

DEVELOPMENT MANAGEMENT COMMITTEE – 13 FEBRUARY 2019

Application Number	3/18/0432/FUL
Proposal	Erection of Multi Storey Car Park (MSCP) over six levels providing 546 spaces, open air surface car parking for 27 spaces to the north of the car park. Erection of a 4 storey building with commercial use at ground floor and 15 residential flats arranged over the upper 3 levels, provision of open space and associated highway and public realm works. Provision of emergency vehicle access between adjacent Youth Services site and land to external parking area to north of MSCP. Removal of fence and retaining wall.
Location	EHDC Car Park and land to north, Northgate End, Bishop's Stortford CM23 2ET
Applicant	East Herts Council
Parish	Bishop's Stortford CP
Ward	Bishop's Stortford Meads

Date of Registration of Application	2 March 2018
Target Determination Date	Current ETA expired 27 July 2018
Reason for Committee Report	Major planning application and application submitted by East Herts Council
Case Officer	William Richards

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

Background

- 1.1 Members will recall that this application (which, at the time, included a multi-use games area (MUGA)) was first considered by the Development Management Committee on 20th June 2018 and subsequently on 18th July 2018. Planning permission was granted, with a decision notice issued on 24th July 2018.
- 1.2 Subsequently, the planning decision has been quashed following the submission of a challenge in the High Court, on the basis that section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, had not been lawfully addressed. Section 72(1) requires that both “character and appearance” of a Conservation Area be given special attention when development proposals are determined. On the initial consideration of the matter, the Court held that the Officer’s report expressly addressed “character” but not “appearance”. Also, it was held that it was arguable that the report failed to properly consider whether or not the proposals were in accordance with the development plan, whether it was properly advertised and that the proposed conditions, as a substitute to a legal agreement, were not sufficiently precise.
- 1.3 On the basis of the above, leave to appeal was granted. This is not the same as a full hearing. However, at that stage, the Council as applicant conceded to judgement. This means that the challenge did not progress to a full hearing and the outcome of what a hearing would have been, were it held, is not known. However, as a result of conceding to judgement, the planning application has returned to being a ‘live’ planning application which the Council, as Local Planning Authority, is required to re-determine. It therefore retains the same application number 3/18/0432/FUL. This report then sets out

the considerations for members to take into account in coming to a further decision on the matter.

- 1.4 At the same time, the applicant has submitted a number of amendments to the application. These are:
 - The deletion of the previously proposed multi use games area (MUGA);
 - Minor amendments to the commercial/ residential building resulting in a need increase the depth of the building by 450mm for the core area only, increase in balcony depth (without increased projection) and amendment to gable walls to match the geometry of the building so that all plans are consistent;
 - Landscaping amendments, resulting in the removal of two further trees and the creation of an emergency access between the parking area to the rear of the Northgate End building and the remaining green space to the rear (east), repositioning landscape strip and footway between youth service building and remaining green space.
- 1.5 The amendments have been covered in amended plans, and updated Design and Access, Planning and Acoustic Statements. More latterly, the applicant has submitted two further documents. One addresses Appearance and Character within the Conservation Area and the second is a Built Heritage Statement.
- 1.6 In light of the amendments, the application has been subject to re-consultation with statutory consultees, local residents and those who commented previously.
- 1.7 The decision will now fall to be made in light of the relevant statutory development plan policy at the new date of determination and having regard to material considerations – the latter includes the National Planning Policy Framework

(NPPF) 2018 and the former is the Council's newly adopted District Plan, which forms part of the statutory development plan and was formulated against the NPPF (2012). Therefore, the policy background against which a new determination of application 3/18/0432/FUL will be made is different to the previous background of the previous development plan (the East Herts Local Plan 2007) and an emerging development plan (as the District Plan was in July 2018).

- 1.8 Against that new policy context most of the relevant issues to be considered will remain the same as those presented to members on 18 July 2018, but without reference to the MUGA and with special consideration to the matters contained in the High Court Order. Members are referred to the two previous Officer reports, which were presented to Committee on 20 June 2018 and 18 July 2018, which serve as useful references and within which consultation responses that remain relevant to the determination are set out. These are to be taken into account by members of the committee in this new consideration. These are appended to this report as **Essential Reference Papers A and B**. The associated Additional Representation summaries submitted to both of these meetings also contain details of additional representations that were made at the time. These are included as **Essential Reference Papers C and D** respectively and are also to be taken into account (where relevant).

Summary of Proposals

- 1.9 There are four main elements of the proposed development, these are:
- a multi-storey car park over six levels (including the ground floor and surface parking);
 - a mixed use building comprising 15 residential dwellings over a commercial space at ground floor level with associated landscaping and parking;
 - reconfiguration of the land to the rear of the youth services building, providing an emergency access between the remaining car parking associated with that building and the public parking area behind (north) of the multi storey and to the remaining green space; and
 - public realm improvements along the Link Road/ Northgate End street frontage, including the associated highway works.
- 1.10 The Design and Access and Planning Statements (as amended) outline the relationship between these proposals and further development proposals that are to follow in relation to the current Causeway car park area to the south of Link Road. These further proposals are referred to in this report as ones relating to the Old River Lane (ORL) site.
- 1.11 The proposed multi-storey car park will provide a net gain of 197 spaces (above the combined total of the existing car park provision on the application site and at the ORL site (Causeway car park)). The car park building has been designed to have a ground and three storey element fronting Link Road, with the upper 2 storeys setback 11.5m from the building below.

Main Issues

- 1.12 The proposed development raises a number of material planning considerations, not least the potential impact upon the Conservation Area. To the north of the application site are existing residential dwellings on Yew Tree Place and to the west the Northgate End youth services building. The proposals change the relationship between the residential dwellings and youth services building and the land adjacent to them and it will be necessary to consider these impacts carefully in the assessment of these proposals.
- 1.13 Given its location close to the commercial core of the town and its current use, the southern part of the application site is visible from public viewpoints, and its character and appearance will change as a result of the proposed development. This report will consider these impacts and will assess the extent to which the character and appearance of the area is preserved or enhanced.
- 1.14 Many of those who responded to consultation made submissions in respect of highways and transport matters particularly regarding the relationship of the proposals to the general transport objectives of the planning authority and its policy to seek to promote and enhance sustainable transport modes. In addition to this area of policy consideration, the development also has an impact in relation to junction operation and highway flows.
- 1.15 The above is a summary of the main issues only and all material considerations are dealt with in this report.

2.0 Site Description

- 2.1 The Site, comprising 0.88 hectares, is located to the north of Bishop's Stortford Town Centre, as defined in planning terms in the District Plan. It is comprised partly of a surface level public car park with access from the A1250 Link Road and exit onto Northgate End, with approximately 142 spaces. The remainder comprises of a surface level car park with approximately 20 spaces and an area of green open space (which is used for games and other outdoor activities) both of which are used generally by and in association with the Northgate End Youth Centre.
- 2.2 The Youth Centre, which is operated by Hertfordshire County Council, is adjacent to the Site to the west. The Youth Centre building and its immediate surrounds does not form part of the planning application site. The Youth Centre building is identified in the Bishop's Stortford Conservation Area Assessment as an unlisted building to be protected from demolition.
- 2.3 The Site is characterised by large mature trees along its eastern edge and busy roads to the south and west. The northern part of the Site is located to the rear (east) of the Northgate End Youth Centre, and to the south of residential properties along Yew Tree Place (No's 7 to 10).
- 2.4 The nearest residential properties are located to the north along Yew Tree Place (nos 7 – 10 as indicated) and on Northgate End to the west of the Site. To the east of the Site lies Castle Gardens and Sworders Field comprising significant areas of green space within the Metropolitan Green Belt. A very small part of the Site at its eastern boundary is within the Green Belt. Other than this, the site is within the development boundary for the town.

- 2.5 Historically the southern part of the Site formed part of the Cattle Market and the Youth Centre was formerly the Northgate County Primary School up until the late 1980s.
- 2.6 The majority of the Site is owned by East Herts District Council, with the Youth Centre and rear parking and green space owned by Hertfordshire County Council. A small proportion of land is owned by Bishop's Stortford Town Council.
- 2.7 The Site lies within the Bishop's Stortford Conservation Area and is identified as an area of archaeological importance. There are a number of listed buildings in the vicinity of the Site, the most prominent of which is the Grade I listed remains of Waytemore Castle to the southeast of the Site, which is also a Scheduled Ancient Monument. The other closest listed buildings are located on North Terrace and Water Lane.
- 2.8 The Bishop's Stortford Conservation Area derives its significance from its varied historic architecture and the aesthetic and evidential value of individual buildings and their collective contribution to how the Conservation Area is experienced. The Site itself is visually and physically separated from the historic core of the town by the busy Link Road and some larger scale modern buildings, notably the Waitrose building to the south.
- 2.9 The Bishop's Stortford Town Centre Planning Framework (the Planning Framework), was prepared by the Council in 2017, to help set a strategy for the development of the town. The public car park at Northgate End is included within the study area of the Planning Framework. The youth services building and associated land is excluded. In setting out options for the Old River Lane area, the Planning Framework contained illustrative plans setting out the potential for a multi storey public car park and associated residential building, in the location now proposed.

- 2.10 The application Site does not form part of the Old River Lane development allocation, identified in Policy BISH8 of the District Plan (October 2018). This allocation is identified as representing a significant opportunity to create a high quality mixed use development of retail, leisure, commercial, community and civic uses. One of the key opportunities identified in the Planning Framework is the desire to centre new development along a pedestrian-focused north/south route from Bridge Street to a new multi-storey car park to the north of Waitrose. The Planning Framework notes that the car park should be carefully designed to take account of the adjacent Northgate Youth Centre building, and make a positive contribution to the Conservation Area.
- 2.11 The Site is located within Flood Zones 2 and 3 with the northern end of the Site at high risk of surface water flooding and the southern boundary at low risk.

3.0 Planning History

- 3.1 The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/85/0809/DC	Use of site as Local Authority Car Park	Granted with conditions	17 July 1985

- 3.2 There is limited relevant planning history other than the planning application granted in July 1985 for the use of the Site as a Local Authority car park.
- 3.3 As indicated, this application was previously approved by the Development Management Committee on 18th July 2018 and a decision notice issued on 24th July 2018. For the reasons set

out in the introduction, it is now necessary for the committee to re-determine the application.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework 2018 (NPPF), the statutory development plan comprised of the East Herts District Plan 2018, the Hertfordshire County Council Waste Core Strategy and Development Management Policies DPD 2012, and the Bishop's Stortford (Silverleys and Meads) Neighbourhood Plan 2016 (the NP).
- 4.2 Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 4.3 Relevant District and Neighbourhood Plan policies are noted below, along with a reference to the material consideration of the NPPF guidance relevant to this application:

Main Issue	NPPF Chapters	DP policy	NP policy
Principle of development	Section 2, Paras 7, 8, 11, section 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16	INT1 DPS1 DPS2 DPS3 GBR1 BISH1 BISH2 BISH8 BISH11 BISH12 CFLR7	HDP1 HDP7 C1 GIP2 TP9

		CC1 CC2 ED1	
Impact on youth services provision at Northgate End	Section 8	DES4 CFLR1 CFLR7 CFLR8 CFLR9	HDP7 C1 SP1/2/3
Impact on residential amenity	Section 8, 12	DES4 DES5	HDP1 HDP2 HDP3 EQ3
Design and impact on character and appearance of the area, including the Conservation Area.	Section 11, 12, 16	DES2 DES3 DES4 HA1 HA2 HA3 HA4 HA7 NE4	HDP1 HDP2 HDP3 HDP7 HDP9
Noise impacts and Air Quality	Section 12	EQ2 EQ4	TP2
Highways and transport	Section 9	TRA1 TRA2 TRA3	TP1 TP3 TP4 TP7 TP8 TP9
Social and community infrastructure	Section 8	DPS4 HOU1 HOU2 HOU3 HOU7 CFLR7 CFLR10	HDP1 HDP4 HDP5 HDP7 C1 GIP2 EP1

		DEL1 DEL2	HP1
Drainage	Section 14 and 15	CC1 WAT1 WAT3 WAT4 WAT5 WAT6	GIP7
Green Belt	Section 13	GBR1	GIP1

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

5.0 **Consultee Responses**

- 5.1 The consultee responses that were submitted in relation to the application in its original form remain relevant and were summarised in the June and July 2018 reports to the committee (and associated Additional Representation summaries). Where further comments have been received in response to re-consultation on the proposals, they are summarised below.
- 5.2 HCC Highway Authority notes that the amendments to the scheme are acceptable. Its previous comments on the proposals remain relevant and should be considered by the authority in making its decision.
- 5.3 Lead Local Flood Authority confirms that it has no objection to the proposals on flood risk grounds and advises that the site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Conditions are recommended.

- 5.4 EHDC Conservation and Urban Design Advisor comments are included in full at **Essential Reference Paper E**.
- 5.5 Historic England does not wish to offer any comment.
- 5.6 HCC Historic Environment Unit notes that the updated application is essentially identical in its archaeological implications as to the previous scheme. The unit continues to advise that a condition be applied securing archaeological monitoring.
- 5.7 EHDC Environmental Health Advisor recommends conditions relating to land contamination, noise attenuation for the car park, hours of operation of the car park, control of noise from external plant and machinery, construction management plan, details of lighting and measures to mitigate the impact on air quality.
- 5.8 HCC Fire and Rescue Service has made a standard request for the provision of Fire Hydrants via a Section 106 legal agreement.
- 5.9 HCC Growth and Infrastructure unit repeats requests made previously for funding to be secured through Section 106 agreement or other means to offset the impact of the residential element of the proposals on its services. This would comprise funding of £5,263 for primary education, £2,441 for secondary education, £1,290 for libraries. It also seeks the provision of fire hydrants to serve the development. The Team sets out its views as to why the requests are justified and meet the requirements of the Community Infrastructure Levy (CIL) tests.

- 5.10 Cadent has confirmed that an assessment has been undertaken with respect to the infrastructure of Cadent Gas Ltd, National Grid Electricity Transmission and National Grid Gas Transmissions apparatus. It confirms that there is apparatus in the vicinity of the site and that any contractor/ developer should inform Cadent before any proposed works take place.
- 5.11 A developer must ensure that proposed works do not infringe on Cadent's legal rights.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 The Town Councils Planning and Development Committee noted, in general terms, that there appear to be arguments for and against the principle of the proposed car park. The committee object to the planning application on the grounds of:
- Concerns surrounding the design in relation to the conservation area status
 - Concerns that policy HA4 is being breached
 - Concerns over the accesses and exits to the site, both off the Causeway and Rye Street
 - Concerns over Air Quality
 - Concerns over the integrity of the transport assessment – suggested that a town-wide assessment is required

- The proposed development is out of keeping in terms of height and character of building.
- Concerns over Loss of mature trees
- Concerns over the number and safety of pedestrians crossing the Causeway

7.0 Summary of Other Representations

7.1 As at the date of publication of this report objections have been received from 65 members of the public and residents. These include representations from the local resident who lodged the Judicial Review proceedings referred to above. These are included in full as **Essential Reference Paper F**. The Civic Federation have also made a submission in objection (included in the number above). This too is included in full as **Essential Reference Paper G**.

7.2 Of the remaining submissions, eleven comprise duplicate responses raising the same points. These points are:

- Proposals are harmful to the urban fabric of the town and its conservation area
- They will exacerbate existing traffic congestion, harmful to residents and businesses
- Building will result in a canyon effect, leading to the concentration of pollution and poor air quality
- Results in destruction of trees, meadow and wildlife
- Results in the loss of the green space facility associated with the youth service building
- Impacts harmfully on the Castle Park area
- Alternatives, including the demand for parking, have not been adequately explored
- Case for the MUGA has not been demonstrated (*Note: MUGA no longer part of the application*)

- Case for the associated Old River Lane development has not been made, there has been no consultation and planning permission is not in place.

7.3 The remaining responses generally also cover the above issues. Where points in addition have been raised, they are as below:

- No changes of significance since the legal challenge process,
- Changes that are made do not address the Courts concerns
- Proposals are similar in scale to the Jackson Square development and equally harmful in terms of impact on the urban fabric and severance
- Building does not respect the colours of or the materials used in buildings in the area
- Additional traffic will harmfully impact on Hadham Road residents where the lack of a footway requires residents to cross the road to access properties on foot
- The additional parking is not complementary to a sustainable transport strategy
- Council policies should seek to achieve green/ open spaces for new residents, not more parking
- Limited electric vehicle charging bays are proposed
- Not convenient for town centre due to walking distance
- No need for additional parking for leisure use in evening as adequate space available
- Impact on natural beauty of area
- Harmful impact on Waytemore Castle scheduled ancient monument
- Not in keeping with the character of the adjacent open spaces (castle gardens)
- Contrary to the District Plan aim to maintain the character of the towns in the district
- Harmful to the attractiveness of the town

- Inappropriate scale and height
- Harmful relationship with the youth services building
- Harmful impact on views
- Contrary to all aspects of policy HA4 (development in Conservation Areas in District Plan)
- Harmful impact is substantial, not less than substantial as concluded by the Conservation and Urban Design Advisor
- Harmful impact on the users of the youth services building – by virtue of noise, light, pollution and overshadowing
- Disruption during construction, compounded by other development sites in the town
- Significant pedestrian crossing numbers will further exacerbate traffic congestion
- Cost is disproportionate to the benefits, calculated at £65,000 per space achieved
- Poor location for residential development
- Deliveries to commercial/ residential building will further exacerbate traffic congestion
- Minor concession with removal of MUGA, (and does not change overall harmful impact)
- Need for additional retail uses and theatre/ cultural building (as part of Old River Lane development) is not demonstrated
- Additional parking can be provided as part of redevelopment of station site
- There is uncertainty in relation to the deliverability of the Old River Lane development proposals and the acquisition of the Lemon Tree is possible demonstrative of this
- No proven business case for the Old River Lane proposals and the benefits of it are disputed
- No local support for the Old River Lane proposals
- Smaller community facility would be more appropriate
- Council should be working to reduce parking

- Has not evolved through a collaborative process, despite assertions of applicant
- Other small scale proposals in the conservation area have been resisted
- Alternative transport solutions, such as Park and Ride, cycle lanes, improved walking etc should be explored
- Loss of trees
- Should not be considered separately from the Old River Lane proposals
- Destruction of low level views
- Alternative of parking on the Old River Lane site should be considered
- Will result in future challenges due to impact (and cumulative impact) on public health
- Development of Flour Mill site should be considered as an alternative for residential and parking
- Retail proposals which are part of the Old River Lane site will impact on existing town centre businesses
- Residential as part of the Old River Lane site will increase pressure for parking
- Increase in littering
- Increases risks for pedestrians and cyclists
- Location is on the wrong side of Link Road
- Public funds involved should be directed to other services (such as education or policing)
- No longer term maintenance plans with the risk that the facility will deteriorate or create safety and security issues
- Expression of disagreement with the views of the Conservation and Urban Design Advisor;
- Some submissions endorse the comments submitted by either the Town Council or the Civic Federation.

8.0 Consideration of Issues

- 8.1 The relevant and material issues are addressed below in the order set out in the table at section 4 above.

Principle of development

- 8.2 With the exception of a small parcel of land at the eastern corner of the application site, which lies within the Green Belt, the application site lies within the development boundary of the town, which renders the proposed development acceptable in principle.
- 8.3 The proposals are intended to play an enabling role in the wider development and regeneration of the Town Centre, in so far that the scheme will provide replacement and additional car parking to enable the Old River Lane site to be redeveloped and regenerated. Furthermore, it is considered that the proposals will facilitate the long-term enhancement and improvement of the wider Conservation Area by the removal of a significant footprint of car parking at the ORL site. Whilst open in character, extensive parking areas of this nature are not in keeping with the historical core and built form of the Conservation Area. Significant positive weight can be assigned to the enabling and supporting role that these development proposals will play in this regard.
- 8.4 The enabling role of the development derives from the Site forming one of three focus areas in the Planning Framework, referred to as Old River Lane.
- 8.5 The Planning Framework outlines the Council's aspirations for the redevelopment of the Old River Lane site to include new buildings and the creation of a new pedestrianised street, with a view to retaining and improving the vitality and viability of the Town Centre. It also identifies the Old River Lane area of the Town Centre as representing a major opportunity to reconfigure the retail, community and leisure provision and notes that one of the key opportunities is to create a new multi-storey car park to the north of Waitrose.

- 8.6 The development concept identified in the Planning Framework would replace the existing multi-storey office building, known as Charringtons House and The Causeway surface car park. In addition to potential retail uses, it is likely that proposals for arts and community uses and residential uses will also come forward. Whilst definitive proposals have not yet come forward, the Council (as applicant) has prepared an illustrative layout and site uses plan (approved by the Council at its meeting of 13 December 2017).
- 8.7 At its meeting of 19 December 2018, the Council noted the update on the latest brief for the site, budget matters and a draft Heads of Terms with potential development contractors. Final bid submissions were to be made by 28 January 2019 with a preferred developer selected in February. It is clear then that the process for the selection of a development partner is well advanced and there is good reason to believe that firm development proposals for the ORL site will come forward in the shape of a planning application.
- 8.8 In addition to the replacement and additional car parking, the proposals will result in a modest element of commercial floor-space (net lettable area: 358sqm) and 15 residential units (of which 6 units, 40% are to be affordable units). The commercial floor-space can act to replace that lost if Charringtons House is demolished.
- 8.9 The Council can demonstrate a 5 year housing land supply. However, this is sustained by the development of unallocated sites coming forward within the development boundaries of towns and other settlements. Positive weight can be attributed to the mixed-use offer of the proposed development, which creates additional housing, even if limited and is likely to add the vitality of the area.

- 8.10 With regard to the Green Belt, this is the part of the site currently treed that is proposed to comprise the area of the proposed exit lane from the car park where it splits into left and right turn lanes. The left turning lane (heading eastward out of the car park onto Link Road) falls into the Green Belt. This comprises a modest element of the overall development. However, it is necessary to assess that element of the proposed development in relation to Green Belt policies and guidance set out in paras 143, 144 and 145 of the NPPF and in the Council's recently adopted District Plan as the part of the Green Belt proposed to be developed is not previously developed land within paragraph 145(g), bullet 1 (of the NPPF).
- 8.11 Overall, the wider proposed development, of which the Green Belt part forms only a small part, acts to enable, through the Planning Framework and due to the proposals being adjacent to an allocation for redevelopment, the implementation of Policy BISH8 of the District Plan, which as a result overall will provide social and economic benefits to the wider community through the provision of housing, commercial floor space and leisure/ cultural/ community uses. Therefore it is clearly considered that the development proposed in this location can be supported in principle given the benefits and enabling role in facilitating wider enhancement and improvements to the economy, character and appearance of the area.
- 8.12 In its own right, it will result in the provision of some commercial floorspace and a number of residential units. As well as being acceptable in principle, substantial positive weight can be assigned to the benefits that the proposals seek to enable.

Impact on the operation and facilities of the Northgate Youth Centre service

- 8.13 At present the land to the rear of the youth centre is used for car parking and open space for games and other outdoor activities. There are approx. 20 parking spaces on the youth centre site and the remainder of the site comprises a grassed open space.
- 8.14 This open space behind the youth services building is not a public open space, but does form part of the community facility of the youth service use. Policy CFLR8 of the District Plan (and HDP7 of the NP) seek the retention of such spaces. The harm by their loss can be mitigated however by the provision of suitable replacement facilities. The County Council has confirmed that the existing open space is used in the summer, spring and autumn approximately 3 times a week and used for various activities including to practice for the Duke of Edinburgh Award.
- 8.15 HCC, as the operator of the site, refer to the loss of parking spaces available for the youth service building and the impact that this will have on the ability to use the building for other purposes. Whilst that is noted, the adjacent public parking provision appears a reasonable replacement for that lost and is in close proximity. HCC refer also to the desire to secure a preferential parking arrangement for users of the youth service building. That is not considered to be relevant in planning terms, but the applicant and HCC as landowner can enter into negotiations to secure such an arrangement, if desired.
- 8.16 With respect to any direct impact of the multi-storey car park building on the use of the youth centre, the western wall of the car park building would be 7.5m from eastern-most wall of the youth centre building. Planning permission was granted in 2014 for an extension to the youth centre with a depth of 6m. This permission has not been implemented and has now lapsed. The existing rear lower ground floor of the youth

centre will be at about ½ a storey above the ground floor level of the car park. The majority of the youth centre is setback from the car park building by between 25 and 28m. The car park building will have an impact on the youth centre building, taking away the current open character to the north and east of it.

- 8.17 The proposed commercial/ residential building fronting Northgate End, to the south of the youth centre, is not considered to impact significantly on the centre, and certainly no more than the currently adjacent public parking area. There is a 12m gap between the two buildings. It is noted that the commercial/ residential building is set forward of the youth centre and is taller, but due to the separation distance the proposed building it is not considered to impact on the occupiers of the youth centre. The depth of the proposed commercial/ residential building, of 10m, will also ensure that this will not result in dominance or enclosing impact.
- 8.18 Since the first submission of the application, the proposed MUGA use has now been deleted. Whilst this use would have created an impact on the adjacent residential occupiers, it would have provided a facility that could be used more intensively than the open grassed area, to mitigate for the loss of much of that space. This would meet the aspirations set out in policies CFLR8 and HDP7 well.
- 8.19 Now, it is proposed that the land which is not to be used for parking, be retained as a grassed area. A pathway will be created between the youth service building and the remaining green area. An emergency vehicle access will also be created. These changes are agreeable to HCC as the operator of the youth service building.
- 8.20 In planning policy terms this outcome, in relation to community facilities, is considered to be less favourable. The

impact on residents will be considered further below. The community facility of the open space for outdoor activities is not lost in its entirety, the test that is applied by the relevant policies, but its potential for use must be diminished. Despite the agreement of the operator to this outcome, it is considered that this result does impact on the operation of the youth service use and is assigned some, but limited, negative weight.

- 8.21 It is noted that the owners of Yew Tree Place properties indicate that they will seek to extinguish access arrangements between the land to the rear of the youth service building and Yew Tree Place. This is a private matter between the landowners concerned and can be given no weight in the consideration of the proposals.

Impact on residential amenity

- 8.22 The redevelopment of the site will change its function, character and appearance. The closest residential occupiers are those located to the north at Yew Tree Place, on Northgate End to the west of the site and the residential occupiers of the new units if they come forward. Relevant policies of the plans include (District Plan): DES4, (and NP): HDP2 and HDP3. These seek to ensure that new development avoids having a significantly detrimental impact on the amenity of existing and future residential occupiers.
- 8.23 Objections received raised concern about the overall height of the car park building and its dominant impact when viewed from the residential properties, loss of privacy, activity and pollution.
- 8.24 The car park has a ground floor and then five floors of parking above. It has a length of approximately 100 metres. The height of the ramps at the rear will be 17.5m approx. These

are located approximately 22m from the northern site boundary at their closest point where the properties of 7, 8, 9 and 10 Yew Tree Place are located. The height proposed would make the car park building the tallest building in the immediate locality.

- 8.25 Planting is proposed to be provided around the building, with natural creeping plants encouraged to grow up the ramps of the building to form a green cladding. Whilst the landscape treatment is acknowledged, along with some tree planting in the surface parking area, it is not considered that the ramps are likely to have the visual appearance of a two storey building, as initially suggested in the Design and Access Statement. They will, instead, appear as part of a much larger structure.
- 8.26 The proposed planting will have a softening effect, and this will improve as it matures over time. In the longer term, the limited space for tree planting, the potential for damage by manoeuvring vehicles and the long term need to ensure that maintenance of the car park structure can take place are all likely to restrict the potential for the planting to have a significant screening effect.
- 8.27 In responding to the initial submission, the Landscape Advisor suggests additional planting be secured. However, this would require the loss of proposed parking spaces and has the potential impact of further screening the Yew Tree Place residents from sunlight received from the south. Where planting was previously shown to the west of the multi storey building, in land retained by HCC, this has now been removed.
- 8.28 Climbing plants are proposed to soften the appearance of the car park building along the length of the west side. Appropriate access and maintenance requirements will be provided in order to safeguard this planting in the long term.

This side of the car park building is adjacent to the land retained by HCC, which would become a space associated with the residential and commercial uses proposed.

- 8.29 It is acknowledged that given the proximity of the proposed development to the residential properties, it will change the outlook therefrom considerably. This will change from a soft, largely verdant outlook, to one that would be dominated by a single structure of significant scale.
- 8.30 To the west, the residential properties at Northgate End (14a and 16) are further away from the new multi-storey car park than those in Yew Tree Place. There is intervening planting and domestic structures between these houses and the proposed development. Whilst there will still be an impact on the occupiers of these properties, it will be less in comparison with that relating to Yew Tree Place occupiers.
- 8.31 The proposed residential units are generally orientated with an outlook over Northgate End and Link Road. On each of the three residential floors, three units are single aspect in that direction. The remaining two (at each end of the building) are dual aspect. The residents will clearly be aware of the relationship between the units and the car park prior to purchasing/ leasing and occupation. Whilst the car park building will dominate views to the rear of the residential units, the relationship between them is considered to be acceptable.
- 8.32 With regard to privacy, some respondents have expressed concern that users of the multi storey part of the car park will overlook their properties, leading to a harmful impact on privacy. It is considered unlikely that this will occur to the north of the proposed car park. The ramps in this location will not be suitable for pedestrian use and vehicle occupants will

only have momentary views from the car park, through the metal louvres.

- 8.33 It is possible that users of the multi storey car park will have views from the western side of the upper decks towards the youth centre and No. 14a and 16 Northgate End residential properties to the northwest and beyond Northgate End. These views are moderated due to their distance and it is considered that the harm in this respect is negligible.
- 8.34 In addition to the multi storey element of the car park, ground level parking is proposed to the rear (north) of the main building. This will utilise a good part of the green space currently to the rear of the youth centre building. As indicated above, the youth centre operators refer to the current use of this space, as being two or three times per week, during spring, summer and autumn. Closer to the Northgate Centre building the car parking associated with the use, with access from Yew Tree Place, presumably leads to some current activity and noise, but this is limited by the number of spaces (approx. 20).
- 8.35 Given pressure for parking spaces in the town and the attractiveness of ground floor space, the site is likely to be used fairly consistently for parking from early morning to mid evening throughout the week. This will be balanced by the distance these spaces are from the core of the town. Sundays are likely to be quieter. If the development proposals for the Old River Lane site are implemented, with evening arts and community uses, this is likely then to increase and extend evening use. Again however, users of those facilities are likely to fill spaces at the south end of the car park first.
- 8.36 The internal layout of the car park requires all occupiers of the ground floor spaces to circulate through the external space before they can exit the car park.

- 8.37 Noise matters are considered later in this report. The character of the space adjacent to the residential areas will change from one of relative calm, with occasional use, to being a space more intensively used, with moving vehicles late into the evening. It is not considered that the spaces retained with the youth service building or the emergency vehicle access will have any greater impact than current arrangements.
- 8.38 Neither should the use of the retained green space have any greater impact than now. In the event, because of its more restricted size, use may be less. A new pathway is to be created from the youth service building to the remaining green space, passing close to the boundary adjacent to the Yew Tree Place properties, but with intervening planting. Whilst this may result in some additional perception of activity, channelling users of the green space along it, this is considered to be minimal in its impact and not dissimilar to a pedestrian access adjacent to residential buildings.
- 8.39 The adjacent Yew Tree Place occupiers have expressed considerable concern in respect of the overall change, and it is one that must be taken into account and considered carefully in the planning balance. It is not uncommon for residential uses to exist alongside public car parks, particularly in locations close to town centres where mixed uses are the norm. In this case, occupiers have enjoyed a relatively calm and isolated outlook hitherto and are concerned about the nature and rate of change. The change is acknowledged and is considered to be a harmful one. However, the weight given to it is tempered by the fact that occupiers will not be faced with an amenity impact that is not experienced in many similar situations.
- 8.40 When compared to the proposals as originally submitted, it is considered that the harm has been reduced, because of the

deletion of the proposed MUGA. This reduces the intensity with which the remaining community space can be used.

- 8.41 The assessment of daylight received by the properties, the Daylight and Sunlight Assessment submitted with the application, shows that three windows of No. 10 Yew Tree Place will have a reduction in daylight. The Daylight and Sunlight Assessment concludes that due to other windows in the same room passing the daylight test then overall there would not be a noticeable change. It is noted that these other windows are secondary windows and the main windows of the ground floor reception room would have between 7.6% and 8.8% reduction in daylight. No. 9 also has one window that falls below the daylight test but this is a secondary window and therefore the impact is not considered significant.
- 8.42 With regard to the proposed residential units, the visual outlook is discussed above. Some landscaping is to be provided between the building and the highway. None of the residential units are north facing and the two bedroom units are dual aspect. Each unit is provided with a balcony adjacent to the living room and there is lift access to the units.
- 8.43 Whilst the principal entrance to the residential units is to the rear of the building, it is nevertheless considered to be secure, creating access to a shared parking and amenity area. The amenity space is paved and landscaped. The courtyard area also provides secure bicycle storage areas and car parking for 9 cars, including two bays for disabled parking. In this location, current parking standards would require the provision of 20 spaces (maximum).
- 8.44 The proposed dwellings are sustainably located given their close proximity to the town centre and public transport nodes. Amenity space for them is limited and they are located in a busy area adjacent to the town centre. Further reference is

made to the noise environment below. Overall it is considered that an acceptable level of amenity is created for these residents, taking into account access to nearby public spaces (castle gardens).

- 8.45 Overall then, in relation to the impact on residential amenity, it is considered that the proposals result in a harmful impact to which weight of some significance can be assigned. This is reduced however in comparison with the proposals as they stood prior to their latest amendment because of the deletion of the MUGA.

Design and Visual Appearance, impact on character and appearance (including that of the Conservation Area)

- 8.46 In the Consent Order relating to the judicial review challenge (High Court of Justice, Queens Bench Division, Ref: CO/3466/2018), the Judge considered that the determination of the application was arguably unlawful in not expressly dealing fully with the provisions of section 72(1) of the Planning (Listed Building and Conservation areas) Act 1990 because matters concerning "appearance" were not expressly addressed.
- 8.47 The Judge did not give a view on the acceptability of the proposals in relation to their impact on the Conservation Area. This has been wrongly assumed by some of those who have made submissions following the latest round of consultation. The judgement related to the extent of the assessment set out in the earlier reports to this committee and other procedural matters. Submissions made therefore that the applicant has not responded to the criticisms of the judgement are not valid. It has been a long held understanding that the Courts are not able to substitute their decisions in place of those of the Local Planning Authority in these matters.

- 8.48 Given that the application site is located within the Bishop's Stortford Conservation Area, Section 72(1) of the above Act obliges the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area area when determining planning applications. Consideration will be given to the potential impact of the proposed development upon the character and appearance of the area in this section of the report.
- 8.49 Compliance with both the development plan policies and the NPPF requires account to be taken also of the desirability of taking opportunities to enhance the character and appearance of the Conservation Area. Case law¹ has established that the finding of harm to a Conservation Area creates a strong but rebuttable presumption against the development to which "considerable importance and weight" is attributed as a start point.
- 8.50 Given the particular status of Conservation Areas, and the rebuttable presumption in favour of their preservation, the proposed development will be assessed against the appropriate NPPF guidance, policy HA4 of the District Plan, which deals with Conservation Areas, Neighbourhood Plan, policy HDP2 and in addition to HA4 and HDP2 as part of the statutory development plan.
- 8.51 The following paragraphs of the NPPF are considered to be relevant to this application:

Para 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to

¹ R (on the application of Forge Field Society) v Sevenoaks DC [2015] JPL 22 at paragraphs 48 - 51

substantial harm, total loss or less than substantial harm to its significance.

Para 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 197: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Para 201: Not all elements of a Conservation Area....will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area.....should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relevant significance of the element affected and its contribution to the significance of the Conservation Area.....as a whole.

- 8.52 Policy HA4 of the District Plan 2018 states that new developments in Conservation Areas will be permitted

provided that they preserve or enhance the special interest, character and appearance of the area :

Proposals will be expected to:

- (a) Respect established building lines, layouts and patterns*
- (b) Use materials and adopt design details which reinforce local character and are traditional to the area*
- (c) Be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area*
- (d) In the case of alterations and extensions, be complementary and sympathetic to the parent building; and*
- (e) Have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.*
- (f) Where development proposals relate to Conservation Area Management Proposals the duty to preserve or enhance will be applied.*

8.53 Policy HDP2 of the Neighbourhood Plan sets out that, developments which can demonstrate high quality and empathy with their setting within the Neighbourhood Area will be supported. This means:

- (c) development proposals in the Conservation Area which incorporate the recommended styles and materials set out in the Conservation Area Character Appraisal*

- 8.54 Whilst the application site lies within the Conservation Area, none of the buildings immediately surrounding the site comprise Listed Buildings. The site is however relatively close to Waytemore Castle (Scheduled Ancient Monument and Grade 1 Listed), and a number of non-designated heritage assets which have been identified in the Conservation Area Appraisal. These include the adjacent Northgate Youth Centre, the Glyn Hopkin car dealership building and other attractive residential properties along Northgate End. In relation to these, the Conservation Area Appraisal identifies these as unlisted buildings to be protected from demolition.
- 8.55 As set out above, policy HA4 sets out six criteria (a) – (f) against which proposals in the Conservation Area will be assessed. Criteria (d) relates to proposals for the alteration and extension of buildings. That is not relevant in this case. The assessment against the remainder of the criteria is set out below. The policy sets out that development will be permitted in the Conservation Area, provided it preserves or enhances the special interest, character and appearance of the area.

Policy HA4 (a): proposals will be expected to respect established building lines, layouts and patterns

- 8.56 That area of the site that is generally open to public view comprises the existing Northgate End car park. This exhibits little in the way of building line nor is it representative of layout in the historic core of the Conservation Area. Land to the east is also open in character, comprising the green space associated with the town meads and castle gardens.
- 8.57 To the west of the site is the Northgate Youth Centre building, on the other side of Northgate End, the car dealership building and, to the south, the Waitrose foodstore. The foodstore and car dealership building are located close to the edge of the footway, providing enclosure to the area. The youth centre

building sits back, but with a frontage wall providing enclosure. They also represent buildings which, whilst they may be lower in height than the proposed car park building, occupy plots and footprints that are larger than the more historical buildings in the Conservation Area. Adjacent to the foodstore the existing parking area at the Causeway exhibits little in the way of building line.

- 8.58 The proposed development would introduce new built form in this location and will define a new road edge. The proposed commercial/ residential building is considered to respond positively to the Glyn Hopkins car dealership building through its form and layout. It sits in line with the youth services frontage wall and is a similar distance from the carriageway as is the foodstore to the south.
- 8.59 The Conservation and Urban Design advisor notes that the buildings will result in built form along a strong building line that provides an active edge to the street. In its Built Heritage Statement the applicant also refers to the impact the buildings have in relation to the definition of the road edge.
- 8.60 In respect of building lines, layouts and patterns then, the proposals are considered to be at least complimentary to the existing character of this part of the Conservation Area, thereby preserving, and, in fact, will positively enhance it by the provision of new buildings which enclose the road, providing new building lines reflecting those in the area. They do not compromise the Conservation Area with regard to layout and pattern of buildings in this area, given that large spaces provide for single uses, for example the youth services building and land, the car dealership, the foodstore and the existing pattern of parking provision in the area.

8.61 As a result, the proposals are considered to have the impact then, in relation to this matter, of preserving and enhancing the character and appearance of the area.

Policy HA4 (b): proposals will be expected to use materials and adopt design details which reinforce local character and are traditional to the area

8.62 Analysis of the immediate and wider context of Bishop's Stortford shows a prevalence of historic brick and flint walls. Both throughout the town centre and directly adjacent to the site brick façades are a dominant feature. The brick colour varies and includes reds, creams and buff colours, their presence characterises the wider setting of the site.

8.63 The proposal is to use brick for the parts of the car park, which interface with this immediate and wider context. Buff coloured brick is used throughout Bishop's Stortford and to integrate the proposed buildings into this context, the proposal is for this light coloured brick to clad the north and southern elements of the building. Brick is also used at the base of the building providing weight and grounding the building in its context as well as picking up on the brick walls around the town.

8.64 The proposed commercial/ residential buildings are to be predominantly red brick. To the rear, the render, in part, breaks up the overall facade but also reflects light within the paved courtyard. A slate roof is proposed.

8.65 With regard to design features, the window openings take their cue from the many white painted or rendered surrounds within the town. In this instance, the reveals are white painted metal which fold both in and out to define the openings.

- 8.66 The commercial unit on the ground floor is contemporary in its finish and is considered to complement the locality in form and materials. It reflects earlier innovative design solutions on this corner, the car dealership building opposite being one from an earlier era.
- 8.67 The Conservation and Urban Design Advisor notes that the car park building has carefully proportioned detailing and a fenestration rhythm that avoids large blank surfaces on prominent elevations. The window reveals and laser cut metal shutters facing the Link Road are a high quality detail that helps to give character to what is normally a fairly soulless building type.
- 8.68 The Civic Federation however draws comparison with the multi storey car park at Gascoyne Way, Hertford. It suggests that it (Gascoyne Way) represents a good real life proxy for this proposal, will be very similar in appearance, but that the current application proposals will be two floors higher.
- 8.69 It is not considered that the Civic Federations concerns in this respect are well based or stand up to scrutiny. Members will be familiar with the Gascoyne Way car park, where the building presents a long elevation to the adjacent road. It has a predominant horizontal emphasis, no significant detailing and is not fully enclosed. In respect of all these design aspects, the proposals in this application are considered to be far superior. A short elevation is presented to Link Road, further relieved by the top two storeys being set back. A fully enclosed façade is proposed with significant elements of detailing. This is a significant move away from the Gascoyne Way building era, when no endeavour was made to disguise the purpose of the building. Now, a far more considered approach has been taken, carefully thinking through the design elements that enable much greater assimilation of the building into its surroundings.

8.70 In relation to this element of the policy then, the proposals are considered to display the use of materials and design elements that respect the traditional local character, influenced as it is by the more modern buildings in this area – the car dealership and the foodstore. In that respect, it is considered that they will preserve and enhance the character and appearance of the area.

Policy HA4 (c): proposals will be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area

8.71 Some of these elements have already been touched on in relation to parts (a) and (b) above. With regard to scale, the plot sizes and footprints of the youth centre, car dealership and food store buildings have been noted, in immediate vicinity of the site.

8.72 It is the height, proportion and overall scale of the building which is generating most concern. Many of those who responded to consultation expressed very strong objections in this respect. The local resident who instituted judicial review proceedings summarises the views of many in setting out that the proposals will allow a 6 storey building towering over all other properties in the Conservation Area.

8.73 In its Built Heritage Statement the applicant submits that the car park building would be a noticeable increase in height in this area. But goes on to set out, in the Appearance and Character submission, that the height of the car park responds primarily to the scale of the adjacent tree line. The top two floors are set back to respond to the height of the foodstore building opposite.

- 8.74 The Civic Federation is also concerned, setting out that in scale and appearance the proposed development will be wholly out of keeping with its surroundings. The Town Council also sets out a concern that the proposed development will be out of keeping in terms of height and character.
- 8.75 The Conservation and Urban Design Advisor notes that the height of the building has been designed to sit along the tree line so as not to appear prominently in longer views. The Advisor also sets out that, whilst careful consideration has been given to the massing of the car park through the architectural approach undertaken for the whole scheme, the proposed building is of a fundamentally large building typology of singular grain and bulky massing, which no design considerations can overcome. This is considered by the advisor to result in a degree of harm to the character and appearance of the Conservation Area which is assessed to be less than substantial.
- 8.76 Concerns are also raised in a number of submissions with regard to the relationship between the commercial/ residential building and the youth services building to its north. With regard to the commercial/ residential building, this is modest in scale when compared to the car park. It is also considered to be compatible in scale when adjoining buildings and the wider area is considered. Its footprint is comparable with that of the car dealership building opposite and smaller than the youth services building to the north and the foodstore to the south of Link Road.
- 8.77 All of the points that have been raised in the responses from residents, the public, expert advisors and others have been considered carefully.
- 8.78 The commercial/ residential building is to be four storeys in height, all storeys apparent from the road frontage. It will be

higher than the youth services building (largely two storeys) but less distinguishable in height terms from the car dealership and foodstore buildings. However, these impacts are not considered necessarily to be harmful. Building heights generally step up closer to the centre of the town. The car dealership building, whilst lower, will continue to exert prominence because of its location immediately to the rear of the footway and unusual curved design. Likewise, because of its scale, the foodstore building will remain prominent. It is considered that the youth service building will retain its prominence and setting by virtue of its strong frontage walling and its location set back in its plot.

- 8.79 The conclusion then in relation to the commercial and residential building is that it is not harmful as a result of its scale, massing, form, proportion and height. Its design and setting, as referred to in relation to parts (a) and (b) of the policy continue to ensure that it preserves and enhances the character and appearance of the Conservation Area.
- 8.80 Turning to the car park building, this is the element where the Conservation and Urban Design Advisor concludes there is harm. However, its frontage immediately onto Link Road will be three storeys in height. To the east it will be well screened by the adjacent long established trees. The remaining storeys will be set back from the frontage. They will be perceived in longer views, but these are also well screened as are views of the foodstore building to the south. In views had close to the site, the upper floors are not likely to be dominant. The frontage height then is comparable to the foodstore building to the south. From the west the building will be largely obscured by the commercial/ residential building.
- 8.81 Apart from the frontage, they are few public locations at which the scale of the building will be noticeable. Strong and established tree planting exists along the east side of the site,

existing buildings enclose the west. Views to the north will be largely private ones. The impact on the residents on Yew Tree Place has been addressed above. In respect of its impact on the green space to the rear of the youth services building, it is not considered that this space contributes to the significance of the Conservation Area, because of its enclosed and semi private nature.

- 8.82 Your Officers reach the conclusion then, contrary to that of the Conservation and Urban Design Advisor, that the proposals do not result in harm to the character and appearance of the Conservation Area in respect of the issues set out in part (c) of policy HA4 but are indeed neutral. They therefore do preserve or enhance the character and appearance of the Conservation Area.

Policy HA4 (e): proposals will be expected to have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.

- 8.83 The Conservation Area Appraisal and Management Plan (CAAMP) for Bishop's Stortford was adopted in December 2014 and provides a detailed analysis of the town's historic evolution and existing historic assets.
- 8.84 The town's listed buildings are principally concentrated in the historic core and are representative of many centuries, with some having important historic associations. The CAAMP also identifies a large number of late 19th/ early 20th century buildings that add considerably to the town's heritage which are not listed, but are worthy of protection from demolition.
- 8.85 The CAAMP provides an assessment of a number of sub-areas. The application site is within Area 3 which runs from Grange

Paddocks in the north, along the River Stort to Station Road in the south. The CAAMP notes that historically much of the area around the site was open and crossed with drainage channels, with the course of the River Stort further to the east, previously forming the eastern boundary to the school at Northgate End. The river was diverted in 1968. A large tree belt separates the site from the immediate setting of the castle and mound and associated open spaces (Waytemore Castle, Scheduled Ancient Monument and Grade 1 listed). These large trees will be retained.

- 8.86 The CAAMP refers to the importance of the castle gardens and the land to the north leading to Grange Paddocks as a public open space to be protected. The Civic Federation notes this, setting out that the CAAMP identifies the whole area consisting of Grange Paddocks and Town Meads together with Castle Gardens as an important open space. The Federation goes on to note the reference in the CAAMP that, unless the need for small scale recreational or other community facilities are required, it is important for the site to be protected from development.
- 8.87 Whilst the reference in the CAAMP is acknowledged, it is not agreed that the definition of the important open space sought to include the planning application site. Indeed, the character map in the CAAMP confirms this, with the application site excluded from the area identified as an important open space.
- 8.88 It is considered then that the CAAMP makes no specific reference to the application site area, either the public parking area or the grassed area to the rear of the youth service building (which likewise, is not identified as an important open space on the CAAMP plan).
- 8.89 Having regard to the CAAMP then, it is considered that regard has been had to it by the proposals and they do not result in

any harmful impact in relation to the aspects that are set out in it as contributing to the areas special interest and significance.

Policy HA4 (f): proposals will be expected to, where they relate to Conservation Area Management Proposals, the duty to preserve or enhance will be applied.

- 8.90 In effect, this requirement replicates the requirements of the Act and can be seen as a summing up of the above elements of the policy. It has been noted how, in terms of all the preceding relevant elements of the policy, it has been concluded that the proposals will result in either preservation or enhancement of both the character and appearance of the Conservation Area. The scale of the multi storey building, whilst large, will not be perceived from the Link Road frontage to be out of keeping with the scale of other buildings in the locality. The commercial/ residential building, whilst higher on the Link Road frontage than the car park, is more modest in overall scale and will occupy a footprint similar in scale or smaller than other buildings in the vicinity. The materials and design of the buildings are complimentary to others in the area and reflect earlier innovative building styles. The buildings will reinstate a building line here, again complimentary to that of other buildings in the area.
- 8.91 In all these respects then, the proposals are considered to both preserve and enhance both the character and appearance of the Conservation Area and are acceptable in relation to the requirements of policy HA4.
- 8.92 As referred to above, the relevant policy of the Neighbourhood Plan, policy HDP2, requires that development proposals in the Conservation Area incorporate the recommended styles and materials set out in the Conservation Area Management Plan. The commentary

above, in relation to District Plan policy HA4, sets out how the proposals achieve this. As a result, they are also considered to be acceptable in relation to the relevant Neighbourhood Plan policy.

8.93 The NPPF is also relevant to this consideration. It sets out how to consider potential impacts on heritage assets, included listed and non-listed historic buildings and the Conservation Area.

8.94 In this respect, as set out above, the Conservation and Urban Design Advisor sets out that the proposed multi storey building will result in some harm to the character and appearance of the Conservation Area, albeit that he concludes that the development would lead to less than substantial harm. In this situation, para 196 of the NPPF sets out that the harm should be weighed against the public benefits of the proposals. A balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

8.95 By contrast, the agents Heritage Consultant, following additional detailed assessment of the potential harm against the Conservation Area statutory test, considers that the impact of the proposal would be neutral to the character and appearance and that there would be no harm.

8.96 Your Officers, in assessing the proposals against all aspects of the relevant policies, reach the conclusion that no harm is caused and that the proposals preserve or enhance the character and appearance of the area. It is not necessary then, in respect of the impact of the proposals on the Conservation Area, to undertake the balancing exercise set out in paras 195 and 196 of the NPPF.

- 8.97 Consideration has also been had in relation to the other heritage assets in the area. The Waytemore Castle to the south east is a Grade I listed structure and Scheduled Ancient Monument. There are other Listed Buildings in the vicinity of the site. However, in relation to these assets, the proposals are considered to be distant and there are intervening features, including significant mature trees and others buildings, such that the proposals have no impact on the setting or special architectural and historical character of these assets. Historic England has declined to comment in relation to any impact on the Scheduled Ancient Monument. Having considered the impact in relation to other undesignated heritage assets, the car dealership and youth services buildings being the closest, in the report as above, it is concluded that the proposal have no harmful impact in relation to them.
- 8.98 With regard to specific impacts on trees, the development as it was originally proposed was to result in the loss two trees on the northern part of the site, 9 trees in the middle of the site on the existing northern boundary of the car park, 4 trees on the eastern boundary within the site, 15 trees within the existing car park and the stand of trees containing 9 trees on the western side boundary with Northgate End. Two other trees are proposed to be removed that are outside the red line boundary and owned by the Town Council. Most of the trees are nearing maturity and would at some point require replacement. Following amendment, two further trees are proposed to be removed.
- 8.99 It is proposed to mitigate the removal of trees by new planting, which has the advantage of maturing during the regeneration of the wider area over the short to middle-term timeframe. This is considered to be an acceptable approach.

Noise and Air Quality

- 8.100 Noise generated from the use of the car park and the impact on air quality from increased traffic was a major concern for many objectors. The application was submitted with an acoustic report by Adnitt Acoustics and an air quality assessment by Phlorum. The relevant policies seek to protect noise sensitive uses from noise. Policies EQ2 and EQ4 of the District Plan and TP2 of the NP all apply in this respect. The acoustic assessment was initially updated to address the reduction in traffic (as a result of the highway changes). It has been further updated following the deletion of the proposed MUGA.
- 8.101 The noise consultant sets out proposed mitigation arrangements to control the impact of noise from the use of the car park. These include controls over the times of use of the car park and the installation of a louvered façade.
- 8.102 With these mitigations in place, the consultant concludes that the impact of the car park on existing residents will be acceptable. The Environmental Health advisor does not object to the proposals and suggests an opening hours condition which would require the ground, top and surface level areas of the car park to be closed by 9pm and the remainder by midnight. The deletion of the MUGA which will reduce the level of noise and activity associated with the development. It is considered that, with the controls in place as recommended by the Environmental Health advisor, the impact of the proposals will not be unacceptable.
- 8.103 In relation to the new residential uses, the acoustic report concludes that, due to the high levels of external noise, it is not considered feasible to use opening windows to control summertime overheating. It is likely that acoustic ventilators or comfort cooling will be required.

- 8.104 Whilst air quality was a concern raised by objectors, it was concluded previously that the traffic generated by the proposal is not likely to result in exceedance levels being breached. There have been no changes to the scheme which impact on this conclusion.
- 8.105 In its favour, the proposed car park would provide additional charging points for electric vehicles, supporting measures that seek to reduce pollution as a result of travel in the future. Overall, the consideration of noise and air quality matters is considered to impact neutrally in the balance of considerations.

Highways and Traffic Impacts

- 8.106 Policy BISH8 of the District Plan identifies the Old River Lane site as a significant development opportunity which proposes to reconfigure the retail, community and leisure provision in the town. One of the key opportunities identified in the Planning Framework is the desire to centre new development along a pedestrian-focused north/south route from Bridge Street to a new multi-storey car park to the north of Waitrose.
- 8.107 The proposed car park is therefore to facilitate and enable the redevelopment of the Old River Lane site and to rationalise parking in a more land use efficient way, which will release land for the regeneration and improvement of the area. In addition to the multi storey building, a limited amount of surface parking is to be provided at the rear of the site.
- 8.108 A number of objectors, and the Highway Authority initially, have commented on the disincentive the proposal represent in respect to achieving the objective of using alternative modes of travel. The recently adopted Local Transport Plan 4 (LTP4) articulates that policy approach across the County. Both the NPPF and the Councils own policies seek to achieve a

shift in the transport choices made by those travelling in the district (District Plan policies TRA1, TRA2 and TRA3, NP policy TP1).

- 8.109 The proposals represent an increased parking provision, above the current facilities, and so the proposals represents more than replacement (although objectors have noted this is limited). The new uses proposed at the Old River Lane site have been taken into account when factoring the quantum of parking spaces proposed. The emerging proposals are to include arts and community uses, new retail floor-space and additional residential uses. The current aspiration is to provide largely or totally car-free public spaces within the new development.
- 8.110 The Councils overall aim, in bringing the ORL proposals forward, is to retain and strengthen the attractiveness of the town as a retail and leisure destination. It is considered that, whilst acknowledging the overall policy objective in relation to sustainable transport, this aim will require a range of transport options to be provided, including the provision of car parking.
- 8.111 Prior to the scheme being amended, the Highway Authority was minded to recommend that the proposals be refused for pedestrian safety reasons, impact on traffic flows and for sustainability reasons.
- 8.112 In relation to the new junction as first submitted, concern was expressed that pedestrian flows would be high, resulting in the pedestrian crossing being triggered more often than anticipated, thereby compounding queueing vehicular traffic.
- 8.113 However, following the amendment to the scheme, the Highway Authority has removed its objection. It prefers a junction that incorporates an advance stop line for cyclists. It

also considers that the removal of the proposed new road link to the south from the junction (to serve Waitrose) makes the junction safer.

- 8.114 The Civic Federation commissioned consultants to undertake an assessment of the transport submissions made by the applicant, and updated their advice to take into account of the amended access arrangements.
- 8.115 The consultants on behalf of the Federation were concerned that the increase in the provision of public parking was not justified. A concern remains that the traffic counts have not been undertaken at appropriate times, or that they have been impacted on by highway disruptions in the town. The consultants question the modelling approach that was undertaken by the applicant and state that the improvement to the Northgate End junction could have been implemented without the need for the proposed development.
- 8.116 Whilst the above comments are noted, it is considered that the redevelopment and regeneration of the town requires a positive development management approach, which provides the necessary infrastructure to enable future development and enhancement to proceed.
- 8.117 The Highway Authority has concluded that the proposals are acceptable in highway terms and that appropriate modelling and forecasting has been undertaken to substantiate the proposed development.
- 8.118 Overall, the highway and transport proposals are considered to be sustainable and acceptable to the Highway Authority. It is recommended that funding is provided, as an integral constituent of the proposals, in order to support future sustainable transport schemes identified for the area.

Social and Community Infrastructure

- 8.119 The proposed 15 dwellings provide 10 x 1 bed and 5 x 2 bed residential units. 40% of these are to be provided as affordable housing units. The proposals were initially subject to viability assessment as, when they were put forward, they were not policy compliant with regard to the provision of affordable housing. That matter has now been resolved.
- 8.120 With regard to infrastructure, the provision that would normally be required is set out in the Councils Planning Obligations Supplementary Planning Guidance (which relates to the now out of date 2007 Local Plan). However, given that the application has been submitted by the Council, it would be inappropriate to proceed to secure infrastructure contributions through a legal agreement. The appropriate approach to secure the infrastructure contributions would be by the imposition of conditions which meet the requisite tests of a valid condition.
- 8.121 In relation to services provided by Hertfordshire County Council, members will note that contributions would be sought toward primary and secondary education and library services in the sum of £8,994. Finally, the Highway Authority seeks contributions of £103,500 toward the provision of sustainable transport measures. These would contribute toward infrastructure considered to be appropriate given the scale and nature of the development.
- 8.122 Provision is also to be secured in relation to the Councils range of services including parks, gardens, sports and leisure provision. In this case, a further element of provision relates to drainage and ecological improvements to adjacent land associated with the treatment to the historical culvert that runs under the site.

8.123 With regard to the residential unit sizes, the Strategic Housing Market Assessment from 2015 indicates that the greatest need in the District, for both market and affordable housing, is for three bedroom dwellings. The proposal does not provide any 3 bedroom dwellings. However, larger dwellings are considered to be better suited to locations outside town centres where there is more space to provide larger amenity areas for families. With the mix of developments coming forward in the town and across the District, many providing larger unit sizes, it is considered that the mix proposed here is acceptable.

Drainage and de-culverting Old River Stort

8.124 The site can be acceptably drained so that there is no additional flood risk from the development. The Environment Agency advises that the finished floor levels should not be lower than 37.0mAOD. The ground level of the car park and the commercial floor space is 58.0m and 58.5m respectively therefore this will not result in any additional visual or character impact by virtue of a necessity to raise the buildings. Permeable paving of the surface level car park and the access is recommended as part of the drainage strategy. The Lead Local Flood Authority has raised no objections and recommended conditions.

8.125 In terms of sustainable drainage, the proposals have benefits, such as the use of permeable paving and the opening up of the existing culvert (referred to below). However, other elements, such as the use of underground tanking, are not considered to be particularly sustainable.

8.126 With regard to the River Stort culvert, the proposal to remove the culvert is a positive element of the proposal as it would improve the biodiversity of the area as part of the development. The details of the location and arrangements

for de-culverting are not specified currently, but it is likely that it will be placed in the land to the east of the site. In order to give certainty with regard to the delivery of this, it would be necessary to impose an appropriately worded planning condition.

- 8.127 In its response to consultation, Herts Ecology has identified the potential to provide a wet woodland in the area. This will be secured as part of the development and it is likely that it would be implemented at the same area as the de-culverting of the water course, and it would appear to have some alignment with it.
- 8.128 Local residents have raised concerns that treatment to drainage courses may result in a greater flooding risk to them or land in their control. It will be necessary to ensure that there is no risk to third parties through any of the measures implemented if this application is granted planning permission. The detail of the appropriate measures will be considered in detail through the discharge of the appropriate condition.

Green Belt

- 8.129 As indicated, a small part of the development proposed falls into the Green Belt. This comprises that part of the roadway which will provide access to the multi storey car park building which is located to the east of the building. The building itself does not fall into the Green Belt.
- 8.130 Policy GBR1 of the District Plan requires that planning applications within the Green Belt be considered in line with the provisions of the NPPF. In the NPPF (para 145) it is set out that the planning authority should consider the construction of new buildings (development) as inappropriate in the Green Belt, except when it comprises a number of limited

exceptions. None of the exceptions apply in this case and therefore the element of the proposals that falls into the Green Belt is considered to be inappropriate development.

- 8.131 In para 143 and 144 of the NPPF it is set out that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Substantial weight is to be given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green belt by reason of inappropriateness and any harm resulting from the proposals, is clearly outweighed by other considerations.
- 8.132 In the case of these proposals, the benefits have been set out in the report above and, in addition to the Green Belt harm by way of inappropriateness; other areas of harm have been identified. In Green Belt terms any harm to the openness of the Green Belt resulting from that area of the development that is within it is limited, because it will comprise a roadway surface and generally have no above ground level structures.
- 8.133 The balance of considerations in relation to the Green Belt policy area is set out in the conclusion below.
- 8.134 The Neighbourhood Plan policy GIP1, sets out that proposals for development must respect the identified green lungs in the town – which include the Green Belt area to the east of the application site. These spaces will predominantly be used as open spaces and for recreation. New development should not encroach on the green lung.
- 8.135 In particular, in relation to the Town Meads area, the policy refers to the requirements of a previous planning application relating to the ORL site which included, as flood compensation, some development within the Town Meads area. The policy sets out that, if that development is not

implemented, then the green lung shall be protected from development.

8.136 This outcome is safeguarded in respect to these proposals as the previous permission referred to has lapsed and there is no proposal now to implement the same flood compensation arrangements.

8.137 With regard to harm, some is identified as the proposals do encroach minimally on the green lung. However, it is not considered that they impact on the open space nature or recreational potential of the space. In that respect, because of the small element of encroachment, some minimal harm is assigned.

9.0 Planning Balance and Conclusion

9.1 The proposed development raises a number of material planning considerations, not least of which is the potential impact upon the Conservation Area. The proposals will play a role in enhancing the wider area and the regeneration of the Town Centre and Conservation Area. They will provide replacement and additional car parking to enable the Old River Lane development proposals, supported by District Plan policy BISH8, to come forward.

9.2 Given that the application site is located within the Bishop's Stortford Conservation Area, section 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990, obliges the Local Planning Authority to pay special attention to the desirability of **preserving or enhancing** the character or appearance of the Conservation Area. This requires both character and appearance to be specially considered and raises a strong and important rebuttable presumption against the development if any harm from it is identified. If so, that harm falls to be weighed against other factors. Consideration has been given

to the potential impact of the proposed development upon the character and appearance of the area whilst taking account of the desirability of taking opportunities to enhance the character and appearance of a Conservation Area.

- 9.3 The Council's Conservation and Urban Design Advisor considers the proposed multi-storey car park element of the scheme would result in a degree of harm to the character and appearance of the Conservation Area, which is assessed as less than substantial. Submissions from residents and the public have referred to harm.
- 9.4 Two recent assessments, undertaken by consultants on behalf of the applicant, have however concluded that the effect was neutral in respect of harm to the Conservation Area, ie that there was no harm from the development because it was concluded that the application site did not contribute to the distinct historic or architectural significance of the Conservation Area. The impact of the proposal would be neutral.
- 9.5 Your Officers' view is that harm is not caused to the Conservation Area. The compatibility of the proposals with each element of the relevant policies (District Plan HA4 and Neighbourhood Plan HDP2) has been considered very carefully and is as set out in the report above. The conclusion is that no harm is caused and that the proposals therefore preserve or enhance the character and appearance of the Conservation Area.
- 9.6 In relation to other policy matters, some harm is identified. In this respect, the proposals are considered to have a harmful impact on the operation of the youth services facility by way of the loss of much of its current outdoor associated green space. This harm is considered to be limited however and it is

noted that the deletion of the previously proposed MUGA is in agreement with the operator of the facility.

9.7 Harm of some significance was concluded with regard to the impact of the proposal on the amenity of adjacent occupiers.

9.8 Lastly, some minimal harm is identified as a result of the encroachment of the development onto the green lung area, as identified in policy GIP1 of the Neighbourhood Plan.

9.9 Turning to the public benefits of the proposal, they can be summarised as follows:

- The increase in parking density in the area (enabling the removal of extensive surface level parking);
- The provision of new residential units, including affordable housing;
- The provision of retail and commercial space;
- Enabling wider public benefits by facilitating the eventual Old River Lane redevelopment scheme;
- The enhancements to the character and appearance of the Conservation Area by repair to the street frontage;
- The more efficient use of land in a very sustainable location close to the town centre;

9.10 The claimant in the Judicial Review, considered that as the proposal would cause harm to the Conservation Area, albeit less than substantial, the Council's decision constituted a departure from the development plan, which should have been advertised as such. Having reviewed the matter against the Policy HA4 of the recently adopted District Plan and policy HDP2 of the Neighbourhood Plan, it is not considered that the proposals do result in that harm and therefore they do not comprise a departure from the development plan. The conclusion is reached then that no additional advertisement of

the proposals, in this respect is necessary, either in relation to the Conservation Area or any other policy matter.

- 9.11 It was contended, in the Judicial Review proceedings, that the enabling role of the proposed development in respect of Bishop's Stortford Town Centre should be given little weight as details of the scheme were not available. However, Policy BISH8 of the now adopted District Plan 2018 has confirms that the Old River Lane site (adjacent to the application site) will provide an extension to the town comprising high quality mixed use development of retail, leisure, residential and commercial uses and a civic hub.
- 9.12 The Council, as applicant, has demonstrated that it is continuing to take active steps to bring forward the development on the ORL site. In that respect, it is considered that the development proposals do fulfil a significant enabling role.
- 9.13 In conclusion then, whilst some elements of harm have been identified as a result of the development (as set out above), it is considered that the benefits of the proposals far outweigh any harm and substantial positive weight can be given to those benefits. In relation to the location in the Conservation Area, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the area. The conclusion has been reached that no harm is caused.
- 9.14 In relation to the Green Belt, substantial weight is given to the harm as a result of a small element of the proposals comprising inappropriate development. This, and the other areas of harm identified above (in relation to the operation of the youth services building, in relation to the amenity of adjacent residential occupiers and as a result of limited

encroachment onto the adjacent green lung area identified in the Neighbourhood Plan) have been taken fully into account.

9.15 The conclusion is reached that the benefits of the proposals remain substantive (increased parking, new residential development including affordable units, new commercial floorspace, efficient use of land, enabling wider public benefits through the redevelopment of the ORL site and the improvements to the character of the area that may result, and improvements in the character of the area in its own right) do clearly outweigh the harm and therefore very special circumstances exist.

9.16 It is recommended that planning permission can be granted.

Recommendation

That planning permission be **GRANTED** subject to the conditions set out below

Conditions

1. Time limit for implementation
2. Approved Plan numbers
3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a

commitment to publication has been made. The development shall be carried out in accordance with the details approved.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policy HA3 of the East Herts District Plan 2018.

4. 2E33 No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Socotec Uk Ltd Phase 1 Desk Study report dated February 2018 (Ref: H8019-18), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 14 of the National Planning Policy Framework and policy EQ1 of the East Herts District Plan 2018.

5. 2E32 Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development ; recycle waste materials for use on site and off; minimise the amount of waste generated;

minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012.

6. No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the car park use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R4 dated 4 January 2019. The use hereby permitted shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the East Herts District Plan 2018.

7. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding

- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality (including dust), light and odour.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy DES4 of the East Herts District Plan 2018.

8. No development shall take place until a Landscape and Ecological Management Plan (LEMP) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule to undertake the works and provide appropriate long term maintenance (at least 5 years);
- g) Extent and location/area of proposed works on appropriate scale maps and plans;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: In order to ensure that the development enhances the ecological value of the site and adjoining area in accordance with policies NE2 and NE3 of the East Herts District Plan 2018.

9. No development shall take place until a scheme for mitigating the impacts of the development on local Air Quality has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Phlorum Air Quality Assessment report (Ref: 7801A AQ draft v1) dated February 2018. The scheme shall include a timetable for implementation of the approved mitigation measures and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ4 of the East Herts District Plan 2018.

10. No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted the Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018.

The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and

including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Final design of the attenuation tank should incorporate silt traps and appropriate pollution prevention methods.
3. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
4. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event based on details proposals for the opening and diversion of the Main River.

The development shall be carried out in accordance with the details approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with policy WAT5 of the East Herts District Plan 2018.

11. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy EQ3 of the East Herts District Plan 2018.

12. Prior to development commencing on site details shall be submitted in writing of how the development will be Secured by Design principles.

Reason: To ensure the car park and residential developments have been designed to reduce the opportunity of crime in accordance with Policy DES5 of the East Herts District Plan 2018.

13. An acceptable detailed design is required prior to deculverting of the Old River Stort. The detailed design shall be agreed in writing with the Local Planning Authority prior to the commencement of works. Deculverting shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding on site and elsewhere by ensuring that an acceptable open-channel diversion of the Old River Stort is provided. In addition to increase the biodiversity of the site by daylighting a main river and priority habitat creation. In accordance with policies NE3 and WAT2 of the East Herts District Plan 2018.

14. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period,

the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policy DES3 of the East Herts District Plan 2018.

15. All existing trees, shrubs, natural and historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e. weld mesh) to BS5837: 2012 Trees in relation to design, demolition and construction securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction

period in the interests of amenity, in accordance with policy DES3 of the East Herts District Plan 2018.

16. No development shall commence until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all servicing vehicles to enter and exit the site in forward gear.

The development shall be carried out in accordance with the details agreed and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway. In accordance with policy TRA2 of the East Herts District Plan 2018.

17. Details of the finished surface of the parking areas shall be submitted to, and approved in writing by the Local Planning Authority before the development commences and such surfaces shall be completed to the Authority's satisfaction before any part of the development is first brought in to use.

Reason: In the interest of amenity, safety and long-term maintenance. In accordance with policy DES4 of the East Herts District Plan 2018.

18. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in

accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities to avoid school pick-up/drop-off times;
- h. Provision of sufficient on-site parking (including for existing properties and on-site activities), prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway and other rights of way. In accordance with policy TRA2 of the East Herts District Plan 2018.

19. Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy DES4 of the East Herts District Plan 2018.

20. Prior to any building works being commenced samples of the external materials of construction for the building hereby

permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy DES4 of the East Herts District Plan 2018.

21. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy DES3 of the East Herts District Plan 2018.

22. Prior to commencement of development, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to

and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with policy DES4 of the East Herts District Plan 2018.

23. Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy DES4 of the East Herts District Plan 2018.

24. Upon completion of the drainage works and prior to occupation and/or use of the proposed development, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with policy WAT5 of the East Herts District Plan 2018.

25. Prior to the first occupation / use of the development hereby permitted, the vehicular access(es) shall be provided and

thereafter retained at the position(s) shown on the approved plan drawing number (03010 8D ASL Rev D). Arrangement shall be made for surface water drainage to be intercepted and outfall discharged so that it does not discharge from or onto the highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway. In accordance with policy TRA2 of the East Herts District Plan 2018.

26. Prior to the first occupation/use of the development hereby permitted any access gate(s), barriers, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the back of the footway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened. In accordance with policy TRA2 of the East Herts District Plan 2018.

27. Prior to first use of the multi-storey car park and the rear surface area parking hereby approved, the public parking area identified as the Causeway car park (and as identified on Plan XX) shall be closed for public use. Once closed, the Causeway car park shall subsequently remain unavailable for public use.

Reason: In the interests of the free flow of traffic through the highway network. In accordance with policy TRA2 of the East Herts District Plan 2018.

28. Prior to first occupation/use of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:

- i. Details of car parking allocation and distribution;
- ii. Operational details, and integration with other East Herts managed car parks within Bishop's Stortford;
- iii. Scheme for signing car park and any real time capacity information system;
- iv. A scheme for the provision and parking of cycles;
- v. Provision for a minimum of 20 Electric Vehicle charging points (which will serve as dual charging points with the capacity to charge up to 40 vehicles at one time);
- vi. Details of the infrastructure that will be provided as part of the development and subsequently, both within the site and off site as necessary, to enable the capacity of vehicle charging provision to be increased to a minimum of 160 vehicles in the future, and;
- vii. Monitoring required of the Car Park Management Plan to be submitted to and approved in writing in accordance with a time frame to be agreed by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport. In accordance with policies TRA1 and TRA2 of the East Herts District Plan 2018.

29. Communal television reception facilities shall be provided prior to first occupation of the development hereby permitted, in accordance with details to be submitted to and approved in

writing by the Local Planning Authority, and no other external television reception facilities shall be provided.

Reason: To prevent the proliferation of telecommunication facilities in the interests of visual amenity. In accordance with policy DES4 of the East Herts District Plan 2018.

30. Prior to the occupation of any of the buildings hereby permitted there shall be submitted to and agreed in writing by the LPA, details of the arrangements for the management of the emergency access link between the youth services parking area and the external surface public parking area. Once agreed, those management arrangements shall be implemented as such and thereafter retained in place.

Reason: In order to ensure the appropriate use of the emergency access and avoid any harmful impact on the amenity of adjacent residential occupiers, in accordance with policy DES4 of the East Herts District Plan 2018.

31. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy for multi-storey car park based on attenuation and discharge into the Old River Stort restricted at 5l/s.
2. Undertaking appropriate drainage strategy for northern car park drainage system based on attenuation and discharge into the Old River Stort restricted at 2.5l/s.
3. Undertaking appropriate drainage strategy for the four storey building on attenuation and discharge into Thames Surface water sewer restricted at 2.5l/s.

4. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
5. Implementing drainage strategy as indicated on the drawing titles Proposed Below Ground Drainage Layout drawing no. 1000 Rev 2 including attenuation tank and permeable parking bays.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with policies WAT1, WAT3 and WAT5 of the East Herts District Plan 2018.

32. All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy DES4 of the East Herts District Plan 2018.

33. The permitted use of the commercial unit shall be limited to A1, A2 or B1 uses.

Reason: Other uses may create an impact on the amenity of the residential units above and therefore will require express planning permission. In accordance with policy DES4 of the East Herts District Plan 2018.

34. The commercial unit shall be completed and ready for occupation with the glazed shopfront installed prior to the first occupation of the residential units.

Reason: To ensure that the commercial unit is ready for occupation.

35. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy DES4 of the East Herts District Plan 2018.

36. The vehicular entry into the public car park shall be restricted as follows:

- in relation to the ground floor and top floor of the multi storey car park and the rear surface parking area – to between 0700 and 2300 on all days;
- in relation to all other floors of the multi storey car park – to between 0700 and 2400 on all days

Details of how this will be controlled shall be submitted to and approved in writing by the Local Planning Authority prior to the opening of the car park. The development shall be carried out and thereafter operated in accordance with the details approved. In the interests of the amenities of the occupants of nearby properties and in accordance with policy DES4 of the East Herts District Plan 2018.

37. Prior to the commencement of the development, details of a scheme to support sustainable transport measures shall be

submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sustainable transport measures are introduced in accordance with Policy TRA1 of the East Herts District Plan, 2018.

38. Prior to the commencement of the development, details of a scheme to support the primary and secondary schools within the catchment area shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the educational infrastructure is capable of supporting the additional demand that may arise from the development. In accordance with policies INT1 and DEL1 of the East Herts District Plan 2018.

39. Prior to the commencement of the development, details of a scheme to improve the Bishops Stortford Library shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the library facilities are capable of supporting the additional demand that may arise from the development. In accordance with policies INT1 and DEL1 of the East Herts District Plan 2018.

40. Prior to the commencement of the development, details of a scheme to support Parks and Public Gardens, Outdoor sports facilities and amenity green spaces shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the said facilities are capable of supporting the additional demand that may arise from the development. In accordance with policies INT1 and DEL1 of the East Herts District Plan 2018.

41. Prior to the commencement of the development, details of a scheme to support provision for children and young people shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the said provision is capable of supporting the additional demand that may arise from the development. In accordance with policies INT1 and DEL1 of the East Herts District Plan 2018.

42. Prior to the commencement of the development, details of a scheme to create of wet woodland in conjunction with the de-culverting of Old River Stort as outlined in the Flood Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Policy NE3 of the East Herts District Plan, 2018.

43. Prior to the commencement of the development, details of a scheme identifying the 6 affordable housing units to be provided, setting out how they will be managed and retained in their affordable housing use, nominating tenure and Housing Association. No more than 50% of the market housing to be provided as part of this development shall be occupied until the 6 affordable housing units have been completed and are made available for occupation.

Reason: To ensure the development meets the provision for affordable housing in accordance with policy HOU3 of the East Herts District Plan 2018.

Informatives

1. Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment

Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Stort and the Old River Stort Culvert, both of which are designated as 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk.

2. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
3. The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.
4. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
5. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

6. In the event of bats, otters, or water voles, or evidence of them, being found work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
8. Obstruction of public highway: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a public right of way. If this development is likely to result in the public highway and public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
9. Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the

Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other detritus on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

10. The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Residential Development**

Residential density	13 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	10
	2	5
	3	0
Number of new house units	1	0
	2	0
	3	0
	4+	0
Total		15

Affordable Housing

Number of units	Percentage
6	40

Non-Residential Development

Use Type	Floorspace (sqm)
A1, A2, B1	358

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (Vehicle Parking Standards SPD 2007)

Parking Zone	3	
Residential unit size	Spaces per unit	Spaces required

(bed spaces)		
1	1.25	12.5
2	1.50	7.5
3	2.25	
4+	3.00	
Total required		20
Proposed provision		9

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	15
2	2.00	10
3	2.50	
4+	3.00	
Total required		25
Accessibility reduction	For zone 3	50% - 100%
Resulting requirement		13 - 0 spaces
Proposed provision		9 spaces

Neighbourhood Plan Parking Standards

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	12.5
2	1.50	7.5
3	2.25	
4+	3.00	
Total required		20

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
Total required	1 per 25m ²	14
Accessibility reduction		
Resulting requirement		
Proposed provision		No new provision - adjacent to new public car park