

5B 3/10/0396/FP - Redevelopment to form 45 Category II type sheltered apartments for the elderly (29x1 bed and 16x2 bed) communal facilities, landscaping and associated car parking at 135 Stansted Road, Bishop's Stortford, CM23 2AL for McCarthy and Stone Retirement Lifestyles Ltd.

Date of Receipt: 16.03.2010

Type: Full-Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - MEADS

RECOMMENDATION

That, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

- A financial contribution of £11,000 towards sustainable transport programs and £12,000 to provide the necessary highways infrastructure;
- A financial contribution of £4,297 towards Libraries;
- A financial contribution of £585,000 towards the off-site provision of affordable housing;
- 15% lifetime homes;
- Fire hydrant;
- £300 standard monitoring fee per clause.

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

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Boundary Walls and Fences (2E07)
4. Hard surfacing (3V213)
5. Landscape Design Proposals (4P12)
6. Landscape works implementation (4P13)
7. Levels (2E051)
8. Programme of archaeological work (2E023)

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9. Prior to the commencement of the development hereby permitted detailed plans and sections of the proposed road including gradients and method of surface water disposal shall be submitted to in writing and approved by the Local Planning Authority, and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed road works are constructed to an adequate standard in the interests of highway safety.

10. Prior to any site works being commenced sight lines of 2 x 2 metres shall be provided each side of the means of access within which there shall be no obstruction to visibility between 0.6 metres & 2.0 metres in height above adjoining carriageway level.

Reason: To provide visibility for drivers of vehicles entering and leaving the site in the interests of highway safety.

11. Prior to the first occupation of the development the existing footway along the entire Stansted Road frontage of the site shall be widened to 2 metres and a 2 metre wide footway shall be provided along the Legions Way frontage of the site and returning into the access road to the development in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and pedestrian movement.

12. Existing access closure (3V051)

13. Green Travel Plans (3V272)

14. Provision and retention of parking space (3V234)

15. Prior to the commencement of the development, surface water drainage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, and in accordance with Policy ENV21 of the East Hertfordshire Local Plan Second review April 2007.

16. The building shall be used for warden control sheltered accommodation for persons over 60 years in age for a single or eldest occupier and 55 years of age for any additional occupiers of any single unit and for no other purposes including any other purpose in Class C3 of the Schedule of the Town and

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Country Planning (Use Classes) Order 2005.

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Reason: To ensure that that no alternative use is made of the building which would be likely to result in an increase in the number of parking spaces required for residents; additional infrastructure pressure; or improved access arrangements.

Directives

1. The applicant is advised that that work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
2. In the event that the presence of any significant unsuspected contamination becomes evident during the development of the site you are advised to contact the Environmental Health department at East Herts District Council.
3. Street Naming and Numbering (19SN4)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, HSG1, EDE2, ENV1, ENV2, ENV21, ENV24, HSG1, HSG3, HSG4, HSG 6, HSG7, TR1, TR2, TR4, TR7, ENV3, BH1, BH3, IMP1. The balance of the considerations having regard to those policies and the comments of County Highways 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.
- 1.2 The site is located within the built up area of Bishop's Stortford and is some 0.39 hectares in area. The site is situated to the west of Stansted Road.

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- 1.3 The existing site is occupied by two detached buildings, previously used as a Public House and an ancillary hotel. These existing buildings are set back by approximately 25 metres from the adjacent highway. The Public House is principally 2 storeys in height with single storey extensions to the side and the hotel building is a single storey, low lying building. There is a large area of hard standing to the front of the existing buildings, with a grass bank adjoining the highway.
- 1.4 The surrounding area is largely characterised by residential properties. The dwellings opposite the site to the east, fronting onto Stansted Road appear 2 storey in height, yet are substantially raised above the road level, and form semi-detached and terraced dwellings. The adjacent residential development to the south at Elliot Court, forms a 2/3 storey building that extends from Stansted Road into Legions Way. To the north and west of the site, the land continues to rise and the site is adjoined by the rear gardens of 2 storey semi-detached and detached properties in Cannons Close. Adjoining the south western boundary of the site are 2 storey terraced properties in Legions Way.
- 1.5 The proposal is for 45 Category 2 type sheltered housing units. The current design proposes a single 'L-Shaped' building which would extend around the eastern and southern parts of the site. An area for car parking is proposed to the rear and west of the building where 22 car parking spaces are proposed to be provided. Areas of soft and hard landscaped amenity spaces are proposed between the building and the proposed car parking. The proposed building would be set back by approximately 9-10metres from the eastern boundary with Stansted Road and a minimum of 8 metres from the southern boundary with Legions Way. A distance of 8.2 metres would be retained from the 2 storey elements of the building to the rear gardens of 17 Legions Way and the dwellings in Cannons Close. An area of amenity space proposed to the north of the site would retain a minimum distance of 3.7metres from the building to the site boundary with the rear garden of the adjoining residential property in Cannons Close.
- 1.6 A vehicular access is proposed from Legions Way. A new footpath is proposed along the site's boundary with Legions Way. The existing hedge that is sited along the site's southern boundary is proposed to be removed in order to enable the footpath to be created along Legions Way. However the Site Plan that has been submitted indicates that new planting will be planted along this boundary to replace the existing hedge. The details of all planting would be subject to Officers' consideration of a full landscape scheme that is recommended to be submitted by condition should planning permission be granted.

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- 1.7 The proposed building varies between 3 and 2 storeys in height. The front elevation onto Stansted Road has a 2 storey element to the north of the site, with a ridge height of approximately 7.5 metres. This is joined by a lower link to a 3 storey element which reaches a ridge height of approximately 10.5 metres. This design is then effectively repeated with a further 2 storey then 3 storey section of the building. A corner aspect is proposed which fronts onto Stansted Road and extends around the corner into Legions Way. This corner element is the highest point of the proposed building, reaching a ridge height of approximately 12 metres and is designed with a pyramid shaped roof. The elevation that then continues along Legions Way falls to a 2 storey element that links the corner part of the building with a further 3 storey part of the building which finally then declines to 2 storeys at the south western part of the site, adjacent to the 2 storey dwelling at 17 Legions Way.
- 1.8 The building is proposed to be finished eternally using a mix of brick and render with some flat roofed projections within each elevation. Several Juliet style balconies are proposed at a first and second floor level.
- 1.9 Since the submission of the application Officers have been negotiating with the applicant regarding the proposed commuted sum towards an off-site provision of affordable housing. A consultant on behalf of the Valuation Office was instructed to make an independent assessment of the viability statement that the applicant had submitted. The consultant identified that a contribution of £585,000 towards affordable housing could viably be made by the applicant. As a result of these negotiations the applicant has now submitted a revised Affordable Housing Statement (Rev B) which commits to the payment of the sum of £585,000 towards affordable housing and replaces the original Affordable Housing Statement which was submitted with the current application that originally proposed a contribution of £324,015.

2.0 Site History

- 2.1 The site had a previous established use as a Public House.
- 2.2 Planning permission was granted in 1999, under planning reference number 3/99/0496/FP for alterations to the existing public house and a new building forming 28 bedrooms. This development proposed a 2 storey building in the position of the existing hotel to the northern section of the site.
- 2.3 In 2002 planning permission was granted for single storey extensions to the Public House under planning reference number 3/02/0462/FP.

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- 2.4 Planning Permission was granted under delegated powers for the construction of a 10 bed hotel building in 2002 under planning reference number 3/02/1562/FP.
- 2.5 Planning permission was refused by the Development Control Committee in August 2008 for 49 Category 2 type sheltered housing for the elderly (35 1 bed and 14 2 bed units) communal facilities, landscaping and associated car parking (ref.3/08/1010/FP) for the following reasons:
- 1) The proposed development by reason of its size, massing, design, form and layout would be detrimental to the character, appearance and visual interests of the surrounding area, contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
 - 2) The proposed development fails to make adequate provision for affordable housing in accordance with the Planning Policy Guidance Note 3 'Housing', and policy HSG3 of the East Herts Local Plan Second Review 2007.
 - 3) The proposed development does not make adequate provision for improvements to the pedestrian routes surrounding the site, links to the nearby shopping parade and towards other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 and HE9 of East Herts Local Plan Second Review April 2007.
 - 4) The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupants, and would thereby be contrary to policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.
- 2.6 A resubmission of the scheme refused in August 2008 for 49 Category 2 type sheltered housing for the elderly units (ref.3/08/2122/FP) was refused by the Development Control Committee in March 2009, for the following reasons:
- 1) The proposed development fails to achieve a high standard of layout and by reason of its size, massing, design and form would result in a development that would be detrimental to the character, appearance and visual interest of the surrounding area, contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

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- 2) The proposed development fails to make adequate provision for affordable housing in accordance with the Planning Policy Guidance Note 3 'Housing', and policy HSG3 of the East Herts Local Plan Second Review 2007.
- 3) The proposed development does not make adequate provision for improvements to the pedestrian routes surrounding the site, links to the nearby shopping parade and towards other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 and HE9 of East Herts Local Plan Second Review April 2007.
- 4) The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupants, and would thereby be contrary to policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission. In terms of parking the East Herts SPD suggests that parking at a rate of between 0.5 to 1.0 space per unit should be provided as a maximum, with an allowable reduction of 25% based on the fact that the site is located within Zone 4. This equates to a maximum requirement of between 18 and 34 spaces. The proposed provision is based upon surveys undertaken at similar developments in other parts of the country operated by the applicant, and falls within the range suggested by the SPD. Given the location of the site in relation to public transport and the potential low level of car ownership associated with the occupiers of the housing units the proposed level of car parking may be acceptable. Nevertheless County Highways remain concerned that, because of the limited parking, there is a risk of indiscriminate parking taking place on Stansted Road on occasion and they consider that it is not unreasonable to require the developer to fund a Traffic Regulation Order to safeguard against that happening. Following on from that requirement, since consideration of the previous scheme it is apparent that the correct tool for securing sustainable transport planning obligations for a development of this nature is not the County Council toolkit but the East Herts SPD dated October 2008.

In this respect the SPD makes a distinction between first strand and second strand contributions. First strand includes for actual physical measures such as bus shelters whilst second strand measures would go toward investment in schemes to improve public transport, cycling and pedestrian facilities in the vicinity of the site.

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Looking at first strand contributions passenger transport colleagues have again suggested that improvements to the nearest bus stops are required particularly given the potential increase in use by the elderly residents of the development site. The cost of providing the necessary infrastructure was estimated at £19000. However, since these original comments a subsequent representation from County Highways has been received which states that owing to the limited footway widths in this area provision of shelters would be problematic but kerbing enhancements would be possible. A financial contribution of £12,000 for Kassel kerbing would allow two stops on Stansted Road to be completed and would be appropriate in this instance and therefore this contribution can be reduced from £19000 to £12000.

Second strand contributions are based upon a standard contribution of £500 per parking space equating to £11000. Therefore a total accessibility contribution of £23000 is appropriate.

For clarification the frontage footway works will be required in addition to the accessibility contributions and will be secured by Highways Act S278 agreements.

In conclusion now that the applicant is proposing appropriate parking provision; improvements to the frontage footways and has indicated a willingness to make an accessibility contribution County Highways confirm that the development is now acceptable in a highway context, subject to the recommended conditions and advisory notes.

Since the receipt of County Highways' initial comments, the applicant queried how the highways contributions were derived at, which resulted in a revised contribution request as detailed above. The applicant has also questioned the need for a Traffic Regulation Order, which County Highways confirm would be sought through a Section 278 agreement and the need for a Green Travel Plan which formed part of County Highways recommended conditions. In response to this County Highways have referred to the Report on Transport Issues submitted with the application where the need for a GTP was alluded to. County Highways appreciate that traffic generation would not be that great but it is important that staff and visitors are encouraged to travel by sustainable modes.

- 3.2 Herts County Council's Planning Obligations Unit has commented that the proposed development falls above the current threshold where financial contributions are sought. A contribution of £4,297 is sought towards library provision. Fire hydrant provision is also sought. Given that the application is for sheltered apartments for the elderly contributions towards education, youth and childcare are not required in this instance.

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- 3.3 The Council's Engineer has commented that the Council have no records of historical flooding at the site and the site is not located within flood zones 2 and 3. The existing structure is bordered by a swathe of permeable land and the proposed plans show most of this to be replaced by impermeable surfacing with a consequent risk of increase to flood risk as a result of additional surface water runoff. It is therefore reasonable to assume that the development would be likely to contribute to localised flooding affecting the development site and the surrounding areas. A condition is suggested to ensure that surface water drainage details are therefore submitted for approval.
- 3.4 Thames Water have no objection to the proposed development.
- 3.5 The Hertfordshire County Council Historic Environment Unit has commented that the application site is located within an Area of Archaeological Significance. An archaeological evaluation of the site was carried out in May 2008 and it was identified that archaeological remains of Roman date are present within the site. It is therefore recommended that if the Council are minded to grant permission that this is subject to a condition to require further archaeological investigations to be carried out.
- 3.6 Herts Constabulary comment that it has not been demonstrated that crime prevention measures have been considered and that it would be beneficial for the sheltered accommodation to be built to the Secured by Design standard
- 3.7 Environmental Health have recommended conditions that relate to noise, air quality and contaminated land.
- 3.8 The Council's Housing Development Manager commented that the original Affordable Housing Statement that was submitted with the current application proposed a commuted sum that would provide for an insufficient amount of affordable housing.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council objects to the development on the grounds of over intensification of the site both in height and bulk, difficulty of ingress and egress particularly for emergency vehicles and loss of community facility. The Town Council also refer to their comments on the previous applications at this site.

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4.2 Bishop's Stortford Town Council has been notified of the revised Affordable Housing Statement. No additional comments have been received in relation to this; however any further representations received will be reported to Members at the Committee meeting.

5.0 Other Representations

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

5.2 16 letters of representation have been received which includes a letter from the Parsonage Residents Association, 12 letters of objection and 3 letters of support. The issues raised in the letters of objection can be summarised as follows:-

- There is a fox den in the rear of the pub garden;
- Concentration of elderly residents together with Elliott Court is not appropriate;
- Dangerous access;
- Loss of community facility;
- Increased noise levels for adjoining residents;
- Loss of visual amenity and adverse visual amenity;
- Increased traffic will be a danger to pedestrians;
- Effect on value of neighbouring properties;
- Increased pollution;
- Strain on communal drainage facilities and other infrastructure;
- Previous use as pub and hotel is preferred;
- Access for emergency vehicles;
- Loss of privacy;
- Loss of sunlight to front gardens of neighbours in Stansted Road;
- Inappropriate positioning of the building;
- Insufficient provision of parking would lead to increased pressures on surrounding roads;
- The building would be higher than those opposite;
- Closure of local doctors surgery increase the need for private vehicles;
- Although the number of flats reduced, the number of 2 bed units has increased

The issues raised in the letters of support can be summarised as follows:-

- Accommodation such as this is becoming increasingly needed;
- No increase in rush hour traffic;

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- Less noise nuisance than a replacement public house;
- Development would be an improvement to the area as similar developments are well designed and built;
- Developing the site would avoid vandalism of vacant site;
- Improved design;
- The development would provide local jobs and business to local shops;

5.3 All third parties who had submitted a representation in relation to the current application have been notified by letter of the amended Affordable Housing Statement. No additional comments have been received in relation to this; however any further representations received will be reported to Members at the Committee meeting.

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites
EDE2	The Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
HSG1	Assessment of Sites Not Allocated in This Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
HSG7	Replacement Dwellings and Infill Housing Development
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR4	Travel Plans
TR7	Car Parking Standards
ENV3	Planning Out Crime-New Development
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
BH1	Archaeology & New Development
BH3	Archaeological Conditions and Agreements
IMP1	Planning Obligations

7.0 Considerations

- 7.1 The principle consideration in this case is whether the proposed development accords with the 'saved' policies of the East Herts Local Plan Second Review April 2007 and whether the previous reasons for refusal have been overcome.

Principle of residential development

- 7.2 The application site is located within the built up area of Bishops Stortford where, in accordance with Policy SD2 there is no objection in principle to development. Policy HSG1 states that the suitability of a site for development will be tested against criteria which relates to the availability of previously developed land, accessibility, local infrastructure capabilities, physical constraints on the land and the need to retain a previous use at the site.
- 7.3 In accordance with Policy HSG1, the application site is a previously developed site and is considered by Officers to represent a sustainable location for residential development. The specific type of residential accommodation that is proposed, being sheltered housing does not prejudice this view. In fact the Housing Needs Survey 2004 identified that there is a need across the district for housing for older people.

Loss of Existing Use

- 7.4 Policy EDE2, states that the loss of sites that were last in employment use will be permitted subject to the submission of evidence to demonstrate that the retention of the site has been fully explored without success. The pre-text to this policy highlights the Council's support of small businesses which provide local employment opportunities and therefore Officers believe this policy is relevant within the consideration of the current application.
- 7.5 The type of employment that would have previously occurred at the site would have been within the Public House and hotel. The applicant has failed to provide details of the likely number of people employed at the site under its previous use and has not detailed the number of employees, such as wardens, that would be likely to be employed at the proposed sheltered housing development. However, notwithstanding this lack of information, Officers do not consider that the loss of employment that would occur from the site's former use as a Public House and hotel would be of a sufficient number to warrant the application for planning permission being refused for this reason.

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- 7.6 Officers have considered the concerns raised by local residents regarding the loss of the existing Public House and hotel at the site. Although Policy LRC11 seeks the retention of community facilities, these are listed as buildings and land for purposes such as schools, nurseries, hospitals, libraries, schools etc. Policy STC8 states that developments will not be permitted within local centres and rural locations where it would result in the loss of a public house. This site is not considered to be within a local centre. Officers therefore consider that the development proposal cannot be refused on policy grounds due to the loss of the existing public house and hotel.
- 7.7 Policy HSG1, however, states that the suitability of a site for development will be assessed against the need to retain an existing or previous use at the site. After the submission of the previous planning application made at the site, some confidential financial information has been submitted to the Council which details the failure of the public house at the site and states that the marketing of the site was not restricted and remained open to the continued use as a public house. The site is located a short distance from Bishop Stortford's town centre and the nearest Public House, 'The Cock' is estimated to be around 750metres from the application site. However, local residents have pointed out within their letters that the distance to another Public House to the north of the site is substantially greater. The concerns of local residents are duly noted, however, Officers in this instance do not consider there to be a specific need to seek the retention of the existing uses at the site and advise that refusing the application under Policy HSG1 would be unjustified.

Amount, Size and Mass

- 7.8 The development proposes 45 units on a site of 0.39 hectares, this equates to a density of approximately 115 dwellings per hectare. This represents a reduction in 4 units from the previous proposal and a reduction from 125 dwellings per hectare. It is considered that due to the nature of the residential development, being 1 and 2 bedroom units the density will be higher than other developments such as traditional residential estates, and although the density is high there is no objection in principle to the form and layout of development that results in this case.
- 7.9 In terms of the size and mass of the proposed development, the previous proposal was considered by Officers to be acceptable. However, Members of the Committee considered that the size and massing of the proposed development would be detrimental to the character, appearance and visual interest of the surrounding area. The decision made by the Committee on the previous application forms an important material consideration for the current application.

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- 7.10 The reduction of the development by 4 units, although reducing the density, does a limited amount to reduce the resulting size and amount of operational development that is proposed. Members should note that the reductions in unit numbers has occurred within the 1 bedroom flats, of which 29 are proposed compared to the previous application where 36 1 bed flats were proposed. The number of 2 bed flats has however increased with the current application from 13 to 16 units, which would partially account for the limited reductions that have occurred to the building size. The changes that have been made to address the concerns raised in relation to size and massing include the removal of a single storey lean-to structure to the northern flank; the use of Juliet style balconies instead of standard balconies; the proposed materials have been revised; the corner element has been simplified slightly which appears to involve the modification of fenestration, the removal of balconies and a change to the materials.
- 7.11 Although the reductions made to the amount of residential development at the site do not result in substantial changes to the overall mass and size of the development, the applicant has nevertheless attempted to address Members concerns by reducing the density by 4 units. Officers consider the proposed amount, size and mass of the proposed development to be acceptable and would not be detrimental to the character, appearance and visual interests of the surrounding area.

Design and Form

- 7.12 In terms of design and form, in the case of the previous application Officers were satisfied by these aspects of the development. However, Committee Members considered that the design would have resulted in a development that would be detrimental to the character, appearance and visual interest of the surrounding area.
- 7.13 With regards to the form of the development now proposed, this is unchanged, with the proposed building extending in an L-shape across the eastern and southern parts of the site, the various elements of the building and their heights appear to have increase slightly in some places. However, the proposed building, with the exception of the removal of the balconies, essentially does not differ in terms of its form to the previous proposal.
- 7.14 In relation to the design of the development the following changes have been made; the use of Juliet style balconies instead of standard balconies; revised materials; the corner element has been simplified slightly which appears to involve the modification of fenestration; the addition of external window cills; the 3 storey blocks that front onto Stansted Road have been

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handed to create a symmetrical frontage; the fenestration has been revised with improved proportions and canopies added to doorways to create clear entrance points.

- 7.15 The changes made to the detailed design of the building improve the appearance of the development and in particular this is achieved by the revised fenestration; symmetry within the frontage; and the addition of external window cills. However, little weight should be given to the changes made to the materials shown on the plans, as this is a matter that would usually be dealt with by condition should planning permission be granted. The changes made to the detailed design do go some way to improve the appearance of the proposed development; however, Officers do not consider the changes made to be significant. Notwithstanding this, Officers consider the proposed design and form of the development to be acceptable and consider that the resulting development would not be detrimental to the character, appearance and visual interests of the surrounding area.

Layout

- 7.16 Officers raised concerns with the previous application that the amount of amenity space that was proposed, together with its siting and layout, contributed to a poor standard of layout that was inadequate and incongruous with the development, contrary to the aims and objectives of Policies ENV1 and HSG7. Officers questioned the layout of the amenity space and how accessible and useable the space would be for the residents. A more centrally located area of amenity space was recommended. These points have been addressed within this latest application.
- 7.17 The removal of the bay parking spaces in Legions Way, allows the proposed footpath to be repositioned alongside the highway and results in an additional area of soft landscaping to be achieved between the southern flank of the building and Legions Way.
- 7.18 The amenity spaces and parking areas at the rear of the development have been revised with the current application to create a more central area of amenity space. A mix of hard and soft landscaped amenity spaces are proposed at the rear of the development, with small patio and soft landscaped areas to the front of the building adjacent to Stansted Road and Legions Way. The amenity spaces are now easily accessible from all parts of the development and form more meaningful and useable areas. The resulting development appears more attractive and would offer improved amenity spaces for the residents of the development. Officers consider that the previous concerns in relation to layout that applied to the

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previous application submitted have now been successfully overcome and therefore do not recommend that permission is refused in relation to the layout of the development.

Neighbour amenity

- 7.19 The impact that the development would have upon the amenities of neighbouring occupiers was considered as part of the previous proposals made at the site and the Council found no reason to refuse permission on these grounds.
- 7.20 Several representations received from neighbours express concerns regarding the impact that the development would have upon the properties opposite the site that front onto Stansted Road and in particular in terms of potential overlooking, loss of light and impact upon visual amenity/outlook.
- 7.21 The distance from the proposed development to these existing dwellings opposite the site is estimated to be 23-26metres. Although there would be a relatively close relationship between the existing dwellings and the proposed building, the distance proposed is considered to be sufficient in this instance to prevent direct overlooking or loss of privacy. The distance from the proposed development to the existing dwellings at Elliott's Court, to the south of the site is approximately 20-21metres. Officers do not consider that the proposed development would result in a degree of overlooking of the neighbouring residential properties that would be sufficient to warrant a reason for refusal of this application.
- 7.22 The outlook from all nearby residential properties would of course change with the development proposed as compared to the existing site, of which only a small proportion is occupied by buildings up to 2 storeys in height and are set back from all boundaries of the site. However, the proposed development is considered to be appropriately sited such that this change would not be detrimental to the amenities of the neighbouring dwellings and would not, in Officers view, warrant the refusal of planning permission.

Parking

- 7.23 In terms of parking, the East Herts SPD on Vehicle parking at new development recommends a maximum parking provision of between 0.5 to 1.0 space per unit with an allowable reduction of 25% based on the fact that the site is located within Zone 4. This equates to a maximum requirement of between 18 and 34 spaces.

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- 7.24 22 car parking spaces are proposed within the existing site which represents an increase in 2 spaces compared to the previously refused scheme, despite a reduction in the development by 4 units. The previous scheme in addition to the 20 on site spaces proposed 5 on-road spaces in Legions Way, however, Officers in their recommendation did not take these off site parking spaces into account in considering the number of spaces available for residents as these spaces would not be reserved for the residents of the site or their visitors
- 7.25 The applicant has submitted some supporting information with regards to parking provision. It is stated that in accordance with the definition of Category II sheltered housing, the age of residents would be restricted such that they must be 60 years of age or over, and 55 for a partner living in the same apartment. However research undertaken by McCarthy and Stone in 1996 found that the average age of entry to their developments was 75 years and 6 months, an age which is now predicted to be rising. The applicant has provided survey result of parking at similar developments which show that at a site of 48 units a demand for 17 spaces was recorded; at a site of 40 units there was a demand for 15 spaces and a site of 34 units a demand for 12 spaces was recorded.
- 7.26 Having regard to the additional 2 spaces that are proposed for the current application; the reduced density by 4 units; the information that has been submitted by the applicant to justify the level of parking provided and the recommendation made by County Highways, Officers consider there to be inadequate grounds to refuse planning permission due to an insufficient provision of parking.
- 7.27 Officers have recommended that, should planning permission be granted, this is subject to a condition that would restrict the occupation of the residential units to people aged 60 or over in age for a single or eldest occupier and 55 years of age for any additional occupiers. This restriction is considered to be appropriate and reasonable in this case as this is the age restriction that the applicant has based their justification for the level of parking upon. Furthermore, Officers consider that the provision of 22 parking spaces for 45 residential units in this location would not be sufficient if the flats were able to be occupied by all age groups. The proposed restriction would prevent the occupation of the units by younger people and families who are more likely to depend upon private vehicles than residents of 60 years and above.

Highways/Access

- 7.28 Several of the representations received from local residents express concern regarding the use of the access from Legions Way. However,

County Highways consider the proposed development to be acceptable in a highways context and are content with the principle of access from Legions Way and with the closure of the existing access from Stansted Road which is considered to be a positive benefit in highway terms. It is appreciated that traffic will increase on what is a residential cul-de-sac at present but the likely traffic generation from the development is not considered to be significant. Officers therefore consider the access proposed to be acceptable.

Affordable Housing

- 7.29 The applicant has proposed a commuted sum to allow the provision for off-site affordable housing as opposed to making provision on site in accordance with Policy HSG3. The sum that has been offered is £585,000 which the applicant has demonstrated is the maximum amount that can be offered for affordable housing before the development becomes unviable. The Council's own consultant has confirmed this financial assessment.
- 7.30 The applicant has also previously provided an explanation for the failure to make an on site provision for affordable housing. These relate to the site being impractical to create two separate blocks of accommodation; and a single shared block poses maintenance problems with the shared areas. Due to the concerns raised in relation to the layout of the site Officers previously considered that the division of the development into separate blocks should not be ruled out which would then have enabled an on-site provision to be made. However, now that Officers are satisfied by the layout of the site, based upon the current proposal, it is considered that an on site provision would not be ideal and Officers therefore accept the principle of a commuted sum for an off-site provision to be made.
- 7.31 Policy HSG3 requires the provision of "up to 40%" affordable housing and therefore the Council must consider the affordable contribution that would be reasonable and viable for this site.
- 7.32 The Council's adopted SPD on Affordable Housing and Lifetime Homes states that it is accepted that there will always be exceptional circumstances that influence the provision of affordable housing and the Council will take these circumstances into consideration. It states that developers will have to provide satisfactory evidence to enable the Council to determine the validity of the exceptional circumstances and their impact on the development. It goes on to state that a developer should take affordable housing provision and other known constraints into account when negotiating the purchase of the land.

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- 7.33 The applicant has submitted an Affordable Housing Statement with the application. The statement has used a residual land value assessment which considers the income from a development in terms of sales or rent and compares this with the costs associated with developing that scheme. It comments that the maximum amount available for affordable housing within the assessment is based on the difference between the unencumbered land value and the existing or alternative use value of the site, since any further requirement would not leave enough to bring the land forward for development.
- 7.34 The current Affordable Housing Statement (Rev B) concludes that the maximum amount that can be utilised towards affordable housing provision, allowing a 20% developer profit, before the development becomes unviable is £585,000. The viability assessment that has been submitted by the applicant has been verified by an independent consultant at the Valuation Office. The currently proposed contribution is significantly greater than that proposed for the previously refused scheme which would have been £40,532 and is also a substantial improvement on the sum that was originally proposed with the current application which was £324,015. Officers are satisfied that the proposed contribution is justified and is sufficient to provide adequate affordable housing elsewhere within Bishop's Stortford, in accordance with the aims of Policy HSG3.

Other Matters

- 7.35 With regards to the concern raised by the Council's engineer in relation to flood risk, this concern is raised due to the proposed replacement of permeable land with impermeable. However, as the majority of the frontage of the existing site is surfaced with tarmac and therefore impermeable, and much of the site is also occupied by the existing buildings the only permeable areas on the existing site are those grassed areas which are concentrated to the rear of the buildings. Although some of the grass areas would be lost to the proposed building, the majority of the grassed area that would be lost would be used for the parking and garden areas which would consist of a mix of hard surfacing materials and soft landscaped areas. Having regard to the concerns raised by the Engineer, Officers consider that, should planning permission be granted for the proposed development, the recommended condition to require details to be submitted of surface water drainage works would be reasonable in this case.
- 7.36 The third reason for refusal given for the previous scheme related to an inadequate provision for improvements to pedestrian routes and other infrastructure improvements. With this previous proposal the applicant was unwilling to make any financial contributions above the £40,532 that was offered for affordable housing. As contributions were requested from

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County Highways and the County Council towards libraries this reason for refusal related to the inadequate provision proposed in relation to these matters. The applicant has now committed to providing these financial contributions and therefore this previous reason for refusal has been overcome.

- 7.37 In considering the current proposal Officers have had due regard to the representations made by the Town Council and local residents. Many of the issues raised have been considered with the previous applications made at the site and it was concluded by the Council that the only outstanding issues related to the layout, size, massing, design and form of the development; the inadequate provision of affordable housing; inadequate provision for infrastructure improvements and inadequate parking.

8.0 Conclusion

- 8.1 Having regard to the representations made by consultees and local residents, Officers consider that the details submitted for the proposed development are acceptable. The proposed development accords with the relevant policies of the Local Plan and has fully overcome the concerns that Officers raised in relation to the layout, the provision for affordable housing, infrastructure improvements and parking that formed part of the previous proposal at the site.
- 8.2 Officers consider that the size, massing, design and form of the development is acceptable and would not be detrimental to the character, appearance and visual interests of the surrounding area
- 8.3 Having regard to the above considerations, it is recommended that planning permission is granted subject to a S106 agreement and the conditions at the head of this report.