

3/14/1269/FO – Variation of condition 2 (approved plans) of LPA reference 3/13/1936/FP to increase the size of the rear extension to the listed building at 15–17 North Street, Bishop’s Stortford, CM23 2LD for Marshgate Bishop’s Stortford LLP

Date of Receipt: 12.08.2014

Type: Variation of condition – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD MEADS

RECOMMENDATION:

That, subject to the applicant or successor in title agreeing to vary the Section 106 agreement attached to LPA reference 3/13/1936/FP to make reference to the amended plans that form part of this application, the Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (PL.01, PL.02, PL.10, PL.11, PL.12, PL.20 B, PL.21 B, PL.22 A, PL.30 G, PL.31 D, PL.32 D, PL.33 G, PL.42 A, PL.43 C, MGC_010-07, MGC_010-08, MGC_010-09, MGC_010-11, MGC_010-13, MGC_010-14, MGC_010-16, MGC_010-17, MGC_010-20)
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:
 - 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;

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- 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. All deliveries to the premises from North Street shall only be made between the following times 22:00hrs to 08:00hrs and 10:00hrs to 15:00hrs.

Reason: In the interests of highway safety and the free and safe flow of traffic and in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

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. You are advised that the amendments granted consent in this permission relate to the works specifically to 15–17 North Street, as shown in drawing references MGC_010-07, MGC_010-08, MGC_010-09, MGC_010-11, MGC_010-13, MGC_010-14, MGC_010-16, MGC_010-17, MGC_010-20. As such, the developments as granted planning permission as part of the original consent (3/13/1936/FP) specifically in relation to the construction of the new building forming 12no. 2 bed apartments and associated parking to the rear of 15–17 North Street are shown in the relevant plans relating to the previous permission, specifically plan references PL.30 G, PL.42 A, PL.31 D, PL.32 D, PL.33 G and PL.43 C.
2. Other Legislation (01OL1).

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3. 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 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 and the grant of planning permission under LPA reference 3/13/1936/FP is that permission should be granted.

_____ (126914FP.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 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 Members resolved to grant planning permission for development at the site at the February 2014 Committee meeting. The Section 106 legal agreement was subsequently signed and full planning permission was granted on 04 June 2014. The approved development comprised the change of use of 15–17 North Street from A1 (retail) to A3 (restaurant)

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and single storey rear extension to No.17 together with 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.

- 1.3 The development has commenced on site and various works to demolish structures and buildings to the rear of the listed buildings have been undertaken, together with some works to the listed buildings. The detailed building works associated with the demolition of the buildings has resulted in a need to increase the levels serving the previously approved extensions to the listed building. The design of the extensions to the listed building has not altered, but the extension is proposed to sit higher than the approved scheme by approximately 0.8metres. Furthermore, the layout and level of the rear garden/amenity space to the listed building has also change slightly. This application seeks consent for those amendments.

2.0 Site History

- 2.1 As noted above, planning permission was granted for the development under LPA reference 3/13/1936/FP. Listed building consent for the works was also granted under LPA reference 3/13/1937/LB.
- 2.2 Other applications for works to the listed building were granted consent under LPA references 3/13/1939/LB, 3/13/1938/LB and 3/13/1986/LB.
- 2.3 Advertisement consent was refused for signage to 17 North Street under LPA reference 3/13/1987/AD.

3.0 Consultation Responses

- 3.1 The Historic Environment Unit reiterate their previous considerations in respect of the impact on heritage assets of archaeological interest and recommend the provision of a planning condition relating to archaeology.
- 3.2 The Highways Officer comments that the alterations to the scheme are acceptable from a highway perspective.
- 3.3 The Environmental Health Officer has not comments to make.
- 3.4 The Conservation Officer recommends the application be approved and considers that the increase in the size of the rear projection will have a limited impact on the significance of the heritage asset and the character of the surrounding area.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council make no comment.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. No third party representations have been received.

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
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 application.

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. The main planning consideration relates to whether the amendments to the scheme result in an acceptable level of impact on the character and appearance of the building and the wider setting of the listed building and Conservation Area.

7.2 The increase in the height of the rear extension to the listed building at 0.8m is not significant, in Officers opinion. The proportions and overall design of the extension allow it to be considered and perceived as a contemporary addition to the listed building. The proposed amendment does not therefore result in a significantly greater level of impact on the

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character or appearance of the listed building, its setting or wider setting of the Conservation Area than that previously granted planning permission. Having regard to the modest increase in the height of the extensions, the proposed development will continue to preserve and enhance the character of the listed building, its setting and the Conservation Area in accordance with section 12 of the NPPF.

- 7.3 The other aspect of the amendment relates to alterations to the rear garden/amenity space serving the building. Whereas the previous scheme incorporated a terraced garden amenity space, the amended scheme incorporates one level area. The amendment to this space is not harmful to the setting of the listed building and has the potential to provide a more usable area for the approved restaurant uses.
- 7.4 The previously approved scheme incorporated a number of planning conditions – those conditions have not yet been fully discharged and they remain relevant and necessary to make the development acceptable. Officers therefore recommend their inclusion as part of this permission.
- 7.5 In addition, the Section 106 legal agreement which formed part of the previous permission makes reference to the previous approval of planning permission. The amendments to the scheme and which form part of this application will therefore need to be incorporated into an update to the Section 106 agreement and Officers therefore seek Members agreement to this matter also.

8.0 Conclusion

- 8.1 The principle of the redevelopment of this site has previously been considered to be acceptable. The amendments to the extensions to the listed building and garden amenity space are not significant and will continue to ensure that the character and setting of the listed building and Conservation Area is preserved and enhanced.
- 8.2 Officers therefore recommend that planning permission be granted, subject to a variation to the Section 106 agreement relating to the amendments in this application and, subject to planning conditions.