

DEVELOPMENT MANAGEMENT COMMITTEE – 3 FEBRUARY 2021

Application Number	3/19/0033/NMA
Proposal	Non-material amendment to 3/17/2588/OUT - Relocation of electricity substation from western elevation to northern elevation under Block A2 together with internal and external alterations to Blocks A1- A3 including internal re configuration of car park, introduction of cantilevered support to NE elevation and modification to roof form and building height.
Location	Bishops Stortford Goods Yard, Station Road, Bishops Stortford, Hertfordshire, CM23 3BL
Parish	Bishops Stortford Town Council
Ward	Bishops Stortford - Central

Date of Registration of Application	09 January 2019
Target Determination Date	12 November 2020
Reason for Committee Report	The Council's Constitution requires that in the case of Non-material Amendment applications that relate to major application sites the Chair of the Development Management Committee and one ward Councillor must agree in writing that the application may be determined under delegated authority. In this case, the required agreement has not been forthcoming and the application is therefore reported to Committee for determination.
Case Officer	Femi Nwanze

RECOMMENDATION

That the non-material amendment to planning permission 3/17/2588/OUT be **GRANTED**.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks confirmation from the Local Planning Authority that the following alterations to planning permission 3/17/2588/OUT do not constitute a material change to the original planning permission or a substantial alteration of the original permission:

- Relocation of electricity substation from western elevation to northern elevation under Block A2;
- Internal and external alterations to Blocks A1- A3 including internal re configuration of car park;
- Introduction of cantilevered support to NE elevation and modification to roof form and building height.

1.2 Section 96A of the Town and Country Planning Act 1990 (as amended), allows a Local Planning Authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material to the planning permission.

1.3 The legal authority to make non-material changes to planning permission further to the original grant of planning permission acknowledges the reality that throughout the design and build stages of development projects it is not uncommon that new or unforeseen issues may arise (either prior to or during the implementation phase) that will require making an amendment to the originally consented plans.

1.4 An application for a Non-material Amendment to an existing planning permission is not a planning application and there is no statutory requirement for third party consultation.

- 1.5 The National Planning Practice Guidance advises that there is no statutory definition of 'non material'. This is because it will depend on the context of the overall scheme; accordingly an amendment that is non-material in one context may be material in another.
- 1.6 The main issue for Members consideration is therefore, having regard to the nature and quantum of development that has been granted by planning permission 3/17/2588/OUT (for the comprehensive redevelopment of the Goods Yard Site) whether or not the proposed changes proposed in this Non-material amendment application significantly and materially alter the nature and quantum of development for which planning permission has been granted.

2.0 Site Description

- 2.1 The site is located within the central part of Bishop's Stortford, south of the town centre and comprises of approximately 5.83 hectares of brownfield land. Construction work is currently underway to implement planning permission 3/17/2588/OUT for the comprehensive redevelopment of the site to provide a mixed use scheme of housing and commercial floorspace.

3.0 Planning History

Reference	Proposal	Decision	Date
3/20/0702/FUL	Top deck (floors 10 and 11) lighting strategy at the Goods Yard multi-storey car park, to provide a total of 4 twin lighting columns and 8 wall-mounted lighting fittings.	Granted	09/06/2020

3/19/0953/NMA	<p>Non-material amendment to the LPA's approval 3/17/2588/OUT (A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes) Amendments to multi-storey car park, including internal reconfiguration of car park and external elevation changes in line with construction requirements</p>	Granted	31/10/2019
3/19/0367/NMA	<p>Non-material amendment to planning permission 3/17/2588/OUT (for the comprehensive redevelopment of the Goods Yard Site for mixed use development). The proposed alterations relate to the approved hotel only and include internal and elevational alterations, together with the provision of a plant room at roof level. Alterations to the hotel only, including elevational alterations and provision of a plant room at roof level.</p>	Granted	06/06/2019

3/17/2588/OUT	<p>Comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising - 586 residential units (Use Class C3); 3,004sqm of office floorspace (Use Class B1); 1,001sqm of retail floorspace (Use Class A1-A4); 491sqm of dual / alternative use retail and health care floorspace (Use Classes A1-A4 / D1); 85 bed hotel (Use Class C1); a care home comprising up to 55 units (Use Class C2); a new link road through the site connecting Station Road /Dane Street with London Road; two multi-storey station car parks (966 spaces); new cycle parking; car parking for the residential development; improvements to the Bishops Stortford transport interchange; new and altered access points from the adopted highway network; and associated landscaping and public realm works. The full application; Development up to 6 storeys in height providing 323</p>	Granted	18/07/2018
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	<p>residential units (139 x 1bed units, 175 x 2bed units, 8 x 3bed units and 1x4 bed units use class C3), 3004 sq. m of office space (use class B1), 1001 sq. m of retail floorspace (use classes A1- A4), 491 sqm of dual / alternative use retail and health floorspace (Use classes A1- A4/D1), a 4 storey 85 bed hotel (use Class C1), a new link road through the site connecting Station Road/Dane Street with London Road, one 6 storey (401 space) multi storey station car park, new cycle parking, 153 car parking spaces for the residential development. The outline application (all matters reserved except for access) comprises: 263 residential units (Use Class C3); a care home comprising up to 55 units (Use Class C2); one multi-storey station car park; new cycle parking; car parking for the residential development; and associated landscaping and public realm</p>		
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4.0 Main Policy Issues

4.1 Consideration of the proposals for the development having regard to the main policy issues in the East Herts District Plan 2018 or the National Planning Policy Framework (NPPF) was undertaken in determining application 3/17/2588/OUT.

5.0 Consultee Responses

5.1 The National Planning Practice Guidance (NPPG) sets out that as an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Accordingly, no external consultation has been carried out by the local planning authority in this case.

5.2 Conservation and Urban Design Team – responded that no objections were raised to the relocation of the substation, but concerns were raised in respect of other elements of the proposed changes including the removal of the external staircase to the podium gardens.

5.3 The proposed plans have now been revised to address these concerns, and the proposed external staircase has been reinstated.

5.4 Concerns were also raised regarding clarity issues on the drawings as follows:

- On the east Elevation A1 – A3 (marked B) at ground floor level there were two black squares, where it was unclear what was being proposed. This issue has now been addressed and these are labelled as aluminium louvered doors;

- On the West Elevation A1- A3 (marked F) the doors and windows did not line up between floors.
- On the East Elevation A1 – A3 (marked B) at fifth floor level a 3D view (1800045- PL-020) that has now been provided has communicated the proposals far more clearly. It is now clear that what was thought to be projecting dormers are actually the surrounds to recessed balconies. We find the proposed approach to be acceptable.

5.5 The Conservation and Urban Design Team have confirmed that all of the issues raised with this application have now been addressed, and they have no objections to its approval.

5.6 Ward Councillors

5.7 Councillor Cutting does did not agree to the application being determined under delegated authority. In arriving at his decision he made the following comments:

- This case history reflects a series of mistakes and missed opportunities that should have been dealt with much earlier in the process by Solum and whoever they contracted the build out to and which are now having to accommodate retrospectively.
- I am totally opposed to this situation, the lift over run was resolved in the car park after Cllr Page and I objected so I fail to see how it cannot be resolved again. I question why members should be expected to agree unsightly solutions for errors of the past. I think Bellway and Solum need to get their thinking hats on and come up with a solution instead of simply depending on an NMA to get them out of a problem.
- I am pleased floor to ceiling heights are being reduced resulting in a marginal reduction in the height of the building

and amendment to the roof profile will not result in additional dwellings.

- Whilst I appreciate the Conservation and Design Team have expressed an opinion I fail to appreciate how a lift over run can possibly contribute to high standards of design given this was a mistake in the first place and is now relying on an NMA to put it right.
- I am also concerned the addition of the cantilever is only now identified as essential to ensure structural stability. Not very convincing we have a good design or build here is it?

6.0 Considerations

- 6.1 Planning permission 3/17/2588/OUT relates to the comprehensive redevelopment of the Goods Yard at Bishops Stortford. The planning permission will be built out in phases due to its overall size. There are 10 phases associated with this planning permission.
- 6.2 This application relates to Phase 1D which relates to Plot A (Blocks A1 – A5) of the planning permission which comprises a mixture of commercial units and residential units in buildings that are 5 and 6 storeys in height.
- 6.3 Bellway Homes are building out Phase 1D of the overall proposals their architects have identified a number of issues concerning this part of the overall development which require amendment; consent for which is sought by a non material amendment submission .
- 6.4 The full list of the amendments proposed are:-
- 6.5 South Elevation (Block A3)
- (Authorised) Roof dormer (erroneously omitted from previously consented plans) now shown on south elevation.
 - Modification to windows

- Insertion of ground floor entrance
- 6.6 East Elevation Blocks A1 – A3
- Cantilevered corner introduced to building design for structural support
 - Alterations to ground floor shop fronts/openings
 - Modifications to size of roof lights
 - Correction to drawing errors relationship of roof alignment above doors to recessed balconies
- 6.7 North Elevation Block A1
- Corrections to size of roof lights
 - Introduction of automatic opening vent and opening vents a roof level to comply with Building Regulations
 - Amended entrance to relocated sub station
- 6.8 West Elevation Block A1
- Amendment to elevational plan to show position of consented balconies (erroneously omitted from previously consented plan)
- 6.9 South Elevation Block A
- Position of lift over – run shown and automatic opening vents shown
 - Introduction of balconies to right hand elevation
- 6.10 West Elevation Blocks A1 – A3
- Position of automatic opening vents shown at roof level
 - Revision to fenestration details
- 6.11 Ground floor Blocks A1 – A5
- Minor internal reconfiguration of car parking and cycle spaces
 - Provision of additional internal plant room
 - Internal re location of sub station
- 6.12 It is acknowledged that the list of changes proposed are extensive. However, in assessing whether these alterations can be regarded

as non-material amendments consideration needs to be given to the full extent of the planning permission that has been granted on this 5.82ha site. That is whether or not the changes in the context of the overall development proposed represent a significant change to the appearance and overall nature of the development consented for the entire site.

- 6.13 The most significant change relates to the internal relocation of the electricity substation from its original position adjacent to the residential car park entrance to a position opposite the proposed hotel. This change is required in order to take advantage of the positioning of mains cables which are proposed to serve the hotel; enabling both developments to share this facility.
- 6.14 The proposed change to the location of the substation has necessitated some minor internal reconfiguration of the ground floor car park area; with cycle spaces storage areas and wheel chair accessible spaces being moved. However these alterations are considered to be acceptable.
- 6.15 External changes comprise of a requirement to correct a number of draughting errors on the original plans which have surfaced including showing the correct position of the side elevation dormer and correcting the relationship between external doors and recessed balconies on the elevational plans, amending the roof line to show the lift over run and correction to the size of roof lights on the north elevation.
- 6.16 It is assessed that the lift over run will make a very modest adjustment to the overall appearance of the roof form; being limited solely to where the lift is to be positioned within the building. It will not be visible from the principal (commercial front elevation) and will be indistinguishable in the context of the overall roof form and appearance of buildings that are 5 and 6 storeys in height.

- 6.17 Further external changes that are required have arisen due to the need to comply with structural and fire safety requirements in compliance with the Building Regulations outlined by Building Control. In this regard a cantilevered structural support system on the NE corner of the building is proposed together with, the addition of automatic opening vents and opening vents in order to meet fire regulations, modification (reduction) to the overall height of the building (and in turn floor to floor heights) to comply with fire regulations. The cantilevered support is a modest addition to the elevational appearance of the building: it will comprise of 2 single columns that will be positioned between the ground and first floor level under the cantilvered section of the building with a respective width of approximately 0.6 metres.
- 6.18 These additions will not be noticeable in the context of the either the ground floor elevations (which will comprise of shop fronts) or the full elevational appearance of the 5/6 storey development. Therefore the proposed changes are considered to be acceptable and it is assessed that they would not materially alter the nature of the originally consented scheme when consideration is given to the full extent of the overall development.
- 6.19 In addition to the above, the applicant seeks to introduce elevational changes in the form of an amendment to the roof pitch to enable more of the roof area to be useable and the introduction of rainwater pipes on the elevations. The rainwater pipes proposed to the east elevation of blocks A1 – A3 and the north elevation of Block A1 are proposed to match the façade colour so as not to be conspicuous. These details are again considered to be acceptable and it is assessed that they would not materially alter the nature of the full extent of the overall development.

7.0 Conclusion

- 7.1 The proposed amendment to Blocks A1 - 3 comprising of the relocation of the electricity substation from the western elevation to the northern elevation of the block, the introduction of a

cantilevered support column to the NE corner of the development and the various external and internal alterations as referred to above are considered to be alterations that are non-material in nature when considered in the context of the extent of the overall approved development for the Goods Yard Site.

- 7.2 Consideration has been given to Policy DES4 of the East Herts District Plan 2018 which requires development to achieve a high standard of design. The Conservation and Urban Design Team are satisfied that the changes outlined above maintain the quality of development approved in in planning permission 3/17/2588/OUT.

8.0 RECOMMENDATION

- 8.1 That Non Material Amendment application 3/19/0033/NMA be **Granted** for the following reason:-

The proposed amendments as outlined on drawings numbers:

041_PL-A-01 Rev A, 041_PL-A-02 Rev A, PL-000 Rev P5, PL-001 Rev P3, PL- 002 Rev P3, PL-003 Rev P3, PL-004 Rev P3, PL-005 Rev P3, PL-006 Rev P3, PL-010 Rev P5, PL-011 Rev P4 and PL- 020 Rev P1 accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended), and would not be materially different from the original planning permission granted ref 3/17/2588/OUT.

Informatives:

1. The applicant is advised that this non-material minor amendment approval is hereby granted solely in respect of the amendments outlined in this decision notice. The approved plans for planning permission reference 3/17/2588/OUT and its conditions are not otherwise superseded, and shall therefore continue to apply.
2. The applicant is advised that the approval of these plans does not imply that the materials referred to are acceptable and neither

does it override the requirement to comply with condition 17 (Details to be approved (materials) of the planning permission reference 3/17/2588/OUT. A submission pursuant to condition 17 should be made to seek approval for proposed materials.

Plans

Plan Ref	Version	Received
041_PL-A-01	A	09.01.2019
041_PL-A-02	A	09.01.2019
PL- 000	P5	15.10.2020
PL- 001	P3	01.06.2020
PL-002	P3	01.06.2020
PL-003	P3	01.06.2020
PL-004	P3	01.06.2020
PL-005	P3	01.06.2020
PL-006	P3	01.06.2020
PL-010	P5	15.10.2020
PL-011	P4	09.07.2020
PL-020	P1	15.10.2020