

## DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

<b>Application Number</b>	3/16/2072/FUL
<b>Proposal</b>	Demolition of offices, change of use of land to create car park with associated landscaping
<b>Location</b>	The Causeway, No. One Building, Bishop's Stortford, CM23 2ER
<b>Applicant</b>	East Herts Council
<b>Parish</b>	Bishop's Stortford
<b>Ward</b>	Bishop's Stortford Meads

<b>Date of Registration of Application</b>	15 September 2016
<b>Target Determination Date</b>	10 November 2016
<b>Reason for Committee Report</b>	Application on behalf of the Council
<b>Case Officer</b>	Liz Aston

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposals entail the demolition of the existing building on this site and the use of the land for car parking for a period of up to 10 years. The location is in the core of the town and its Conservation Area with a requirement to consider its impact on that and the heritage environment.
- 1.2 Key issues also include the loss of the potential of the building in the role of provision of employment in the town, taking account of the longer term objectives for the site and the support that additional parking will provide for the town centre, its commercial and retail operations and the general public.

#### **2.0 Site Description**

- 2.1 The application site is located in the centre of Bishop's Stortford, to the north of Bridge Street, at its junction with Old River Lane, and to the west of Link Road. The site is currently occupied by a vacant three storey brick building which was last in use as offices. The area surrounding the building is mostly hardsurfaced, with some (4 or 5) trees and is used for car parking (49 spaces). The areas used for car

parking are accessed from a single access point to the north of the building from Old River Lane.

- 2.2 To the east of the existing building is Charringtons House, which is a brick built building (of similar design to the Causeway building) used as offices. To the north of the application site is a large surface public car park.
- 2.3 The site lies within the Bishop's Stortford Conservation Area, Flood Zone 2 and an Area of Archaeological Significance.

### **3.0 Background to Proposal**

- 3.1 The application seeks planning permission for the demolition of the existing office building and the use of the land for car parking. The building, which was previously used as offices for East Herts Council, has been vacant since 2013.
- 3.2 Following the demolition of the building, it is proposed to use the land as a surface level car park which, with the 49 spaces currently available around the building, would increase capacity to a total of 100 car parking spaces, including 2 disabled parking spaces (a net increase of 51 spaces). It is proposed that the car park would be used by the occupiers of Charringtons House during the working week, and 50 spaces would be available for use by the general public on a Saturday and up to 100 spaces by the public on a Sunday (subject to any requirements of tenancy agreements). The occupiers of Charringtons House currently have permits which allow them to use the existing public surface car park to the north of the application site. By relocating these users to the now proposed car park, this would allow extra spaces within the existing car park to the north of the site to be used by members of the public.
- 3.3 The application seeks temporary planning permission for the use of the land for car parking for up to 10 years.
- 3.4 As Members will be aware, the site forms part of a wider area of land which is owned by East Herts Council in this area. The Council has indicated that it intends to bring the land forward for an appropriate scale and mix of development following the unimplemented permission for the redevelopment of the site in 2013 (considered by the DM committee in 2012). In that respect, the Council have engaged consultants to produce a Planning Framework for the town centre within which detailed development proposals can be formulated.

3.5 A draft of the Framework has now been produced and is currently under consultation. It is intended that the Framework be adopted as a Supplementary Planning Document (SPD) in due course. The Framework and following detailed work will articulate the intention to bring forward appropriate development on this site and underlines the temporary nature of the current proposals.

#### 4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016, the adopted East Herts Local Plan 2007 and the Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Wards 2014-2031:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Neighbourhood Plan (NP)</b>	<b>Pre-submission District Plan policy</b>
Impact on character and appearance of site, surroundings and Conservation Area	Sections 7, 12	ENV1, BH6	HDP2, HDP3	DES3, HA1, HA4
Loss of existing office accommodation	Section 1	EDE2	BP3, 4, 6 and 7	ED1
Access, highway safety and the provision of parking	Section 4	TR2, TR7	TP9	TRA2, TRA3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

#### 5.0 **Emerging District Plan**

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan is currently underway. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan

can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is now taking place and the outcome of that is currently unknown.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions relating to the completion of the reconfigured entrance; the surfacing and marking out of the parking areas, wheel washing facilities, the submission of a construction traffic management plan and the implementation of a parking management plan.
- 6.2 Environment Agency comments that the proposed development lies within Flood Zone 2 and would fall under its Flood Risk Standing Advice (FRSA). It comments that it should be considered whether the Council is satisfied that the proposal is in accordance with the FRSA. It also comments that if planning permission is granted it should be subject to an informative relating to flood defence consents.
- 6.3 EHDC Landscape Advisor comments that the proposal is acceptable as a temporary land use and would not have adverse impacts on significant trees.
- 6.4 HCC Historic Environment Advisor comments that the proposal is likely to have an impact on heritage assets of archaeological interest and recommends a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

## **7.0 Town Council Representations**

- 7.1 Bishop's Stortford Town Council has commented that it has no objections to the application.

## **8.0 Summary of Other Representations**

- 8.1 The application was advertised by way of site and press notice and neighbour notification. 1 letter of representation has been received which neither objects to or supports the application, but makes comments in relation to surface water drainage and states that a SuDS strategy should be adopted within the re-development of the site.

## 9.0 Planning History

9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/10/1965/LC	Demolition of 1 The Causeway: 1, 2 and 3 Old River Lane residential dwellings; Church hall, Water Lane; boundary wall north of church hall; and substation	Approved with conditions	01.09.11
3/10/1964/OP	Outline planning application for a mixed use development comprising retail, leisure, hotel, food and drink, residential, community uses, car parking, servicing and access arrangements together with alterations to public highway and/or public realm works at Old River Lane, Link Road, Water Lane, Bridge Street and Barrett Lane, Bishop's Stortford and flood mitigation measures on land north of Link Road, Bishop's Stortford.	Approved with conditions	14.01.13

## 10.0 Consideration of Relevant Issues

10.1 The application site lies within the built up area of Bishop's Stortford wherein there is no objection in principle to development. The determining issues therefore relate to:

- The impact of the demolition of the building and the change of use of the site to car parking on the character and appearance of the site, its surroundings and the Bishop's Stortford Conservation Area;
- The loss of the existing office building/site last in employment use;
- Access and highway safety considerations;
- Impact on flood risk;

- Impact on possible archaeological remains.

Impact on character and appearance of the site, its surroundings and the Bishop's Stortford Conservation Area

- 10.2 The NPPF indicates that the government attaches great importance to the design of the built environment. It sets out that it is important to plan positively for the achievement of high quality and inclusive design. The Council's policies reflect this, policy ENV1 in the current Local Plan setting out the requirement for a high standard of design and policy BH6 setting out requirements for development located in Conservation Areas.
- 10.3 In the emerging District Plan policy DES3 repeats the requirement for a high standard of design and policies HA1 and HA4 set out requirements where development affects heritage assets and is located in a Conservation Area. These policy aspirations are further reinforced by the Neighbourhood Plan where policies HDP2 and HDP3 set out requirements in relation to the setting and character of buildings and design standards.
- 10.4 In relation to the Conservation Area, the Character Appraisal for the town is quiet in relation to this area and building. Generally, in visual terms, this building and Charringtons House create their own individual context, being buildings of similar design, but without further buildings of the same design in the area. Their environment is of limited visual quality, with no meaningful quality space associated with them, except between Charringtons House and Link Road where a green landscaped area exists and will be retained. There is little by way of enclosure or sense of place associated with the perimeter of the buildings, regardless of the direction from which the buildings are viewed.
- 10.5 There is no historic interest of significance, the buildings having been erected in the 1960/70s. Together with Charringtons House, the building forms a group which is only of interest by virtue of being a representative example of architecture of that era.
- 10.6 The building itself does provide an element of enclosure and its loss to be replaced by surface parking will reinforce and extend the functional character of the car parking area to the north into this area too. In that respect, the loss of the building will have a degree of harm. This is offset by control that can be placed on the design, layout and boundary enclosure of the parking area by condition, the temporary nature of it and the longer term aspirations for the redevelopment of the area.

- 10.7 The Conservation Area Appraisal identifies a tree located in the south west corner of the site (on the Bridge Street frontage) as one which is of significance. There is a small area of public seating and hedging associated with the tree. The proposed layout plans indicate that the tree is to be retained. There are 5 further trees within the site which are of less significance, due to their location between the Causeway and Charringtons House buildings or to the rear (north) of the Causeway building. One of these is to be retained. Some limited harm is assigned to the impact that the loss of the trees will have on the character of the site.
- 10.8 To the west of the site, on the opposite side of Old River Lane, are the grade II listed former maltings buildings now in use by Coopers of Stortford. The listed building itself is not affected directly but its setting will be changed. Currently views to it, from the south, are either framed by the Causeway building or it forms a backdrop. Even though the frontage (land to the east) of the maltings is in use as a retail display area, the building itself remains prominent in views. The loss of the Causeway will open out the views of the building and arguably, because the greater scale of the Causeway building will no longer compete in those views, the setting of the listed maltings is improved. The impact is considered neutral at worse. Charringtons House may appear as more of an 'anomaly' in design terms following the loss of the Causeway building as it will be more isolated physically and in design terms. No harm is assigned to this however.
- 10.9 The proposed use has limited design quality, comprising a hard surface set out with parking spaces. Landscaped spaces are shown to be implemented at the north west and south west corners of the site. These are limited in scale however. Overall, and taking into account the policy requirements, it is considered that the proposals impact harmfully in relation to the historic environment and Conservation Area, but that this harm is limited. The weight that is given is further tempered by the longer term aspirations for the development of the site and the very positive impact that such proposals have the potential to have.

Loss of the existing office building/site last in employment use

- 10.10 Policy EDE2 of the Local Plan requires that sites or premises used for employment should not be lost unless their reuse has been fully explored without success. This approach is retained in policy ED1 of the emerging District Plan where, in addition to the exploration of the potential for reuse, partial conversion and the impact of proposals on other existing employment uses is to be considered.

- 10.11 The NP does not contain directly relevant policies. Policy BP3 relates to the provision of new employment uses. Policy BP4 relating to the enhancement of existing commercial premises, sets out that such enhancements would generally be supported. Policies BP6 and 7 relate to the development of the town centre and its prosperity and character. In BP6 the requirement for development to harmonise with the character of buildings is set out. BP7, maybe most directly relevant, sets out that a flexible approach to changes of use will be encouraged where it contributes to a range of services aimed at supporting a strong base of quality retail concentrated close to the primary retail frontage.
- 10.12 The economic impact of development is one of the key elements of sustainability as set out in the NPPF. In para 22 it is set out that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of such a use coming forward.
- 10.13 The site has not been in active employment use since 2013 when the premises were vacated. Following the acquisition of the site in October 2015, the Council as owner has considered a number of options in respect of the building and the site. The existing building is currently in a poor condition, and survey work undertaken has identified that the building is suffering from subsidence issues, and has damage to its curtain wall with extensive repairs to its roof being required. Its heating system is life expired and significant investment in a replacement would be required were there to be any potential for the reuse of the building. The building was being prepared for demolition by its previous owners (under the redevelopment proposals granted) which has resulted in substantial disturbance to the fabric of the building. As a result of the condition of the building, significant investment would be required to repair and upgrade the building so that it could be brought back into active use.
- 10.14 As set out above, the Council is currently consulting on a planning framework for the town centre which incorporates this site. This framework and further detailed work will consider and articulate the intention to bring forward appropriate development on this site. Therefore, whilst this proposal will result in the loss of a building that was last in employment use, it is envisaged that the long term replacement of the building has the potential to provide new employment uses in better quality buildings of a higher specification.
- 10.15 Overall then, it is considered that the proposals impact neutrally in relation to this area of consideration. The building is in a poor state of



repair such that reuse appears unviable and therefore unlikely. Whilst the building will be lost, the proposals have a beneficial impact in that the provision of car parking, whilst it may not have been the anticipation of the NP in policy BP7, is likely to support the operation of businesses and the retail core of the town and therefore be positive. Finally, the longer term aspirations for the redevelopment on the site and the policy approach set out in the NPPF have been weighed in the balance, and it is considered that this brings the consideration to a neutral position.

#### Access and highway safety

- 10.16 The policy documents are generally silent in relation to the provision of parking as a specific policy objective, referring instead to the objectives of sustainable development, economic development, buoyant town centres and businesses. The NP policy TP9 is probably most relevant in respect of this matter setting out that developments leading to the increase in public parking provision will be supported subject to some caveats around design and need.
- 10.17 Other policies refer to the need to ensure that roads operate safely and that parking is provided in accordance with agreed standards, namely policies TR2 and TR7 of the Local Plan and TRA2 and TRA3 of the emerging Plan. Members will be familiar of the requirement of the NPPF that, following any mitigating actions, the resulting impact of development should not be severe in highway terms.
- 10.18 The Highway Authority has been consulted on the application and following the receipt of additional information does not wish to restrict the grant of permission. It has commented that provided the operation of the car park is in accordance with the submitted parking management plan, it is content that there would not be a material impact on the operation of the local highway network.
- 10.19 The proposal will result in an increase in the number of parking spaces available within the site, and will therefore result in a likely increase in the number of vehicles accessing the site and the adjacent existing car park to the north (to use those spaces vacated by those who will use the new parking spaces provided). Having regard however to the comments of the Highway Authority and the number of additional parking spaces created, it is considered that the proposed use of the site for car parking will not result in harm to the operation of the nearby highway network or highway safety. It is recommended however that any permission granted is subject to the conditions requested by the

Highway Authority, including a condition that requires the operation of the car park to be in accordance with a parking management plan.

- 10.20 As operator of much of the parking provision in the town centre, the Council is aware of the demand for parking provision. The proposals here are targeted partly at current commercial tenants and partly additional provision for the general public. Given the identified demand pressures in the town and the split nature of the provision, it is not considered that a detailed consideration of provision against the policy standard requirements in relation to a particular use or building is appropriate in this case.
- 10.21 The proposed parking use will operate safely, supports the current commercial tenants operations in the adjacent Charringtons House and addressed identified demand. Overall, given the policy requirements set out in policy TP9 of the NP, it is considered that positive weight can be assigned to the proposals in respect of this issue.

#### Flood risk

- 10.22 The site lies within Flood Zone 2. The submitted Flood Risk Assessment (FRA) concludes that the proposed use of the land is classified as less vulnerable development which is deemed to be appropriate in Flood Zone 2. Having regard to the existing condition of the site which is predominantly impermeable, the proposed use of the land would not result in any change to this. Furthermore, an adequate surface water drainage system is provided within the site. It is considered that the proposal would not result in any change to flood risk, either from fluvial or surface water flooding, and the proposal is considered to accord with polices ENV19 and ENV21.

#### Area of archaeological significance

- 10.23 The site lies within an area of archaeological significance. The HCC Historic Environment Advisor has commented that the site has the potential to contain archaeological remains of Roman, medieval and later date, including industrial and other activity (19<sup>th</sup> century and earlier mapping suggests a mill stood close to the site). The site is also likely to possess high potential for the presence of palaeo-environmental remains. It is therefore recommended that a condition is attached to any grant of permission which requires the implementation of a programme of archaeological work in accordance with a written scheme of investigation. Such a condition is considered to be necessary and reasonable in this case, in accordance with policy BH3 of the Local Plan.

## Other matters

10.24 The application seeks permission for the temporary use of the land for a car park for a period of up to 10 years. As the Council is the owner/applicant in this case and having regard to its aspirations for an appropriate long term form of development to come forward on the site, a condition restricting the use of the site for a temporary period is not considered to be necessary in this case.

## **11.0 Conclusion**

11.1 Having considered the relevant policies and issues, it is considered that the demolition of the building would result in some modest harm to the character and appearance of the site, its surrounding and the Bishop's Stortford conservation area. When judged against the issue of the provision of employment uses, the proposals are considered to be neutral in their impact.

11.2 No harm has been identified in respect of the impact of the development on operation of the highway network and highway safety. In terms of parking provision, the proposals are considered to impact positively. This positive impact is considered to be of some merit which outweighs any harm resulting from the proposals, therefore it is recommended that they can be supported. There are no other issues which have an impact, such as flood risk or archaeology which further affect this balance of considerations.

## **Conditions**

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved Plans (2E10)
4. Materials arising from demolition (2E32)
5. Conservation Area (clearance of site) (8L13)
6. Hard Surfacing (3V21)
7. Tree/hedge retention and protection (4P05)

8. Prior to the first use of the development hereby approved, the reconfigured vehicular access to the site shall be constructed in accordance with details shown on drawing no. G21852/110 Rev A.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

9. Prior to the first use of the development hereby approved, all on site vehicular and parking areas shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles and to minimise danger, obstruction and inconvenience to users of the highway and the site.

10. Wheel washing facilities (3V25)

11. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan which shall include details relating to the phasing of the development; methods for accessing the site including construction vehicle number and routing and associated parking areas and storage of materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

12. Prior to the first use of the development hereby approved, a car park management plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the operation of the car park shall accord with the approved details.

Reason: In the interests of highway safety and convenience.

### **Informatives**

1. Flood defence consent transferred into the Environmental Permitting Regulations on 6 April 2016. You may need an environmental permit for flood risk activities if you want to do work:

- in, under, over or near a main river (including where the river is in a culvert);
- on or near a flood defence on a main river;
- in the flood plain of a main river;
- on or near a sea defence.

You're breaking the law if you carry out these activities without a permit if you should have one. For further details of environmental permits for flood risk activities please see <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

2. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

### **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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
B1	-2,237

**Legal Agreement – financial obligations**

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	N/A	N/A	N/A
Parks and Public Gardens	N/A	N/A	N/A
Outdoor Sports facilities	N/A	N/A	N/A
Amenity Green Space	N/A	N/A	N/A
Provision for children and young people	N/A	N/A	N/A
Maintenance contribution - Parks and public gardens	N/A	N/A	N/A
Maintenance contribution - Outdoor Sports facilities	N/A	N/A	N/A
Maintenance contribution - Amenity Green Space	N/A	N/A	N/A
Maintenance contribution - Provision for children and young people	N/A	N/A	N/A
Community Centres and Village Halls	N/A	N/A	N/A