

**5d (a) 3/10/1865/FP and (b) 3/10/1866/LC - Erection of 3 two storey offices and 6 detached 4-bedroom houses with access road at Land at Jeans Lane, Bishop's Stortford for Arlberg Properties Ltd**

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**Date of Receipt:** a) 29.10.2010  
b) 19.10.2010

**Type:** a) Full- Major  
b) Conservation Area Consent

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD - SILVERLEYS

**RECOMMENDATION**

(a) That planning permission be **REFUSED** for the following reasons:-

1. The proposed development by reason of its layout, mass, scale and design fails to respect the character of the surrounding area and would be detrimental to its character and appearance and that of the Bishop's Stortford Conservation Area wherein the site is situated. The proposal is therefore contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.
2. The proposed development by reason of the size and siting of office buildings A and C would result in an overbearing impact and harm to the outlook of nearby residential properties, to the detriment of the amenities of the occupiers of those properties. The proposal would thereby be contrary to policies EDE3 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed development fails to make provision for affordable housing in accordance with Planning Policy Statement 3: Housing and policy HSG3 of the East Herts Local Plan Second Review April 2007.

(b) That Conservation Area Consent be **GRANTED** subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Conservation Area (clearance of site) (8L13)

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, 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 PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

## **1.0 Background**

- 1.1 The application site, which is some 0.791 hectares in size is shown on the attached OS extract, and is located to the west of Bishop's Stortford town centre. The site is accessed from Jeans Lane off Bells Hill, and is currently occupied by a number of commercial buildings and one detached dwelling, which is set in large grounds. Land levels around the site rise up away from the site to the south-east, south and west. There are a number of trees along the western and southern boundary of the site, with a fewer number of individual trees located within the site. The site is located within the Bishop's Stortford Conservation Area.
- 1.2 The existing buildings on the site are of varying quality in their appearance and construction. They are predominantly single or one and a half storey in height and are constructed from a variety of materials. Some of the buildings on the site are currently occupied by Travis Perkins as a builders merchants, whilst the remaining commercial buildings were lastly occupied by Bells Press, however these buildings are currently vacant.
- 1.3 These applications seek planning permission and Conservation Area consent for the demolition of all existing buildings on the site and the erection of 3 detached office buildings with a total floorspace of 990 square metres, and 6 detached dwellings. The office buildings are proposed to be of a modern design with brick and rendered elevations and large expanses of glazing. Office building A is proposed to be some 390 square metres in size, and office buildings B and C some 300 square metres. Each building is proposed to have a pitched tiled roof and would reach a maximum height of approximately 8.5 metres.
- 1.4 The 6 detached dwellings are all proposed to be large 4-bedroom dwellings, each with a floorspace of between approximately 265 square metres and 320 square metres. Three of the dwellings are designed with integral garages which form part of a two storey projection to the front of the dwelling, and the other three dwellings are proposed to have detached double garages. The dwellings are all proposed to be approximately 8.4 metres high (and have an area of flat roof) and are shown to be of brick and render construction with tiled roofs. The dwellings are somewhat similar in their design to the proposed office buildings.
- 1.5 This application is being reported to Committee at the request of Cllr Ashley.

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### **2.0 Site History**

- 2.1 There is no recent planning history relating to this site which is relevant to the consideration of these applications.

### **3.0 Consultation Responses**

- 3.1 The Conservation Officer has commented that although the site may be considered to be isolated, the surrounding land levels are on a natural gradient which is clearly evident along Bells Hill, Hadham Road and the elevated position of Bishop's Stortford College from which longer views of the rear and roofscape of the properties that address Hadham Road and Bells Hill are prominent and considered to make a positive contribution to the immediate character and appearance of the area, further enhanced by key landmarks such as the spire of St. Michael's Church and the imposing red brick of St. Margarets. The low key development of the Jeans Lane site offers relief from the elevated mass and scale of the large ancillary College buildings and the built form of Bells Hill, the collection of which provide a varied and interesting vista.

In considering the surrounding architectural character of the site and the elevated land levels, the Officer comments that the principle concern with the proposal is the layout, mass, scale, design and impact the development would have on the setting of the identified residential properties and the longer views of the college and wider townscape. In addition, they comment that they are concerned about the loss of the open space provided by the existing site which is considered to enhance the character of the immediate and wider area. They comment that it is not to say that any form of development on the site would be unacceptable, but that the scale, mass, layout and design of the development should go towards enhancing the built form and character of the site and the wider Conservation Area.

In respect of the Conservation Area Consent application, they comment that they have considered the existing buildings which have little or no architectural interest.

Having regard to the above comments, the Conservation Officer therefore recommends approval in respect of the Conservation Area Consent application for the demolition of the existing buildings on the site, but recommends refusal of the planning application for the redevelopment of the site.

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3.2 The Landscape Officer comments that the site planning and layout is reasonably well thought out and the proposed built structures (houses, offices, garages, roads) are fairly well accommodated within the awkward geometry and constraints of the site. However the grain and pattern of the proposed development diverges significantly from the existing pattern of local development. The footprint for plot 3 for example (one of the smallest units) is larger than the entire footprint for 1-3 or 10-14 Masons Court, and is able to accommodate the footprint of semi-detached dwellings 1-2 or 3-4 Jeans Lane. The proposed dwellings are therefore 2-3 times larger (in plan) than the nearby individual houses plans. This is also manifest in that the proposed dwellings in terms of footprint and height are approximately equal in size to the proposed office buildings. In this regard the finished built form of the proposed development fails to recognise the local distinctiveness of the area. Notwithstanding this however, the Officer comments that due to the local topography and means of access, the site itself is fairly self contained and could be regarded as distinct to its own setting, although the roofscapes, etc. will have a visual impact on the surrounding properties on higher ground to the south, east and west. They also comment that there are a number of detailed landscape issues such as the car parking layout to office buildings A and B which would benefit from some tree planting.

In summary the Landscape Officer comments that the landscape character of the finished development is not in keeping with the more urban character of higher density and smaller nearby housing units. Their own appraisal of the site would lean heavily towards recommending a higher density housing development as being more appropriate in this location, or that the size of the individual dwellings proposed should be reduced in size/scale. Having regard to all of the above comments therefore, the Officer advises a borderline recommendation of approval in landscape terms.

3.3 County Highways have commented that the principle of the proposed development is acceptable in a highways context. They comment that it is acknowledged at present, with a major part of the site unoccupied, traffic generation is reduced from its full potential, however it is considered that the impact of the traffic associated with the proposed development together with the changes to Jeans Lane will not lead to an overall disbenefit to highway safety and they therefore have no reasons to justify an objection.

The Officer goes on to comment that they are aware of the local opposition to the scheme in particular the highway concerns surrounding the suitability of the shared surface access. They acknowledge that it is generally preferable to segregate pedestrians from vehicles but the use of shared surfaces together with the narrowing of carriageways has been a recognised tool of traffic calming for a number of years. In this particular

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instance, the relatively short length and construction of the access road, together with a narrowing to allow just single width traffic movement will ensure that vehicle speeds are sufficiently constrained.

With regard to the layout of the scheme, the Officer comments that it has largely been prepared in compliance with the HCC design guide 'Roads in Herts' and the D of T publication 'Manual for Streets'. The estate layout allows for penetration by refuse collection, service and emergency vehicles. Sufficient parking and vehicle turning areas are shown for both the residential properties and the offices and the facilities for cyclists contained within the office element are welcomed.

With regard to accessibility the site is well located to cater for sustainable transport modes and the intention to employ a Travel Plan is welcomed. Despite the edge of town centre location, County Highways consider that an Accessibility contribution should be sought, based on a figure of £500 per parking space for the non-residential element.

Finally they comment that Jeans Lane forms part of the public highway network and therefore the applicant will need to ensure that an appropriate Highways Act agreement is in place before works begin.

In conclusion they comment that should the Council be minded to grant planning permission that conditions relating to improvement works to Jeans Lane and the junction with Bells Hill; provision of parking areas; hard surfacing details; restriction on the use of garages; provision of area for the delivery and storage of materials; wheel washing facilities and the agreement of construction vehicle movements shall be attached to the permission.

- 3.4 Veolia Water has commented that the site is located within the groundwater Source Protection Zone of The Causeway Pumping Station. The construction works and operation of the proposed development site should therefore be done in accordance with the relevant British Standards and Best Management Practices to reduce the groundwater protection risk.
- 3.5 Environmental Health has commented that there is a history of a brick yard and press works at the site. The proposed sampling scheme outlined in the Phase 1 desktop survey is vague and possibly inadequate, and the developer should therefore submit a more detailed sampling scheme prior to carrying out the contaminated land survey. They therefore recommend refusal to the application, but comment that if planning permission were to be granted they request that conditions relating to soil decontamination, construction hours of working, dust, asbestos, bonfires and piling work should be imposed.

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### **4.0 Town Council Representations**

4.1 Bishop's Stortford Town Council have raised no objection to the applications and have commented that this is an interesting development in that the houses will be fitted with lifts so that they are suitable for disabled people. In addition they commented that the development maintains employment on the land which is important given that there is a shortage of commercial accommodation.

### **5.0 Other Representations**

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

5.2 8 letters of representation from local residents have been received which can be summarised as follows:-

- The existing garden of Jean's Cottage makes a substantial contribution to the local pattern of development and forms a swathe of mature gardens and trees from the grounds of Bishop's Stortford College, through Jean's Cottage garden and Windhill Fields, to the grounds of St. Marys School;
- The site is within the Conservation Area with very traditional styles, and the proposed new buildings are neither vernacular nor of particular architectural merit;
- No improvements to the Conservation Area are suggested;
- The proposed office buildings are two storey and would overlook adjacent properties causing lack of privacy;
- Office building C would result in the construction of a two storey building along almost the full length of the garden of no. 4 Jeans Lane. The eaves height of the this building would be approximately 700mm higher than that of no. 4, and the scale of such a building is likely to lead to overshadowing of the existing garden area and will result in an over dominant and overbearing visual impact;
- Office building A would result in the loss of light to the occupiers of Elgar House located within the grounds of Bishop's Stortford College, and the size and bulk of the building would dominate the area to the detriment of the Conservation Area;
- The proposed houses would be overlooked by and will also look into adjacent properties and the schools;
- Some offices operate 24 hours a day which if were to happen would result in an increase in noise and comings and goings compared to the current situation;

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- Concern about the increase in traffic using the access to the site via Bells Hill, which would cause further queues, conflicts and safety issues around the lower part of Bells Hill and the mini roundabout at the bottom of Bells Hill;
- Visibility from the site access southwards along Bells Hill is poor;
- The accuracy of the submitted Transport Assessment is queried in respect of the proposed and existing traffic generation from the site, and it is queried whether the development will reduce traffic movements;
- There are currently few HGV movements to and from the site and when in operation the press works mainly used vans for their collections and deliveries;
- The provision for 57 parking spaces on the site is a considerable increase over the current 21 spaces;
- The access road to the site would be only 3 metres wide and makes no allowance for a footway, which is contrary to Roads in Hertfordshire guidance;
- The enlarged access would mean the loss of at least one residents parking space on Bells Hill and if adequate sight lines are provided further spaces would be lost;
- Impact of the access on the safety of school children walking to the nearby St. Marys School and Bishop's Stortford College;
- The width of the pavement along Bells Hill should be increased;
- No attempt has been made to find new tenants for the existing Bells Press building;
- Travis Perkins are unwilling to vacate their premises, and the wood yard is unique to the town and is likely to be lost if the redevelopment goes ahead. They also provide a valuable local resource to the western area of the town and beyond which helps to reduce cross-town traffic;
- There is an oversupply of office accommodation in Bishop's Stortford, and have the developers found potential tenants?
- During heavy rain the site and lane floods badly and therefore adequate surface water drains etc. should be provided;
- The development is close to a number of large established trees and the development may have an impact on the roots of those trees;
- Only a few trees remain on the site of the once extensive orchard, and the development proposes to remove these trees;
- Concern has been expressed in relation to the security arrangements of the proposed office car parks;
- There is a considerable bat population in the area, and they may roost in the existing buildings on the site;

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- There is a large vaulted brick chamber beneath the former Bells Press buildings and a small red brick building on the site which was formally used as a Charnel House. Both of these features are unique to Bishop's Stortford and are considered to be worthy of investigation and preservation if necessary;
- At least two pairs of Bullfinches have been seen feeding in the area and development on this site would jeopardise the contribution towards the achievement of national targets to increase the population size of Bullfinches;
- The developer is not proposing to make any S106 contributions ;
- There has been no consultation with local residents;
- The occupiers of the property known as Dingley Dell have a vehicular access over the site and their services (electricity, water and sewer) also run across the site.

5.3 Comments have also been received from Bishop's Stortford College who comment that office building A would be sited approximately 12 metres to the south of one of the residential properties within the College grounds. This property is set down at a lower ground level than the application site and the proposed office building would be a monolithic and overpowering influence on that building given both its design and its proximity to the boundary of the application site. The College comment that the house is an attractive traditional red brick building which adds significantly to the quality of the Conservation Area in this location, and the proposal therefore fails to meet the requirements of policy BH6 of the Local Plan. They also comment that the office building will also have a significant effect on the amount of daylight reaching the front elevation of the house compared to the current situation, which is contrary to policy ENV1 of the Local Plan.

5.4 The College also comment that there are a number of boundary trees situated on the College's land, the root systems of which would extend under the boundary and into the application site. They therefore comment that given the importance of these trees to the proposed development and the character of the Conservation Area, a tree survey should be carried out and an appropriate mitigation strategy put in place to protect the trees during construction. They also suggest that in the interests of amenity, particularly given the changes in land levels, the applicant should provide additional tree and boundary planting along the western boundary of the site.

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5.5 Finally the College comment that they have a responsibility in regard to the safeguarding of children and they are concerned in regard to the security risk of having an easily accessible car park adjacent to their boundary where access can be gained to the College's campus with relative ease.

### **6.0 Policy**

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

SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking – Standards
TR13	Cycling - Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites
EDE3	Employment Uses Outside Employment Areas
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows
BH6	New Developments in Conservation Areas

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 5: Planning for the Historic Environment.

### **7.0 Considerations**

7.1 The determining issues in relation to the consideration of these applications are:

- The principle of development, including consideration of the possible loss of employment on the site;
- Impact on the character and appearance of area and the Bishop's Stortford Conservation Area;
- Impact of the development on the amenities of local residents;
- Highways/Access/Parking;
- Provision of affordable housing;
- Impact on existing landscape features;
- Conservation Area Consent.

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### **Principle of Development**

- 7.2 The site is located within the built-up area of Bishop's Stortford wherein there is no objection in principle to development. The redevelopment of the site to include both commercial and residential development is therefore in principle considered to be acceptable.
- 7.3 However fundamental to the consideration of what in principle is an acceptable use for the site, are the requirements of Policy EDE2 of the Local Plan. It is noted that the site currently accommodates a total commercial floorspace within the existing buildings of 1400 square metres. The application proposes to demolish the existing buildings on the site and erect three two storey buildings with a total floorspace of 990 square metres of office accommodation. Policy EDE2 of the Local Plan states that outside of the identified Employment Areas, development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to a number of criteria being met including that the retention of the site or premises for employment use has been explored fully without success. No marketing of the existing site has been undertaken, and whilst one of the buildings on the site is currently vacant, the Travis Perkins builders yard is still operational. Officers feel that it would have been beneficial for the site to have been marketed in particular to address the requirements of policy EDE2 of the Local Plan, however they are mindful of the existing poor vehicular access to the site in particular for large vehicles, the relationship of the site to surrounding residential properties and the poor condition of some of the buildings on the site. Taking these factors into account, that it is proposed to develop part of the site for B1 purposes (for which there is an identified need within Bishop's Stortford as outlined in the Employment Land Study) and that the quality of the new commercial development will be an improvement on what currently exists on the site, it is considered that the proposal would not conflict with policy EDE2. However, it should be noted that if planning permission were to be granted for the redevelopment of the site, the Council would seek some form of condition or legal agreement which ensured that the proposed office development was provided as part of the development.

### **Impact on character and appearance of area and Conservation Area**

- 7.4 As outlined earlier in this report, the application proposes the erection of 3 detached office buildings and 6 detached dwellings on the site. The comments of both the Conservation Officer and the Landscape Officer have been noted in respect of the current character and appearance of the site and its relationship to the surrounding area, and in particular their comments that whilst the site may be considered to be isolated and fairly self-contained due to the topography of the surrounding area, views across

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the site are afforded and the current low key development of the site offers relief from the elevated mass and scale of the large ancillary College buildings and the built form of Bells Hill, the collection of which provide a varied and interesting vista. In respect of the proposed development however, both Officers do raise concern with the grain, pattern, mass, scale and design of the proposed development, commenting that it diverges significantly from the existing pattern of local development and impacts upon the setting of nearby residential properties and the longer views of the College and the wider townscape.

- 7.5 Policies HSG7 and ENV1 of the Local Plan both require that new development should complement the existing grain of development and the character of the local built environment and have regard to local distinctiveness, and in considering the policy requirements in respect of this application, Officers are concerned that the layout, mass, scale and design of the proposed development fails to respect the character of the surrounding area. Officers do not consider that the proposed development of large detached dwellings or office buildings would be reflective of, or complimentary to the character of the surrounding area, which in the vicinity of the site is characterised by a mix of dwelling sizes, and a high number of smaller often terraced properties, constructed at a higher density than that of the proposed development. This point is echoed by the Landscape Officer who noted that the proposed dwellings are 2-3 times larger (in plan) than nearby individual houses, and as an example the footprint for plot 3 (one of the smallest units proposed) is larger than the entire footprint for nos. 1-3 or nos. 10-14 Masons Court, and is able to accommodate the footprint of semi-detached dwellings nos. 1-2 or nos. 3-4 Jeans Lane.
- 7.6 In considering the impact of the development on the character and appearance of the surrounding area, it is also pertinent to consider the density of the proposed development, and that it is significantly lower than the density of the surrounding residential area. In that respect it is considered that whilst the development does not reflect the grain of surrounding development, it also does not make efficient use of land (the area proposed for residential development would equate to approximately 12 dwellings per hectare). Whilst it is acknowledged that there are some constraints to development on the site, such as the ability of the vehicular access to the site to accommodate additional development and the location of the site within the Bishop's Stortford Conservation Area, as outlined earlier in this report, Officers do not consider that the proposed development of large detached dwellings would be reflective of, or complimentary to the character of the surrounding area.

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- 7.7 It is therefore considered that the proposed development by reason of its layout, mass, scale and design fails to respect the character of the surrounding area and would be detrimental to its character and appearance and that of the Bishop's Stortford Conservation Area wherein the site is situated. The proposal would therefore be contrary to policies HSG7, ENV1 and BH6 of the Local Plan.

### **Relationship to neighbouring properties**

- 7.8 It is acknowledged that the current commercial uses on the site may result in some detriment to the amenities of the occupiers of nearby residential properties, and therefore the proposed redevelopment of the site may be considered to be an improvement to this current relationship. However, it is interesting to note that none of the representations received from local residents raise significant concern with the existing uses on the site, but do raise concern with the impact of the proposed development. Furthermore, the Council's Environmental Health team, in their consultation response, have also not specified any concerns or complaints they may have received in respect of the current operation of the site. Therefore, whilst Officers acknowledge that the redevelopment of the site would result in the loss of the existing builder yards and press works on the site, they are not satisfied that the removal of these non-conforming uses is sufficient justification alone to permit the redevelopment of the site.
- 7.9 Turning now to the detailed consideration of the proposed development, Officers are concerned in respect of the relationship between office building C and no. 4 Jeans Lane. Whilst it is acknowledged that some of the existing buildings on the site are located in close proximity to the boundary with this property, the scale of these buildings are less than the size and scale of office building C which would have a 10 metre long flank elevation and would reach a maximum height of 8.6 metres. Officers are concerned that the scale of this building and its siting in close proximity to the boundary with no. 4 would result in harm to the outlook from that property, and would result in an unacceptable overbearing impact.
- 7.10 In respect of office building A, Officers are concerned that the size and siting of this building would result in an unacceptable impact on the amenities of the occupiers of the residential building within the College grounds which is sited approximately 13 metres from the northern boundary of the application site. Office Building A is proposed to be approximately 8.6 metres high, and having assessed the site section drawing submitted with the application it is considered that approximately 7 metres of the building would be visible above the existing boundary wall at a length of 10.9 metres. It is considered that having regard to the proximity of the proposed office building to the front elevation of the property within the

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College grounds and the size and scale of the building, it would result in harm to the outlook from that property, and would result in an unacceptable overbearing impact.

- 7.11 Whilst it is considered that the development would have an unacceptable impact upon the occupiers of no. 4 Jeans Lane and the property within the College grounds contrary to policies EDE3 and ENV1 of the Local Plan, it is considered that the impact on other surrounding properties would not be of such significant harm to warrant refusal of the application. Whilst the outlook from properties to the north of the application site, namely Dingley Dell and Masons Court would be primarily limited to the office buildings and the associated car parking areas, it is considered that such an outlook would not be dissimilar to the current situation and would therefore not result in any additional harm to the outlook that they currently benefit from. In respect of the properties in Bells Hill, the rear of which overlook the site, it is considered that taking into account the distance between the rear of these properties and the application site and the change in land levels, it is considered that the development would not raise any unacceptable neighbour amenity considerations which would warrant refusal of the application.
- 7.12 Therefore, notwithstanding the acceptability of the development in respect of its impact on properties in Bells Hill, Masons Court and Dingley Dell, as outlined above it is considered that the development would result in unacceptable harm to the occupiers of no. 4 Jeans Lane and the property within the College grounds, and it is accordingly recommended that the application is refused on these grounds.
- 7.13 In addition, it should be noted that the occupiers of Dingley Dell have commented on the application that they have a right of access across the application site and also that their services run across the site. This however is a civil matter and is not a material consideration in the determination of this application.

**Highways/Access/Parking**

- 7.14 It is evident from the representation received on the application from local residents that the highway implications of the proposed development are of particular concern. County Highways were consulted on the application and have recommended that the development is acceptable in a highways context. A Transport Statement was submitted with the application which outlines the existing and proposed traffic movements associated with the site and its proposed re-development. This Statement outlines that based on the TRICS database currently the site could generate total vehicle movements per day of 186 which is equivalent to 93 vehicle visits. In

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comparison, the Statement outlines that the proposed office and residential development could generate 134 vehicle movements per day which is equivalent to 67 vehicle visits. Whilst it is acknowledged that the existing commercial uses on the site are not operating at capacity, the highways implications of a fully operational site must be considered.

- 7.15 In addition to the reduction in vehicle movements to the site that the development would generate in comparison to the vehicle movements that could occur with the existing uses, regard also must be had to the proposed improvements to Jeans Lane which include an increase in the width of the carriageway and the junction with Bells Hill. Whilst the works proposed to Jeans Lane and the access are on land which is outside of the application site, if the Council were minded to grant planning permission for the re-development of the site, a Grampian condition could be attached which required the works to the access to be undertaken prior to the commencement of the development on the site.
- 7.16 In conclusion therefore in respect of the highways implications of the proposed development, having regard to the traffic generation associated with the existing and proposed uses, the proposed improvements to Jeans Lane and that the Highway Authority have raised no objection to the development it is considered that the development is acceptable in a highways context.
- 7.17 Turning now to the issue of parking, the Council's adopted car parking standards require a maximum car parking provision of 1 space per 30 square metres of gross floor area for office developments, which in respect of this application equates to a maximum requirement of 33 spaces. The application proposes a total of 33 spaces for the proposed office development. The application also proposes the provision of a cycle store in the north-western corner of the site which would accommodate approximately 12 cycles. The SPD requires that 1 cycle parking space is provided per 500 square metres of gross floor area and 1 space per 10 full time staff. The Applicant states in their application that the proposed office development would employ a total of 35 members of full time staff, and together with the floor space of the proposed offices, this would equate to a required provision of 5/6 cycle parking spaces. The actual number proposed therefore exceeds this required provision.
- 7.18 In respect of the proposed residential element of the development, each property is proposed to benefit from a double garage with additional parking areas in front of the garage. The Council's maximum car parking standards for 4 or more bedroom dwellings in this location is 3 spaces per dwelling. The proposed development would exceed this figure for each dwelling.

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7.19 The Local Plan states that 'in forwarding the aims of encouraging alternative modes of transport to the private car, the Council will seek reduced car parking provision where there is good access to alternative modes of transport'. The application site is within walking distance of the town centre, local amenities and public transport provision, and it is therefore considered that this would be an appropriate site upon which the Council may seek a reduced car parking provision. However, notwithstanding this aspiration, it is considered that in this case it would be unreasonable to refuse planning permission on the overprovision of car parking.

**Provision of affordable housing**

7.20 Policy HSG3 of the Local Plan states that affordable housing provision will be expected on sites within the 6 main settlements (of which Bishop's Stortford is one) proposing 15 or more dwellings or over 0.5 hectares in size. The site in question is 0.79 hectares, and therefore would fall within the threshold where affordable housing should be provided. The application however does not propose the provision of any affordable housing, contrary to policy HSG3 of the Local Plan. In this respect the applicant has commented that whilst the area of the whole site exceeds the 0.5 hectare threshold, the area of the site which is current occupied by residential development is less than the 0.5 hectare threshold (being 0.484 hectares), and the area of the site upon which residential development is proposed also falls under that threshold, being 0.497 hectares, and therefore they conclude that neither the number of dwellings proposed, nor the existing or proposed areas of residential development exceed the threshold set out in Policy HSG3.

7.21 Whilst the applicants comments are noted, it is important to consider the wording of Policy HSG3 and the Affordable Housing and Lifetime Homes SPD. The Affordable Housing and Lifetime Homes SPD states at para. 6.6 that 'as a starting point for negotiations, on sites proposing a mix of uses, the site size threshold will be calculated on the capacity of the whole site to accommodate residential development without an element of other uses'. Therefore to clarify, regardless of the size of the part of the site upon which residential development is proposed, if the whole site is more than 0.5 hectares then affordable housing should be provided in accordance with the policy. Having regard to the wording of the SPD; the size of the site; that the area of the site which is currently used for and proposed to be used for residential purposes on its own falls just short of the 0.5 hectare threshold and Officers comments in respect of proposed developments inefficient use of land, it is considered that the requirements of policy HSG3 do apply in this case and the development should make provision for affordable housing. The application proposes the erection of 6 dwellings on this site, and therefore the development should provide for 2 affordable dwellings.

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As the application does not propose any affordable housing contrary to the requirements of policy HSG3 of the Local Plan, it is recommended that the application is refused on these grounds.

### Impact on existing landscape features

- 7.22 There are a number of existing landscaping features within the garden of the existing residential property within the site, and along the southern and western boundaries of the site. Policy ENV2 of the Local Plan expects development proposals to retain and enhance existing landscape features. The Council's Landscape Officer has raised no objection to the development in respect of its impact on existing landscaping, and whilst the comments of Bishop's Stortford College are noted in relation to the need to safeguard existing trees along the boundary of the site, Officers are satisfied that this could be achieved by an appropriately worded condition if planning permission were to be granted.

### Conservation Area Consent considerations

- 7.23 The principle consideration in the determination of the application for Conservation Area Consent is whether the demolition of the existing buildings on the site would be harmful to the character and appearance of the Bishop's Stortford Conservation Area. The Council's Conservation Officer has commented that the existing buildings on the site are of little or no architectural interest, and they therefore raise no objection to their demolition. In Officer's view the existing buildings are not of significant architectural merit and do not contribute so significantly to the character and appearance of the Conservation Area that would warrant refusal of the application, and accordingly it is considered that the demolition of the buildings would be not contrary to PPS5 or harmful to the character and appearance of the Bishop's Stortford Conservation Area.
- 7.24 Whilst however it is recommended that Conservation Area Consent be approved for the demolition of the buildings currently on the site, this does not have any bearing on the consideration of the planning application for the re-development of the site, as the consideration of the two applications are undertaken under different legislative and policy backgrounds.

### Other Matters

- 7.25 The Council's Environmental Health team have recommended refusal of the application and commented that the submitted Phase 1 desktop survey in respect of contaminated land is vague and possibly inadequate. Officers are however satisfied that if planning permission were to be granted for the re-development of the site that a suitably worded condition could be

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attached to the grant of permission which required sufficient testing of the land to be undertaken prior to the commencement of the development, and if necessary a mitigation strategy put in place. It is therefore considered that it would be unreasonable to refuse permission on these grounds.

- 7.26 Bishop's Stortford Town Council has commented that the proposed houses will be fitted with lifts so that they are suitable for disabled people. Whilst the intentions of the Applicant are welcomed in this case, it should be noted that the Local Planning Authority has no control over the internal layout of dwellings and could not insist that the proposed lifts were provided. It is therefore considered that this should not be a determining factor of any significant weight in the consideration of this application.
- 7.27 A number of concerns have been expressed by local residents in respect of the proposed development. Many have already been considered within this report. However, those matters which have not yet been considered are set out and considered below:

Increase in activity on the site from the proposed offices

- 7.28 Concern has been expressed that some offices operate 24 hours a day and that if this were to happen on the site, there would be a resultant increase in noise and comings and goings compared to the current situation. Whilst Officers understand the concerns of local residents in this respect, it must be noted that the existing uses on the site are unrestricted in respect of their hours of operation and could if wanted operate longer and more unsociable hours. However, if planning permission were to be forthcoming for the redevelopment of the site, Members may feel that it is appropriate in this case to attach a suitably worded condition to any grant of permission which restricts the hours of use of the office buildings.

Flooding

- 7.29 Concern has been expressed that the site has previously flooded, particularly during periods of heavy rain. No representations have been received from the Environment Agency or the Council's Engineer's team in respect of the application, and the site is not located within a Flood Zone 2 or 3. It is therefore considered that the susceptibility of the land to flooding is not of such concern in this respect that would warrant refusal of the application.

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### Impact on Wildlife

- 7.30 It has been noted by local residents that there is a bat and bullfinch population in the vicinity of the application which could be affected by the development. The site is not however located in a Wildlife Site and no representations have been received on the application from Hertfordshire Biological Records Centre or any of the other nature conservation bodies. Therefore, whilst there may be evidence of these species within the vicinity of the application site, there is no evidence to suggest that the development would have an adverse impact on the species, and more importantly that there are bats roosts within the existing buildings on the site. It is therefore considered that the impact of the development on wildlife is not of significant concern in relation to the determination of this application.

### No provision for S106 contributions

- 7.31 It has been noted by local residents that the application makes no provision for S106 contributions. The Council's adopted Planning Obligations SPD sets out the threshold for all District and County contributions. This development does not exceed the specific threshold and therefore contributions to mitigate the impact of the development would not normally be sought. Officers are not aware of any circumstances in relation to the consideration of this application as to why the threshold should be lowered in this case and contributions sought.

### Security

- 7.32 The comments of Bishop's Stortford College have been noted in respect of their responsibility to the safeguarding of children and their concerns over the proposed car parking layout for the office development. Officers are however satisfied that if planning permission were to be forthcoming, that a suitably worded condition could be attached to any grant of permission which required appropriate means of enclosure to be provided along all boundaries of the site to ensure that access was not able to be achieved into the College grounds from the application site.

## **8.0 Conclusion**

- 8.1 Having regard to the above considerations, whilst there is no objection in principle to the proposed re-development of this site for office and residential purposes, it is considered that the development fails to respect the character and appearance of the surrounding area and the Conservation Area, would result in a harmful impact on the amenities of the occupiers of two nearby dwellings and does not propose any affordable housing as required by policy HSG3 of the Local Plan. For these reasons, it

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recommended that planning permission for the redevelopment of the site be refused.

- 8.2 In respect of the application for Conservation Area Consent to demolish the existing buildings on the site, the Conservation Officer has raised no objection to the demolition of the existing buildings on the site in respect of the impact of their loss on the need to preserve or enhance the character and appearance of the Conservation Area. It is therefore recommended that Conservation Area Consent be granted.