

DEVELOPMENT MANAGEMENT COMMITTEE – 18 JULY 2018

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, a multi-use games area (MUGA) and associated highway and public realm works. Removal of fence and retaining wall.
Location	EHDC Car Park Northgate End, Bishop's Stortford CM23 2ET
Parish	East Herts Council
Ward	Bishop's Stortford Meads

Date of Registration of Application	2 March 2018
Target Determination Date	ETA 27 July 2018
Reason for Committee Report	Major planning application and East Herts District Council is applicant.
Case Officer	Fiona Dunning

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out in the report to the committee of 20 June 2018 and the amendments and additions as set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 Members will recall that these proposals were considered at the last meeting of the committee on 20 June 2018. At that meeting the committee resolved to defer consideration of the matter to enable Officers to seek further information from the applicant in relation to the following matters:

- The provision of Affordable Housing;
- Noise assessment matters;
- The specification of the proposed MUGA;
- The extent of provision of electric vehicle charging points to be installed;
- The proposed hours of use of the car park;
- the scale of pedestrian movements to and from the proposed car park and how they will be accommodated in relation to crossing Link Road;
- the relationship of the proposals to wider development proposals of land to the south of Link Road (Old River Lane).

1.2 Following the 20 June meeting, Officers have had further discussions with the applicant and the following additional information has been supplied and amendments made to the planning application:

- The submission of an addendum letter as part of the application documents; this addresses the following deferral matters set out above: the provision of affordable housing; electric vehicle charging provision; proposed hours of use; the scale of pedestrian movements and the relationship of the application to the wider development proposals to the south of Link Road (Old River Lane)
- Revised plans amending the specification of the proposed MUGA use.
- Removal of 10 car parking spaces at the rear of the site to provide additional space for the proposed MUGA

1.3 The addendum letter and plans are included in full as **Essential Reference Paper A**.

1.4 Further information is expected to be submitted after the publication of this report which will address the final matter identified in the list above, namely the request of the committee that further assessment be undertaken in relation to the existing noise environment to the rear (south) of the adjacent Yew Tree Place properties.

- 1.5 The report submitted to the 20 June meeting is appended to this report as **Essential Reference Paper B**. The details set out in that report in relation to the site description, planning history and main policy issues are unchanged and are not reproduced again here. Where there have been additional consultation responses received since the publication of the previous report, they were included in the additional representations summary provided to the 20 June meeting. That is appended here as **Essential Reference Paper C**.
- 1.6 In addition, the new material has also been subject to consultation. That consultation period has extended beyond the date of the publication of this report but will conclude by 17 July 2018. Any further responses received as a result of that consultation will be summarised and reported to members in the additional representations summary presented to this meeting.

2.0 Consideration of issues

Affordable Housing

- 2.1 The applicant has referred to the current viability assessment in relation to the site and additional income sources that have been secured since that assessment was undertaken. As a result the applicant has offered an additional 3 affordable homes. These are described as being low cost home ownership units. On further discussion it is understood that these units will comprise a form of subsidised shared ownership unit.
- 2.2 The type and provision of the affordable homes will be secured by condition and, in this respect; the scheme is now fully compliant in relation to the provision of affordable housing.

MUGA

- 2.3 The applicant has advised that it has endeavoured to find the best fit for an improved MUGA within the application site. It has considered orientations that are either north-south, or east-west.

- 2.4 A north-south orientation is preferred by HCC (as youth service operator), potentially locating the MUGA further to the east, to provide greater separation between it and the nearby residents. However, this is not achievable within the current application site boundary. With regard to the acoustic barrier, HCC indicates that it wishes to further explore options to ensure the most effective solution. The applicant indicates that it remains willing to explore the potential to further relocate the MUGA to the east – but that this would be beyond the current application site boundary and require a new planning application.
- 2.5 As the application currently stands then the MUGA is re-orientated in an east-west direction and contains the necessary run off provision and acoustic barrier. This results in the loss of proposed parking spaces, some additional trees to the east of the proposed MUGA and does bring the MUGA closer to the dwellings on Yew Tree Place. Further noise assessment work is to be undertaken prior to the committee meeting and advisors will be asked to comment with the re-orientated shape and location of the MUGA in mind. Further information in this respect will be brought to the attention of the committee.
- 2.6 In relation to the controls over use, the applicant advises of the lack of current controls over the use of the land to the rear of the youth services building. External lighting is currently available. HCC indicate that a condition controlling the hours of use to 7pm will not be acceptable to it and that the site will remain, as it is now, unavailable to the general public.
- 2.7 Whilst current conditions are acknowledged, it is appropriate for members to consider whether those arrangements remain appropriate with the reconfigured uses coming forward. As set out in the initial report, the MUGA gives the potential for more intensive use of the space to the rear of the residential units and it is reasonable for the committee to consider whether controls over use meet the tests of conditions, based on the further advice of the Environmental Health Officer.

- 2.8 At this stage no amendment is proposed to recommended conditions 13, controlling lighting for the MUGA, 14, management plan for the MUGA and 36 MUGA hours of use. These are considered to be appropriate given the form of use and the relationship between it and the nearby residential properties.

Electric Vehicle Charging Points

- 2.9 The applicant indicates that the number of electric charging points proposed reflects the current proportion of electric vehicles registered in the district. The applicant confirms that the currently proposed 20 charging points will actually serve 40 vehicles, as they are dual charging points. They also point out that additional provision at this stage may lead to underuse of parts of the car park, due to insufficient demand. As technology in this area is evolving and updated technology can be fairly easily retrofitted into a structure of this nature, the applicant prefers that further provision is not required at this stage.
- 2.10 Given the clarification with regard to the extent of provision now, Officers remain of the view that a condition, requiring that details of the arrangements that will ensure additional provision in the future when demand requires it, is the most appropriate approach here to ensure that the car park is future proofed in this respect.

Car Park Opening Hours

- 2.11 The applicant agrees with comments that members made at the 20 June meeting that the suggested hours of use (until 11pm) would not allow for the car park to support the potential development uses at Old River Lane. The applicant further suggests that operational details, including hours of opening, be agreed through a management plan.
- 2.12 Later opening hours than those previously suggested have the potential to further impact on the adjacent residential uses. There are options to control the extent of this impact however through the management of the parking areas within the site, controlling the use of the surface level space in the evenings for example.

- 2.13 The Environmental Health officer will be asked to advise in this respect but, in advance, Officers suggest that hours now be recommended to cease at 12 midnight and that other operational matters be agreed through a management plan.

Pedestrian Movements

- 2.14 In relation to the issue of the scale of pedestrian movements to and from the proposed car park, the applicant points to information that was submitted previously in the Transport Assessment Addendum. The Addendum identifies that one of the issues raised by HCC, as the Highway Authority, related to pedestrian safety and the proposed pedestrian crossing facility.
- 2.15 Expected pedestrian demand has been based on assumed average vehicle occupancy of 1.59 occupants per vehicle on a weekday and 1.88 occupants on a Saturday. The number of pedestrians leaving the car park and returning to it is then predicted, based on the arrival and departure times of vehicles.
- 2.16 On a weekday, the maximum pedestrian demand is expected to occur between 12.45 and 13.00 with a total 226 pedestrian trips (the sum of those both leaving and returning to the car park). On a Saturday, the peak is at the same time – but the total number increases to 270 pedestrian trips.
- 2.17 The transport consultant commissioned by the applicant explains that there is no recent adopted standard against which to judge the capacity of a pedestrian crossing. In this case a 5m wide crossing is proposed and the pedestrian phase can be called every 90 seconds. With a pedestrian crossing time of 15 seconds this would give 8 opportunities in each 15 min period for pedestrians to cross. Given the maximum number is anticipated to be 270 (which is roughly divided 125 pedestrians crossing toward the town centre and 145 crossing back to the car park) there would likely be 15 – 18 pedestrians waiting to cross at each side of the crossing each time in the busiest period.

- 2.18 It is acknowledged that this will be a busy town centre crossing at those peak times, but that the layout and size of the crossing is considered to be able to accommodate that pedestrian demand safely. Of course, at all other times of the day throughout the week, the demand will be lower. The proposals, unamended, are considered to be acceptable in this respect.

Wider Old River Lane redevelopment

- 2.19 The applicant has provided further information on the wider development proposals for the town centre and has included an illustrative layout and site uses plan, which was approved by the Council at its meeting of 13 December 2017. The illustrative plan shows the potential new buildings and uses on the site of Old River Lane car park.
- 2.20 The applicant explains that the need to provide replacement provision for the car parking currently located on the Old River Lane site creates a distinct delivery phase. The applicant confirms that it is not promoting the Northgate End development as a standalone development and intends to secure progress on the dialogue with developers for the Old River Lane site prior to construction works for the car park, if permission is granted.

Other Matters

- 2.21 As per the legal advice at the 20 June meeting, Section 106 recommendations have been removed and conditions are now proposed to address each of the requirements.

3.0 Planning Balance and Conclusion

- 3.1 Officers previously recommended that planning permission could be granted for the development proposals. As now amended, the proposals have been improved in relation to the provision of affordable housing and electric vehicle charging points (given the clarity that infrastructure will support charging for 40 vehicles).

- 3.2 The proposals are considered to be equally acceptable as there were previously in relation to the issues of pedestrian movement to and from the car park and the relationship of the proposals with the wider Old River Lane development. In respect of these matters in total then enhanced positive weight can be assigned because of the improved affordable housing situation and clarity with regard to electric vehicle charging.
- 3.3 Changes have been made in relation to those aspects where there is an impact on the amenity of nearby residential occupiers. That is, the orientation and location of the proposed MUGA and the hours of use of the car park. Further information is awaited in relation to the assessment of the noise environment to the rear of the Yew Tree Place properties and consideration of that by the Councils Environmental Health Officer. In advance of that further information and advice, Officers remain of the view that the weight to be assigned to these matters is unchanged and that the positive aspects of the scheme continue to outweigh the harm.
- 3.4 Planning Officers remain of the view that planning permission can be granted, subject to appropriate conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions as set out in the report to the 20 June 2018 meeting of this Committee, together with the amendments and additions set out below:

Conditions

Amended conditions

Condition 31

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 and details of the actions that will be taken to ensure that additional charging points can be provided to meet future demand; and
- vi. Monitoring required of the Car Management Plan to be submitted to and approved in writing in accordance with a timeframe 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.

Condition 40

The vehicular entry into the public car park shall be restricted to between 0700 and 2400 on any given day. 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 in accordance with the details approved.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

New Conditions replacing Section 106

Condition 41

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the highway authority in relation to sustainable transport measures for the car park and residential element of the proposal; and

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the highway authority.

Condition 42

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the education authority in relation to primary and secondary education expansions; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the education authority.

Condition 43

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that must provide details identifying the 6 Affordable Housing units, setting out how they will be managed and retained in their affordable housing use, nominating tenure and the Housing Association; and

Thereafter, 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 made ready for occupation.

Reason: To ensure the development meets the provision for affordable housing.

Condition 44

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the Bishop's Stortford Library improvements have been addressed; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the County Council library Service.

Condition 45

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how provision has been made for Parks and Gardens, outdoor sports facilities, green space and for children and young people required as a result of the development; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority.

Condition 46

No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how a wet woodland in the locality of the de-culverted Old River Stort, as set out in the Flood Risk Assessment, can be achieved;

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority.

KEY DATA

Updated Affordable Housing Table

Number of units	Percentage
6	40%

No Legal Agreement now relevant as conditions now proposed.