

5a 3/11/0160/FP - Construction of access road and erection of 3no. 2 storey office buildings and 6no. detached 4 bedroom houses on Land at Jeans Lane, Bishop's Stortford, Herts, CM23 2NN for Arlberg Properties Limited

Date of Receipt: 31.01.2011

Type: Full – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SILVERLEYS

RECOMMENDATION:

That planning permission be **REFUSED** for the reasons:

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

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1.0 Background:

- 1.1 The application site, which is some 0.79 hectares in size is shown on the attached OS extract, and is located to the west of Bishop's Stortford town centre. The site is accessed from Jeans Lane off Bells Hill, and is currently occupied by a number of commercial buildings and one detached dwelling, which is set in large grounds. Land levels around the site rise up away from the site to the south-east, south and west. There are a number of trees along the western and southern boundary of the site, with a fewer number of individual trees located within the site. The site is located within the Bishop's Stortford Conservation

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Area.

- 1.2 The existing buildings on the site are of varying quality in their appearance and construction. They are predominantly single or one and a half storey in height and are constructed from a variety of materials. Some of the buildings on the site are currently occupied by Travis Perkins as builders merchants, whilst the remaining commercial buildings were last occupied by Bells Press, however these buildings are currently vacant.
- 1.3 The current application seeks planning permission for the erection of 3 detached office buildings with a total internal floorspace of 990 square metres, and 6 detached dwellings. The office buildings are proposed to be of a modern design with brick and rendered elevations and large expanses of glazing. Office building A is proposed to be some 390 square metres in size, and office buildings B and C some 300 square metres. Each building is proposed to have a pitched tiled roof and would reach a maximum height of approximately 8.5 metres.
- 1.4 The 6 detached dwellings are all proposed to be 4-bedroom dwellings, each with an internal floor space of between approximately 265 square metres and 320 square metres. Three of the dwellings are designed with integral garages which form part of a two storey projection to the front of the dwelling, and the other three dwellings are proposed to have detached double garages. The dwellings are all proposed to be approximately 8.4 metres high (each with an area of flat roof) and are shown to be of brick and render construction with tiled roofs. The dwellings are somewhat similar in their design to the proposed office buildings.
- 1.5 Members may recall that a similar application was submitted in October 2010 and was recommended for refusal by Officers on the same grounds that are outlined above, with an additional reason relating to the overbearing impact and harm to outlook that office building 'C' would have caused to neighbouring occupiers. However, this application was withdrawn by the applicant shortly before the January 2011 Committee meeting.
- 1.6 The amendments that have been made from the recent application that was submitted at this site involve the re-positioning of office building C 5 metres from the boundary with No. 4 Jeans Lane and 2.5 metres forward with the floor level reduced by 600mm. The car parking area that was previously proposed to the front of office C has now been relocated to the rear of this building. In addition to these changes to office C, a new Section drawing has been submitted which seeks to

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demonstrate the relationship, in terms of land levels and distance, that office A would have with the neighbouring residential property within the college grounds known as Elgar House. No further changes have been made to the proposal.

- 1.7 This application is being reported to Committee at the request of Councillor W Ashley.

2.0 Site History:

- 2.1 Members will recall that Conservation Area Consent was granted for the demolition of the existing buildings at the site at the 12th January 2011 Committee meeting under planning reference number 3/10/1866/LC.

- 2.2 As indicated above, a planning application was submitted under planning reference number 3/10/1865/FP to accompany the application for Conservation Area Consent which proposed the erection of 3 no. two storey offices and 6 no. detached 4-bedroom houses with access road. This application was withdrawn on the 5th January 2011 following the publication of the Officer's Committee report which recommended refusal of the application for planning permission for the following reasons:

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

3.0 Consultation Responses:

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

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

3.2 The Landscape Officer comments that the site planning and layout is reasonably well thought out and the proposed built structures (houses, offices, garages, roads) are fairly well accommodated within the awkward geometry and constraints of the site. However the grain and pattern of the proposed development diverges significantly from the existing pattern of local development.

3.3 The footprint for plot 3 for example (one of the smallest units) is larger than the entire footprint for 1-3 or 10-14 Masons Court, and is able to accommodate the footprint of semi-detached dwellings 1-2 or 3-4 Jeans Lane. The proposed dwellings are therefore 2-3 times larger (in plan) than the nearby individual houses plans. This is also manifest in that the proposed dwellings in terms of footprint and height are approximately equal in size to the proposed office buildings.

3.4 In this regard the finished built form of the proposed development fails

to recognise the local distinctiveness of the area. Notwithstanding this however, the Officer comments that due to the local topography and means of access, the site itself is fairly self contained and could be regarded as distinct to its own setting, although the roofscapes, etc. will have a visual impact on the surrounding properties on higher ground to the south, east and west. The officer also comments that there are a number of detailed landscape issues such as the car parking layout to office buildings A and B which would benefit from some tree planting.

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

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

The Officer goes on to comment that they are aware of the local opposition to the scheme in particular the highway concerns surrounding the suitability of the shared surface access. They acknowledge that it is generally preferable to segregate pedestrians from vehicles but the use of shared surfaces together with the narrowing of carriageways has been a recognised tool of traffic calming for a number of years. In this particular instance, the relatively short length and construction of the access road, together with a narrowing to allow just single width traffic movement will ensure that vehicle speeds are sufficiently constrained.

With regard to the layout of the scheme, the Officer comments that it has largely been prepared in compliance with the HCC design guide 'Roads in Herts' and the D of T publication 'Manual for Streets'. The estate layout allows for penetration by refuse collection, service and

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emergency vehicles. Sufficient parking and vehicle turning areas are shown for both the residential properties and the offices and the facilities for cyclists contained within the office element are welcomed.

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

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

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

- 3.6 Veolia Water has commented that the site is located within the groundwater Source Protection Zone of The Causeway Pumping Station. The construction works and operation of the proposed development site should therefore be done in accordance with the relevant British Standards and Best Management Practices to reduce the groundwater protection risk.
- 3.7 Environmental Health has commented that the proposed sampling scheme outlined in the Phase 1 desktop survey is vague and possibly inadequate, and the developer should therefore submit a more detailed sampling scheme prior to carrying out the contaminated land survey. Conditions are recommended if planning permission were to be granted that relate to soil decontamination, construction hours of working, dust, asbestos, bonfires and piling work.
- 3.8 The Councils Engineers have commented that the site is situated within flood zone 1 and there are no records of Historic flooding at the site. The application has incorrectly stated that the development is 20m away from a watercourse , however, an open channel watercourse runs into the site and is thought to be fed by a spring as well as receiving significant storm flows from upstream SW systems.

The majority of the site is located within the overland flow paths as shown on the Environment Agency's surface water flooding maps. The topography would tend to funnel water from higher lands through the middle of the site and anecdotal reports indicate that this has occurred in previous years.

The development seems to consist of an increase to the impermeable area with consequent reduction to the sites permeable area. Additionally, the alterations to the existing culverted watercourse, open channel watercourse and private/adopted Surface Water (SW) drains as indicated on the drawing may create additional flood risk beyond that which is already known to exist at the site.

It is therefore recommended that the site design be altered to incorporate above ground sustainable drainage systems (SUDs) for new impermeable areas in the form of swales, retention ponds green roofs etc. It is further recommended that the existing SW drains/culverted watercourses are retained as open channels and wherever possible naturalised. All open watercourses should be retained and any alterations are required to have consent prior to any work commencing.

Grey water recycling as described may help to improve the SUDs infrastructure if incorporated and designed to work in conjunction with other SUDs features.

- 3.9 The Councils Planning Policy team have commented that in Bishop's Stortford, saved Policy HSG3 of the East Herts Local Plan 2007 requires up to 40% affordable housing to be provided on sites proposing 15 or more dwellings or over 0.5 hectares. Policy HSG3 and the supporting text in Paragraph 3.11.1 state that the whole site area will be considered for the purposes of calculating affordable housing. Paragraph 6.6 of the Affordable Housing and Lifetime Homes Supplementary planning Document (SPD) also states that "as a starting point for negotiations, on sites proposing a mix of uses, the site size threshold will be calculated on the capacity of the whole site to accommodate residential development".

Although the above site exceeds the threshold in respect of total site area, no affordable housing provision is proposed. For the above application to comply with Policy HSG3, two of the proposed six dwellings should be affordable. In the Design and Access Statement accompanying this application the applicant argues that affordable housing should not be provided because the site is in existing mixed-use and the proposed residential area is the same as before and less than 0.5ha (Paragraph 9.12).

However, it should be noted that the residential element of the proposed scheme can only be facilitated by the demolition of the existing non-residential uses. Furthermore, the site area of the residential element falls just below the 0.5ha threshold at 0.49. If a test of reasonableness is applied, then it would not be unreasonable for the purposes of calculating the provision of affordable housing to 'round-up' 0.49ha to 0.5ha.

The applicant has also provided no information to suggest that the provision of affordable housing on site would make the scheme unviable, as required by saved Policy HSG4.

Providing affordable housing is a key objective of this Council to meet an increasing need. As the applicant states, the site is "eminently suitable for residential development" (Design and Access Statement, Paragraph 9.5). The Council's Planning Policies require affordable housing provision based on the whole site area, and as such, it is reasonable to conclude that this site is suitable to contribute to meeting the affordable housing needs of Bishop's Stortford and East Herts.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council has no objection however requests that the dwellings are constructed to lifetime homes standards.

5.0 Other Representations:

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

5.2 6 letters of representation have been received which includes a letter received from the Bishop's Stortford College and a letter from the occupiers of Elgar House, these representations can be summarised as follows:

- Failure to provide pedestrian/cycleway along the whole length of Jeans Lane;
- Combine vehicular and pedestrian access would be a safety issue for disabled people;
- The enlarged access would mean the loss of at least one residents parking space on Bells Hill and if adequate sight lines are provided further spaces would be lost;
- Impact of the access on the safety of school children walking to the nearby St. Marys School and Bishop's Stortford College;

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- Concerns if the Jeans Lane is made a private road as the use of the road for access by the occupiers of Dingley Dell would like to be maintained;
- The house and gardens do not form previously developed land;
- The existing garden of Jean's Cottage makes a substantial contribution to the local pattern of development and forms a swathe of mature gardens and trees from the grounds of Bishop's Stortford College, through Jean's Cottage garden and Windhill Fields, to the grounds of St. Marys School;
- The site is within the Conservation Area with very traditional styles, and the proposed new buildings are neither vernacular nor of particular architectural merit;
- The proposal still fails to adequately consider the impact of the proposal upon the surrounding Conservation Area and in particular Elgar House which is set down lower than the ground level within the application site and is therefore particularly sensitive to the design and massing of off building A;
- Elgar House is set down lower than the garden that adjoins the site and is 1.4 metres lower than that assumed in the sections and therefore the ground and eaves levels of office A are above those of Elgar House;
- The proposed 1.8 metre fence above the existing brick wall would be close to the eaves height of Elgar House and would have an overbearing impact;
- Office building A would be monolithic and overpowering and would result in loss of light to Elgar House;
- Waste bins are proposed adjacent to neighbouring dwellings;
- Impact upon privacy and light received by Elgar House;
- Light pollution from street lighting;
- The development is close to a number of large established trees and the development may have an impact on the roots of those trees;
- Impact upon wildlife i.e. Bullfinches and Bats;
- Only a few trees remain on the site of the once extensive orchard, and the development proposes to remove these trees;
- The site is prone to flooding and a 225mm pipe is proposed to drain water from Cliff Cottage when the existing 305mm drain is inadequate;
- Travis Perkins are unwilling to vacate their premises, and the wood yard is unique to the town and is likely to be lost if the redevelopment goes ahead. They also provide a valuable local resource to the western area of the town and beyond which helps to reduce cross-town traffic;
- There is an oversupply of office accommodation in Bishop's

Stortford and if the offices prove difficult to fill an application for the change of use of these to 6 or 12 dwellings would be difficult to refuse;

- The accuracy of the submitted Transport Assessment is queried in respect of the proposed and existing traffic generation from the site, and it is queried whether the development will reduce traffic movements;
- There are currently few HGV movements to and from the site and when in operation the press works mainly used vans for their collections and deliveries;
- The provision for 57 parking spaces on the site is a considerable increase over the current 21 spaces;
- Car park to the rear of Office C poses a security risk;
- Removal of security fence between house 4 and the College would compromise the schools security;
- Overlooking from offices to neighbouring properties and from the houses to the school;
- The new offices could operate 24 hours a day and cause light and noise pollution into neighbouring properties;
- The repositioning of office C results in a road adjacent to the neighbouring residential properties;
- Concern has been expressed in relation to the security arrangements of the proposed office car parks and the effect that this could have upon the safety of children that board at the College;
- No passive cooling strategies have been adopted in the building design.

6.0 Policy:

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

SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking – Standards
TR13	Cycling - Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites
EDE3	Employment Uses Outside Employment Areas
ENV1	Design and Environmental Quality
ENV2	Landscaping

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ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows
BH6	New Developments in Conservation Areas

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

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment.

7.0 Considerations:

7.1 The determining issues in relation to the consideration of this application are:

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

Principle of Development

7.2 The site is located within the built-up area of Bishop's Stortford wherein there is no objection in principle to development. The redevelopment of the site to include both commercial and residential development is therefore in principle considered to be acceptable.

7.3 However fundamental to the consideration of what in principle is an acceptable use for the site, are the requirements of Policy EDE2 of the Local Plan. It is noted that the site currently accommodates a total commercial floor space within the existing buildings of 1400 square metres. The application proposes to demolish the existing buildings on the site and erect three two storey buildings with a total floor space of 990 square metres of office accommodation.

7.4 Policy EDE2 of the Local Plan states that outside of the identified Employment Areas, development which would cause the loss of an existing employment site, or one that was last in employment use, will

only be permitted subject to a number of criteria being met. These include that the retention of the site or premises for employment use has been explored fully without success. No marketing of the existing site has been undertaken, and whilst one of the buildings on the site is currently vacant, the Travis Perkins builders yard is still operational.

- 7.5 Officers feel that it would have been beneficial for the site to have been marketed in particular to address the requirements of policy EDE2 of the Local Plan, however they are mindful of the existing poor vehicular access to the site in particular for large vehicles, the relationship of the site to surrounding residential properties and the poor condition of some of the buildings on the site.
- 7.6 Taking these factors into account, that it is proposed to develop part of the site for B1 purposes (for which there is an identified need within Bishop's Stortford as outlined in the Employment Land Study) and that the quality of the new commercial development will be an improvement on what currently exists on the site, it is considered that the proposal would not conflict with policy EDE2. In addition, whilst there is reduced floorspace, it is likely that the employment density would be increased leading to greater employment potential at the site.
- 7.7 However, it is understood that no potential occupiers are identified and there is currently no agreed trigger point for the provision of the employment space as part of the development although the applicant indicates a willingness to establish one. If all other issues were resolved the actual delivery of employment space at the site would remain a factor in the consideration of the proposals. Ideally, the Council would seek some form of condition or legal agreement which ensured that the proposed office development was provided as part of the development. Whilst clearly the provision of modern employment space is of benefit to the town, and some weight should be given to this, it must be tempered given actual delivery is yet to be determined.

Impact on character and appearance of area and Conservation Area

- 7.8 As outlined earlier in this report, the application proposes the erection of 3 detached office buildings and 6 detached dwellings on the site. The comments of both the Conservation Officer and the Landscape Officer have been carefully considered in respect of the current character and appearance of the site and its relationship to the surrounding area. In particular their comments that whilst the site may be considered to be isolated and fairly self-contained due to the topography of the surrounding area, views across the site are afforded and the current low key development of the site offers relief from the elevated mass and

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scale of the large ancillary College buildings and the built form of Bells Hill, the collection of which provide a varied and interesting vista.

- 7.9 In respect of the proposed development, both Officers advise some concern with the grain, pattern, mass, scale and design of the proposed development, commenting that it diverges significantly from the existing pattern of local development and impacts upon the setting of nearby residential properties and the longer views of the College and the wider townscape.
- 7.10 Policies HSG7 and ENV1 of the Local Plan both require that new development should complement the existing grain of development and the character of the local built environment and have regard to local distinctiveness. In considering the policy requirements in respect of this application, Officers are concerned that the layout, mass, scale and design of the proposed development fails to respect the character of the surrounding area. Officers do not consider that the proposed development of large detached dwellings or office buildings would be reflective of, or complimentary to the character of the surrounding area. All of the buildings proposed will be large in scale and mass – quite different to current built form at the site. Whilst there are some large buildings in the vicinity, the proposals do not reflect this character as those larger buildings are generally in larger plots of land.
- 7.11 In the vicinity of the site, this is characterised by a mix of dwelling sizes, and a high number of smaller often terraced properties, constructed at a higher density than that of the proposed development. This point is echoed by the Landscape Officer who noted that the proposed dwellings are 2-3 times larger (in plan) than nearby individual houses, and as an example the footprint for plot 3 (one of the smallest units proposed) is larger than the entire footprint for nos. 1-3 or nos. 10-14 Masons Court, and is able to accommodate the footprint of semi-detached dwellings nos. 1-2 or nos. 3-4 Jeans Lane.
- 7.12 In considering the impact of the development on the character and appearance of the surrounding area, it is also pertinent to consider the density of the proposed development, and that it is significantly lower than the density of the surrounding residential area. In that respect it is considered that whilst the development does not reflect the grain of surrounding development, the view could be taken that the proposed buildings are bulky and cumbersome in relation to the surroundings.
- 7.13 The density proposed equates to 12 dwellings per hectare. Whilst it is acknowledged that there are some constraints to development on the site, such as the ability of the vehicular access to the site to

accommodate additional development and the location of the site within the Bishop's Stortford Conservation Area, it is considered that more suitable proposals, in terms of the scale and size of the dwellings and plots, could be achieved. This would enable a greater density of development to be achieved, better relationship with neighbouring properties and would respond better to the features of the site and its context.

- 7.14 County Highways have confirmed that, in principle, if an increased number of smaller dwellings were to be proposed within the residential area of the site that this could be accommodated without objection. Therefore, whilst the restraints of the site are noted, Officers consider that a more suitable scheme could be achieved which would consist of smaller dwellings of a more appropriate scale, mass and design which would be more in keeping with the character of the surrounding area.
- 7.15 In response to the concerns that Officers raised in relation to the previous application made at this site the applicant has submitted historical maps which seek to demonstrate the varying character of the area; the fact that the site does not relate to the medieval town centre and that during Edwardian times and in the 20th Century larger properties have been constructed. The Design and Access Statement that has been submitted in support of the application states that the terraced dwellings that adjoin the site are in no way so prevalent or numerous as to create a strong pattern or grain of development, or to stamp the area with the particular character.
- 7.16 The historical maps that have been submitted demonstrate that the wider area that surrounds the site is indeed comprised of a mix of dwellings in terms of their age and size. However, this observation does not change the fact that the neighbouring residential properties to the existing site are largely comprised of terraced and semi-detached dwellings that are of a modest size and create an area that is fairly high in its density. In your officers view, the proposals are not representative of either the higher density terraced or lower density detached development in the area. It does not achieve a comfortable relationship with either.
- 7.17 The approach to the site from either Hadham Road to the north or Bells Hill from the south establishes this character of smaller dwellings. The approach into the site from Jeans Lane continues this with Masons Court to the north of Jeans Lane and Nos. 1-4 Jeans Lane to the South. For this to conclude with the collection of large scale dwellings and office buildings that are currently proposed would be clearly out of keeping with the established character of the surrounding area. The

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proposal does not seek to reflect the surrounding mix of dwelling sizes or indeed to introduce any significant variety across the site to reflect local distinctiveness.

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

Relationship to neighbouring properties

- 7.19 It is acknowledged that the current commercial uses on the site may result in some detriment to the amenities of the occupiers of nearby residential properties, and therefore the proposed redevelopment of the site may be considered to be an improvement to this current relationship. However, it is interesting to note that none of the representations received from local residents raise significant concern with the existing uses on the site, but do raise concern with the impact of the proposed development.
- 7.20 The Council's Environmental Health team, in their consultation response, has also not specified any concerns or complaints they may have received in respect of the current operation of the site. Therefore, whilst Officers acknowledge that the redevelopment of the site would result in the loss of the existing builder yards and press works on the site, they are not satisfied that the removal of these non-conforming uses should be given such weight that it could be considered alone to permit the development proposed within this application.
- 7.21 In their consideration of the previous application that was submitted at the site Officers raised specific concerns in relation to the size and siting of office blocks A and C and the overbearing impact and the harm to outlook that these buildings would have upon the neighbouring properties.
- 7.22 Office building C was previously proposed to be located within 2 metres of its boundary with No. 4 Jeans Lane and its flank elevation would have extended from a point close to the rear elevation of this neighbour and at a length of 10 metres adjacent to their rear garden. The plans for office building C have been amended within the current proposal by increasing the distance between the building and the neighbouring site

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to 5 metres and by relocating the parking area to the rear of the building. This allows the building to be sited forward of its previous position which then reduces its projection to the rear of the neighbouring dwelling to approximately 7 metres.

- 7.23 Whilst it is acknowledged that the building would still be clearly visible from the rear of No 4 Jeans Lane, the degree of the impact that the development would have upon outlook from this property has been significantly reduced. The concerns that have been raised in relation to the repositioning of the car park and the impact that this could have upon neighbouring occupiers in terms of noise and disturbance have been considered. However, having regard to the scale of this part of the development, which proposes 6 car parking spaces, Officers do not consider that the additional noise and disturbance that this car parking would cause would be unacceptable in this instance.
- 7.24 Officers consider that the amendments that have been made to office building C together with the ability to provide landscaping along this boundary are sufficient to overcome the previous objection that was made in relation to its overbearing impact and the effect upon outlook from the neighbouring dwelling at No. 4 Jeans Lane.
- 7.25 In respect of office building A, Officers remain concerned that the size and siting of this building would result in an unacceptable impact on the amenities of the occupiers of the residential building within the College grounds which is sited approximately 13-14 metres from the northern boundary of the application site. When considering the previous application Officers were concerned that approximately 7 metres of the building would be visible above the existing boundary wall along a length of 10.9 metres.
- 7.26 The proposal for the siting of office building A has not changed from the previous submission, however an additional section has been submitted to assist with the consideration of the relationship between the proposed building and the neighbouring residential property. In addition, it has been made clear that the level of the ground on which the office is to be placed will be lowered. In officers view, the proposal to reduce ground levels is a clear indication that the scale of the buildings is inappropriate for the site and a better response to the constraints posed by the site would be to design buildings appropriate in their context. Officers remain of the view that, having regard to the proximity of the proposed office building to the front elevation of the property within the College grounds and the size and scale of the building, it would result in harm to the outlook from that property, and would result in an unacceptable overbearing impact.

- 7.27 Whilst it is considered that the development would have an unacceptable impact upon the occupiers of the residential property within the College grounds contrary to policies EDE3 and ENV1 of the Local Plan, it is considered that the impact on other surrounding properties would not be of such significant harm to warrant refusal of the application. Whilst the outlook from properties to the north of the application site, namely Dingley Dell and Masons Court would be primarily limited to the office buildings and the associated car parking areas, it is considered that such an outlook would not be dissimilar to the current situation and would therefore not result in any additional harm to their existing outlook.
- 7.28 In respect of the properties in Bells Hill, the rear of which overlook the site, it is considered that, taking into account the distance between the rear of these properties and the application site and the change in land levels, the development would not raise any unacceptable neighbour amenity considerations which would warrant refusal of the application.
- 7.29 Therefore, notwithstanding the acceptability of the development in respect of its impact on properties in Bells Hill, Masons Court and Dingley Dell, as outlined above it is considered that the development would result in unacceptable harm to the occupiers of the residential dwelling within the College grounds, and it is accordingly recommended that this constitutes a basis on which planning permission should be resisted.
- 7.30 The occupiers of Dingley Dell have commented that they have a right of access across the application site and also that their services run across the site. This however is a civil matter and is not a material planning consideration in the determination of this application.

Highways/Access/Parking

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

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

- 7.32 In addition to the reduction in vehicle movements to the site that the development would generate in comparison to the vehicle movements that could occur with the existing uses, regard also must be had to the proposed improvements to Jeans Lane which include an increase in the width of the carriageway and the junction with Bells Hill. Whilst the works proposed to Jeans Lane and the access are on land which is outside of the application site, if the Council were minded to grant planning permission for the re-development of the site, a 'Grampian' condition could be attached which required the works to the access to be undertaken prior to the commencement of the development on the site.
- 7.33 One particular representation that has been received refers to the new edition of 'Roads in Hertfordshire' that has been published since the consideration of the previous application. County Highways have confirmed that there are no changes in circumstances that would render the current proposal unacceptable in a Highways context.
- 7.34 In conclusion therefore in respect of the highways implications of the proposed development, having regard to the traffic generation associated with the existing and proposed uses, the proposed improvements to Jeans Lane and that the Highway Authority have raised no objection to the development it is considered that the development is acceptable in a highways context.
- 7.35 Turning now to the issue of parking, the Council's adopted car parking standards require a maximum car parking provision of 1 space per 30 square metres of gross floor area for office developments, which in respect of this application equates to a maximum requirement of 33 spaces. The application proposes a total of 33 spaces for the proposed office development. The application also proposes the provision of a cycle store in the north-western corner of the site which would accommodate approximately 12 cycles. The SPD requires that 1 cycle parking space is provided per 500 square metres of gross floor area and 1 space per 10 full time staff. The Applicant states in their application that the proposed office development would employ a total of 35 members of full time staff, and together with the floor space of the proposed offices, this would equate to a required provision of 5/6 cycle parking spaces. The actual number proposed therefore exceeds this required provision.

- 7.36 In respect of the proposed residential element of the development, each property is proposed to benefit from a double garage with additional parking areas in front of the garage. The Council's maximum car parking standards for 4 or more bedroom dwellings in this location is 3 spaces per dwelling. The proposed development would exceed this figure for each dwelling.
- 7.37 The Local Plan states that 'in forwarding the aims of encouraging alternative modes of transport to the private car, the Council will seek reduced car parking provision where there is good access to alternative modes of transport'. The application site is within walking distance of the town centre, local amenities and public transport provision, and it is therefore considered that this would be an appropriate site upon which the Council may seek a reduced car parking provision. However, notwithstanding this aspiration, it is considered that in this case it would be unreasonable to refuse planning permission on the overprovision of car parking.

Provision of affordable housing

- 7.38 Policy HSG3 of the Local Plan states that affordable housing provision will be expected on sites within the 6 main settlements (of which Bishop's Stortford is one) proposing 15 or more dwellings or over 0.5 hectares in size. The site in question is 0.79 hectares, and therefore would fall within the threshold where affordable housing should be provided. The application however does not propose the provision of any affordable housing, contrary to policy HSG3 of the Local Plan.
- 7.39 In this respect the applicant has commented that whilst the area of the whole site exceeds the 0.5 hectare threshold, the area of the site which is currently occupied by residential development is less than the 0.5 hectare threshold (being 0.484 hectares), and the area of the site upon which residential development is proposed also falls under that threshold, being 0.497 hectares.
- 7.40 Therefore they conclude that neither the number of dwellings proposed, nor the existing or proposed areas of residential development exceed the threshold set out in Policy HSG3. The applicant has also noted that the Council's SPD states that a requirement for affordable housing on a mixed use site such as this is a starting point and argues that the Council's position of expecting an affordable housing provision to be made is unfair.
- 7.41 Whilst the applicant's comments are noted, it is important to consider

the wording of Policy HSG3 and the Affordable Housing and Lifetime Homes SPD. The Affordable Housing and Lifetime Homes SPD states at para. 6.6 that 'as a starting point for negotiations, on sites proposing a mix of uses, the site size threshold will be calculated on the capacity of the whole site to accommodate residential development without an element of other uses'. Therefore to clarify, regardless of the size of the part of the site upon which residential development is proposed, if the whole site is more than 0.5 hectares then affordable housing should be provided in accordance with the policy.

- 7.42 Having regard to the wording of the SPD; the size of the site; that the area of the site which is currently used for and proposed to be used for residential purposes on its own falls just short of the 0.5 hectare threshold and Officers comments in respect of a more appropriate form of development for the site, it is considered that the requirements of policy HSG3 must apply in this case. The development should therefore make provision for affordable housing. The application proposes the erection of 6 dwellings on this site, and 40% provision would comprise the provision of 2 affordable dwellings. As the application does not propose any affordable housing contrary to the requirements of policy HSG3 of the Local Plan, it is recommended that the application is refused on these grounds. As indicated, the planning guidance enables a degree of flexibility and room for negotiation. The applicant has indicated a willingness to consider this issue, but no firm proposals have currently been put forward and therefore it is considered that this issue must be accorded significant weight.

Impact on existing landscape features

- 7.43 There are a number of existing landscaping features within the garden of the existing residential property within the site, and along the southern and western boundaries of the site. Policy ENV2 of the Local Plan expects development proposals to retain and enhance existing landscape features. The Council's Landscape Officer has raised no objection to the development in respect of its impact on existing landscaping. However, it does appear that the development will place some pressure on existing trees on the perimeter of the site – in the rear of plot 6 and to the west of the office building A. This may lead to subsequent pressure for their removal, or prove necessary to remove trees to enable the development to be achieved. The comments of Bishop's Stortford College are also noted in relation to the need to safeguard existing trees along the boundary of the site. Excavating ground levels in the area of office A must have clear implications for the continued survival of the boundary trees in this location.

Other Matters

- 7.44 A number of concerns have been expressed by local residents in respect of the proposed development. Many have already been considered within this report. However, those matters which have not yet been considered are set out and considered below:

Increase in activity on the site from the proposed offices

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

Flooding

- 7.46 Concern has been expressed that the site has previously flooded, particularly during periods of heavy rain. No representations have been received from the Environment Agency in respect of the application, and the site is not located within a Flood Zone 2 or 3. It is therefore considered that the susceptibility of the land to flooding is not of such concern in this respect that would warrant refusal of the application. However, the Council's Engineer has recommended that the site design is altered to incorporate above ground sustainable drainage systems (SUDs). Members will note from the report that there are concerns in relation to the design and layout of proposals for the site. It is considered that, as part of any further attention to those issues, the matter of incorporation of soft drainage features could be addressed.

Impact on Wildlife

- 7.47 It has been noted by local residents that there is a bat and bullfinch population in the vicinity of the application which could be affected by the development. The site is not however located in a Wildlife Site and no representations have been received on the application from Hertfordshire Biological Records Centre or any of the other nature conservation bodies. Therefore, whilst there may be evidence of these species within the vicinity of the application site, there is no evidence to suggest that the development would have an adverse impact on the

species, and more importantly that there are bats roosts within the existing buildings on the site. It is therefore considered that the impact of the development on wildlife is not of significant concern in relation to the determination of this application.

Security

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

No provision for S106 contributions

- 7.49 The Council's adopted Planning Obligations SPD sets out the threshold for all District and County contributions. This development does not exceed the specific threshold and therefore contributions to mitigate the impact of the development would not normally be sought. Notwithstanding the request that has been made by County highways for an accessibility contribution to be made Officers are not aware of any circumstances in relation to the consideration of this application as to why the threshold should be lowered in this case and contributions sought.

8.0 Conclusion:

- 8.1 Having regard to the above considerations, whilst there is no objection in principle to the proposed re-development of this site for office and residential purposes, and some weight is given to the provision of modern employment space, it is considered that the development fails to respect the character and appearance of the surrounding area and the Conservation Area. In addition, would result in a harmful impact on the amenities of the occupiers of an adjacent dwelling and does not propose any affordable housing as required by policy HSG3 of the Local Plan. Significant weight should be given to these matters and such that it is considered that the benefits of development are outweighed. For these reasons, it recommended that planning permission for the redevelopment of the site be refused.