a development of this scale, that the following contributions are required:
- Parks and public gardens - £3039;
 - Amenity green space - £1294;
 - Children and young people - £1243.
- 7.36 The Environment Manager (Open Space) has been consulted on these contributions and comments that the Council are in the process of preparing a management plan for Waytemore Castle grounds which requires considerable investment to improve access in and across the site, signage and facilities. The site is around 325m walk to the park and it is considered reasonable to allocate the monies towards that project. The project at Waytemore Castle will require additional funding and, in the event that such funding cannot be found, the Environment Manager considers that the monies could be used to develop the Sworders Field area and the wider “green finger” extending up through Grange Paddocks.
- 7.37 Having regards to the comments from the Environment Manager and,

3/13/1936/FP, 3/13/1937/LB, 3/13/1938/LB, 3/13/1939/LB, 3/13/1986/LB, 3/13/1987/AD

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 s.122 of The Community Infrastructure Levy Regulations (CIL) 2010.

Other matters

- 7.38 Third parties and the Town Council are concerned with the potential impact on deliveries associated with the retail use of the building. The Highways Officer recognises this but considers that, if such deliveries were to take place at appropriate times, loading and unloading could be carried out in the parking bays. The Highways Officer does not recommend a specific condition, however having regard to the comments made by the Town Council Officers consider that it is necessary and reasonable to attach a planning condition relating to this matter requiring a time for deliveries to be agreed and implemented by the applicant.
- 7.39 Members will note that one of the applications seeks advertisement consent relating to No17 North Street. The Conservation Officer has recommended refusal of this application and raises concern with the means of illumination which is not considered to be sympathetic to the Conservation Area and concern is also raised with the removal of a bracket serving the hanging sign which could be retained. Policy BH15 is material to the determination of this particular application and sets out that advertisements should preferably be non-illuminated but where illumination is proposed it should be discreet in size and of a minimum level.
- 7.40 The means of illumination as proposed incorporates a number of spot lights directed onto different parts of the shop and its sign. Within the locality of the site advertisement is illuminated and there is therefore no objection in principle to illuminated signs. However, spot lights are not a particularly common feature within the part of the Conservation Area and the number of lights proposed to serve the proposed signage is a concern in this regard. Officers therefore recommend that advertisement consent be refused for reasons relating to the means of illumination and conflict with policy BH15 of the Local Plan.
- 7.41 The comments from the County Archaeologist are noted and, in accordance with policies BH1, BH2, and BH3 of the Local Plan and section 12 of the NPPF, it is considered to be necessary and reasonable to attach a planning condition requiring further archaeological work.

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. There is acknowledged to be conflict with policy STC2 of the Local Plan in terms of the loss of a retail use in a primary shopping area. However, the Council must balance any such considerations against the marketing information which demonstrates that there is no commercial interest in the use of the building for continued retail uses. Furthermore, there are other positive aspects of the developments including, inter alia, the positive way in which the development will encourage economic growth in a sustainable location; the works to enhance the fabric of the listed buildings and a proposal which will bring about the long term viable use of the listed buildings and the demolition of a number of buildings within the site which do not positively add to the character and appearance of the Conservation Area or settings of the listed buildings.
- 8.2 Notwithstanding the concerns in relation to the means of illumination of the signage, the proposed development is of an appropriate size, scale, form and design which is sympathetic to the character and appearance of the Conservation Area and setting of listed buildings. The proposed development will therefore enhance those designated heritage assets, in Officers opinion. The proposed development will not result in harm to highway safety or access into or around the site and there will be no significant harm to neighbour amenity.
- 8.3 For the reasons set out above Officers therefore recommend that planning and listed building consent be granted and that advertisement consent be refused.