

- 5a a) 3/11/0153/FP – Construction of a Limited Assortment Discount retail food store with 14 no. residential units above, with associated car parking and new vehicular access from London Road and b) 3/11/0154/LC – the demolition of existing buildings at the Former Lancaster Garage Site, London Road, Bishop’s Stortford, CM23 3BJ for Audley Developments PLC.

Date of Receipt: 09.02.2011

Type: Full – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – ALL SAINTS

RECOMMENDATION:

- a) That, subject to the applicant or successor in title signing a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:
- £38,500 towards sustainable transport measures included in the Bishop’s Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the site by public transport;
 - £6,214 towards Secondary Education;
 - £182 towards Youth facilities;
 - £1, 806 towards Libraries;
 - £11,269 towards developing a ‘trim trail’ in and around Grange Paddocks and Sworders Field
 - The provision of fire hydrants;
 - £300 standard monitoring fee per clause.

planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store only (as defined in Directive 5) and for no other purpose within Class A1.

Reason: To ensure that the use as approved reflects the identified retail requirement’s of Bishop’s Stortford, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth

3. Levels (2E051)

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4. Samples of materials (2E123)
5. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing, by the Local Planning Authority and thereafter implemented in accordance with any approved details:-
 - 1) A preliminary risk assessment which has identifies all previous uses and potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.
6. Prior to the occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of

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this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

7. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. No development hereby permitted shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;

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- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) A restriction on any burning of materials on the site.

Reason: To safeguard the amenity of residents of neighbouring properties in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and in the interests of highway safety and in accordance with Hertfordshire Waste Local Plan policies 7 and 8.

10. Any existing vehicular access onto the Station Road or London Road frontages of the site and not incorporated with the approved plans shall be permanently closed.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

11. Prior to first occupation of the residential dwellings, details of the operation of the access control leading to the undercroft parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access shall be implemented and maintained in accordance with the approved details.

Reason: To ensure the provision of appropriate access and in the interests of highway safety.

12. Construction hours of working – plant and machinery (6N072)

13. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a) means of enclosure; b) hard surfacing materials; c) planting plans; d) schedules of plants noting species, planting sizes and proposed numbers/densities and e) a timetable for implementation and f) hard standing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts

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Local Plan Second Review April 2007.

14. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 13. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of works a scheme for the protection of dwellings against external noise shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for sound attenuation of dwellings of not less than 40dB with windows shut and other means of ventilation provided. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

16. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

17. No delivery vehicles for the retail element of the development hereby approved shall be allowed on the site between 19:00 and 07:00 unless they are parked on the site with their engines switched off between those times.

Reason: In the interests of future residents of the approved and nearby development, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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18. Approved plans (2E102)

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. The Limited Assortment Discounter store hereby approved is defined, in accordance with the Competition Commission's report 'The Supply of Groceries in the UK Market Investigation' of 30 April 2008, as being stores which carry a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD5, TR1, TR2, TR7, TR8, TR14, STC1, ENV1, ENV2, ENV3, ENV20, ENV25, BH6 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

b) that Conservation Area Consent be **GRANTED** subject to the following conditions:-

1. Listed building three year time limit (1T141)
2. Conservation Area (clearance of site) (8L134)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular Planning Policy Statement 5: Planning and the Historic Environment. The balance of the considerations having regard to that policy is

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that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. The site is located on the Lancaster Garage site on land in-between London Road and the railway line / Bishop's Stortford train station. Station Road is located to the north of the site. Vehicular access to the site is off London Road.
- 1.2 The site currently consists of two buildings which were formerly used as a car dealership and garage. The building immediately adjacent to London Road formerly consisted of the car showroom. That building appears as a large 'shed' type structure from the southern and eastern elevation. From the north elevation from Station Road, the building is more distinct with a 'shop front' type appearance at ground floor, windows at first floor and red bricks. Immediately adjacent to that building is a larger industrial shed type building, with roller shutter openings on the southern elevation and features a grey corrugated external material.
- 1.3 The site has, until recently, been used as a car park with small car washing and valletting service to the front of the car show room building. Those uses were however unauthorised, and an Enforcement Notice required the ceasing of those operations by 28 January 2011.
- 1.4 The site and the buildings within it are currently unoccupied. The buildings are boarded up and there are large sand bags prohibiting any vehicular access into the site.
- 1.5 To the west of the larger industrial building are the buildings associated with the Fyfe Wilson site. That site is also unoccupied and comprises of a series of industrial type buildings. The site was refused planning permission within LPA reference 3/04/1360/FP for a flatted residential development. However, the proposal was allowed at appeal. That permission has not however been implemented, although there are currently two applications to renew those two permissions which have not yet been determined by the Council.
- 1.6 The proposed development of this site includes the demolition of the existing buildings and their replacement with a mixed use development comprising of a 1,380 square metre retail food store and 14 residential apartments. The food retail store is proposed to be occupied by Lidl, a discount food retailer.

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2.0 Site History

- 2.1 The only relevant planning history relates to the refusal of retrospective planning permission for the use of the site as a pay and display car park within LPA reference 3/09/1094/FP. Planning permission was refused as it would result in an increase in the provision of car parking spaces in the town which would be contrary to the desire to reduce long stay town centre parking to discourage car use and encourage modal transfer away from the car. As indicated above, the uses proposed in that application were unauthorised and have now ceased.

3.0 Consultation Responses

- 3.1 Environmental Health have recommended the inclusion of planning conditions with the grant of any permission. The recommended planning conditions relate to a restriction on delivery vehicles, soundproofing and vibration control, construction hours of working, dust, asbestos, bonfires and soil decontamination, refuse disposal facilities and piling works.
- 3.2 The County Planning Obligations Officer comments that contributions in respect of secondary education (£6,216), youth (£182), libraries (£1,806) and fire hydrants are sought. The Officer comments that those figures have been calculated using the amounts and approach set out within the Planning Obligations Guidance – a Toolkit for Hertfordshire. Contributions are calculated according to the type, tenure, and size of each proposed dwelling and will be used towards mitigating the impact of the proposed development on facilities serving the locality. The contributions are based on current service information for the local area.
- 3.3 Thames Water have commented that there are public sewers crossing or close to the site. Approval from Thames Water is required should any building be within 3 metres of a public sewer. It is the responsibility of the development to make proper provision for drainage to ground, water courses or a suitable sewer.
- 3.4 The Environment Agency recommend the approval of planning permission, subject to the provision of planning conditions relating to decontamination.
- 3.5 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the principle of development is acceptable in a highway context. This is a brownfield site located on the edge of the town centre and served from the principle highway network. London Road is subject to parking restrictions and benefits from a conveniently placed pedestrian crossing.

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Additional information from that submitted with the applicants Transport Assessment has been received by the Highways Authority in respect of traffic generation. Whilst the Highways Authority do not agree with the reasoning behind the figures in that additional information, they have carried out their own TRICS assessment and are of the view that the proposal will not result in a significant increase in traffic generation. The Highways Officer comments that the access and turning space within the car park and for movement of delivery vehicles is acceptable. The only outstanding issue relates to the control of access to the undercroft parking, which could be the subject of a planning condition.

The Highways Officer considers that it is reasonable for the development to make an accessibility contribution towards sustainable transport measures included in the Bishop's Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the premises by public transport. A figure of £38,500 is therefore recommended by the Highways Authority, in line with the Council's SPD.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council object to the planning application on the following grounds:

- Impact on traffic congestion;
- Insufficient parking provision;
- Increase of air pollution;
- Style of building is not in-keeping with the street scene;
- Poor quality design of building;
- Lack of amenity for proposed flats.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 13 letters of representation have been received which can be summarised as follows:-

- Unsuitable site for a large retail store;
- Inappropriate location for retail store in relation to town centre;
- Impact on neighbour amenities in respect of deliveries, noise, loss of light and outlook;
- Difficulties with egress/ingress into and out of the site onto a busy

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road;

- Impact on traffic congestion and highway safety;
- Impact on local parking provision;
- Inappropriate form of development – flats;
- Insufficient parking for residential units.

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD5	Development on Contaminated Land
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking Standards
TR8	Car Parking – Accessibility Contributions
STC1	Development in Town Centres and Edge-of-Centres
ENV1	Environment and Design
ENV2	Landscaping
ENV3	Planning Out Crime
ENV20	Groundwater Protection
ENV25	Noise Sensitive Development
BH6	New Developments in Conservation Areas
IMP1	Planning Conditions and Obligations

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

Planning Policy Guidance 1, Delivering Sustainable Development,
Planning Policy Statement 4: Planning for Sustainable Economic Growth

7.0 Considerations

7.1 The main planning considerations in respect of the planning application relate to the following:-

- The principle of development;
- Employment use of the site;
- The acceptability of the development in terms of retail impact;
- Impact on the character and appearance of the street scene and Conservation Area;
- Parking provision and highways matters;

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- Neighbour and future residents amenity;
- Financial contributions;
- Demolition of existing buildings within Conservation Area.

The principle of development

- 7.2 The site is located within the built up area of Bishop's Stortford, as defined in policy SD2 of the Local Plan. Accordingly, in principle, there is no objection to development.

Employment use of the site

- 7.3 The applicant sets out in the Planning statement that the site has been used since 1922 for the sale, maintenance and repair of motor vehicles. In more recent years the building has been occupied by Lancaster Jeep, a motor sales company. However, since May 2009, the site has been left vacant as Lancaster Jeep terminated their lease of the land.
- 7.4 Since that time, the applicant indicates that the site has been subject to a 'rigorous marketing campaign' by Bidwells. There was however no interest from the motor trade to take on the site as it was considered to be too small to accommodate modern sales and servicing requirements.
- 7.5 The applicant sets out that the previous sites use as a motor trade involved the employment of approximately 22 individuals. The proposed development of the site will involve 35 full and part time members of staff.
- 7.6 Having regard to the marketing information submitted by the applicant and, taking into account the number of potential employees of the development as a discount food retail store, the proposal will not, in Officers opinion result in the loss of an existing employment site or one that was last in employment use. The proposal therefore accords with Policy EDE2 of the Local Plan.

Retail planning matters

- 7.7 The applicant has submitted a retail planning statement which has been assessed by a retail planning consultant, Chase and Partners, on behalf of the Council.
- 7.8 The proposed retail unit comprises a unit of 1,430 sq. metres gross, 1,010 sq. metres net sales area (of which 856 sq. metres would be used for the sale of convenience goods and the remainder comparison

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goods). The application sets out that the unit would be occupied by a discount foodstore operator, Lidl, and has been assessed on this basis.

- 7.9 The application site is bounded to the north by Station Road by London Road to the east, to the south by Station Approach and by the railway to the west. Access to Bishops Stortford Railway Station and adjoining bus station and the town centre beyond and is either via a pedestrian bridge on Station Approach or via Station Road. The retail planning statement sets out that the site falls within the definition of “edge-of-centre” contained in PPS4, with which the Council’s retail consultant concurs. The proposed development is therefore required to be considered against Policies EC10-EC17 of PPS4. PPS4 requires a consideration by the applicant to conclusively demonstrate that there are no “sequentially preferable” alternative sites (having regard to the requirements of Policy EC15) and that the proposal would not lead to any significant adverse effects on the Town Centre.

The Sequential Test

- 7.10 PPS4 requires that consideration needs to be given to the extent to which the applicants have considered whether alternative sites are available that might be suitable for the proposed development in either its proposed - or somehow ‘disaggregated form’, and capable of being developed in a viable way. In this respect, the applicant has considered a number of sites within Bishop’s Stortford in assessing the sequential test. Those sites and the details within the retail statement have been considered by the Council’s retail planning consultant, Chase and Partner, and the following conclusions are drawn:-
- 7.11 Riverside / Adderley Road: The site is allocated for development in Policy BIS13 of the Local Plan. However, this site has now been developed for a mix of residential and retail use consistent and can no longer be considered available for development.
- 7.12 Goods Yard/ John Dyde Training College: The northern part of the Goods Yard site (the station lease area) can be considered as edge of centre in retail policy terms and therefore provides the most appropriate location for the proposed food store. The area further to the south of this site (the freight lease area) is more removed from the town and would therefore be less suitable for retail development. The existing uses and ownership arrangement on the northern part of the site mean that it cannot be considered immediately available and any proposals to redevelop the northern part of the site would require the replacement of the existing bus station and possibly all, or part, of the existing commuter parking.

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- 7.13 The Goods Yard site has been included in the Solum Joint venture between Network Rail and Kier which means that any priority for redevelopment of that site is likely to be assessed against other opportunities in the wider Solum portfolio. The Goods Yard site is not identified as one of the sites for the Solum Joint Ventures ten year investment plan. It is therefore likely to take some time for the site to come forward through the planning application process. In this case therefore, the Council's retail planning consultant considers that it is highly unlikely that the Goods Yard site could be made available for any form of development within a reasonable timescale. The site cannot therefore be considered as available.
- 7.14 Mill Site – Dane Street; This site is better related to the existing town centre than the application site. The Local Plan allocates this site for residential and small scale office development under Policy BIS12 of the Local Plan. In addition, a design brief has also been published for the site which envisages that the most appropriate development options should be based on employment and river-related uses. Both options envisage that any retail development would be small scale and complementary to the existing town centre offer. In addition, the Mill remains in active use, and, as a result, the site cannot currently be considered available. The Council's retail consultant sets out that the site would not easily lend itself to the form of development proposed – in either its current or reasonably disaggregated form and is incapable of viably accommodating the proposed development.
- 7.15 The Causeway / Old River Lane; The site is currently the subject of a planning application (Ref: 3/10/1964/OP) by the site owners, Henderson Global Investors, for a comprehensive mixed use scheme comprising retail uses, assembly and leisure, hotel, residential use and community uses. That proposed development is considered by the retail consultant to be in accordance with the policies of the adopted Local Plan and emerging policy and supporting evidence in enhancing the vitality and viability of Bishops Stortford town centre by improving its comparison shopping offer. The incorporation of a discount foodstore, would not, in the Council's retail consultant view, be consistent with those aims and, in this regard, the site cannot be considered as suitable for the development proposed in this application.
- 7.16 Former Sainsbury store - South Street; This site is within the designated town centre and, given its previous use, is considered to be suitable for re-occupation as a foodstore. In addition, the unit is physically large enough for a discount foodstore, but its major limitation is the lack of adjoining car parking. The Council's retail consultant acknowledges that

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the current owner, Sainsburys, rental income expectations on this unit would probably preclude a discount food operator. The evidence submitted by the applicant suggests that these expectations are also making the premises unviable for prospective comparison retail occupiers. Accordingly the Council's retail consultant considers that the unit is not currently available or likely to be viable for a discount foodstore at the present time.

- 7.17 Bridge Street: The Council's retail consultant accepts that this site is neither available or appropriate for the proposed development.
- 7.18 The George Hotel: The Council's retail consultant accepts that this site is neither available or appropriate for the proposed development.
- 7.19 South Street Commercial Centre: There is a current permission for the redevelopment of this site for a hotel – although this has not yet been implemented. The shortcomings of the site means that it cannot be considered suitable for a discount food store.
- 7.20 110-114 South Street: This site is accepted by the Council's retail consultant as not either available or suitable for the proposed development.
- 7.21 In accordance with the above considerations, the Council's retail consultant sets out that, having regard to the information submitted to the Council that there are no more sequentially preferable sites that can be considered to be either available, suitable and/or capable of viably accommodating the proposed development in either its current or somehow disaggregated form. The sequential test is therefore considered passed.
- 7.22 However, PPG4 also requires that the development does not result in any significant adverse impacts. These cover a range of retail impact considerations including the impact on investment in towns, town centre vitality and viability, and other locally important centres, as well as non retail issues including climate change, transport, design, regeneration, and employment.
- 7.23 The Council's retail consultant is of the view that the proposed development has the potential to enhance the existing retail 'offer' for food shopping in Bishop's Stortford generally, especially given the absence of another discount food retailer in the area. The proposed development therefore has the potential to enhance choice and competition for consumers. However, balanced against that and, given the physical relationship between the site and the town centre, there is

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less evidence to suggest that the proposed development will *enhance* the vitality and viability of the town centre or lead to frequent linked trips with the town centre.

- 7.24 With regards to the impact on on-centre trade and turnover, the Council's retail consultant sets out that the existing stores in Bishop's Stortford have a relatively strong trading performance and is relatively 'healthy' as a town centre. It is unlikely therefore that the proposed development would result in a significant impact on existing trade and/or turnover in the town centre.
- 7.25 There is therefore no retail impact objection to the application. However, the Council's retail consultant and applicant are of the view that the use of the building should be restricted to a discount food retailer, as this would relate to the justifications submitted in the application. The retail statement is based very much on the basis of the provision of a discount food retailer and is considered to be acceptable on that basis only. In this respect, during the process of the application the description of the application has been amended to reflect this and a planning condition is recommended restricting the use of the premises for a limited assortment discount retail food store. For those reasons and, given the information submitted within the application it is considered reasonable and necessary for such a condition to be attached with any grant of permission. To ensure that any such condition is enforceable, Officers have provided a definition of 'limited assortment discount retail food store' which is recommended as a directive to ensure that the Council have future control over the use of this part of the building. The applicant has confirmed their agreement to such an approach.
- 7.26 Whilst the impact on retail matters is considered to be acceptable, the impact tests of PPS4, (as are set out in Policy EC17.1) are wider than simply those of retail impact and these issues are addressed within the following sections on other planning considerations.

Character and appearance

- 7.27 The character of the site as existing is, in Officers opinion, dominated by the industrial form and nature of the buildings and the extensive areas of hardstanding. The proposed development, involving the siting of the building in the same location as the existing buildings and the provision of open car parking, will reflect the existing layout of the site, albeit there is a greater coverage of built form on the site than as existing. Having regards to those considerations the proposed development is considered to complement the pattern of street blocks and grain of development within the locality.

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- 7.28 The building as now proposed is nevertheless more significant in terms of size and scale to that existing. From the London Road elevation there are three distinct shifts in the height and balance of the building. The northern element is the highest at 10.6 metres above ground level with a flat roof and modelling which ‘turns the corner’ into Station Road. This element assimilates into the wider middle section, which is at a slightly lower height to the road – 10.2 metres. A single, projecting flat roof appendage serving three flights of stairs to the flatted accommodation above protrudes from the building and acts as a transition to the lower level. There is a further drop in the ridge height of the building with the southern element serving the entrance to the supermarket. The height of this element is 7.8 metres above ground level. From the London Road elevation the building is therefore significant in terms of its height and it is acknowledged to be greater than existing buildings within the site and the residential properties on the other side of London Road. However, the mass and scale of the building is, to some degree, reduced by the change in levels between the road and the site which slopes gently westwards towards the train station / railway line. In addition, the scale and mass is reduced further by the flat roofed nature and profile of the building and the change in roof ridge heights combined with the corresponding appendages to provide the stair wells. Those elements combined create a building which, in terms of its size and scale, is considered to relate well to the volume, shape and height of buildings in the surroundings and within the London Road elevation.
- 7.29 From the Station Road elevation – that fronting onto the telephone exchange and Thomas Heskin Court, there is less variation in height which is proposed at three stories – this relates to the height of the buildings serving the telephone exchange and buildings within Thomas Heskin Court and is therefore considered to be acceptable.
- 7.30 In terms of design, the proposed development is contemporary and a marked difference in character to that of its surroundings. The buildings within London Road opposite the site are residential properties, for the most part traditionally styled reflecting their era of construction. Opposite the site from Station Road, is the traditionally styled Thomas Heskin building, which is a white rendered building with attractive sash windows and gable dormers at second storey. To the west of that building is the more substantial building of the telephone exchange. This building is, in Officers opinion, fairly ordinary in terms of its architectural characteristics and could not be said to complement the character of the Conservation Area.
- 7.31 Criticism of the proposed building design has been made by third party

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letters of representation and the Town Council. Concern is raised with the form and design of the building, including the use of flat roofs and protruding resident stairwells and balconies which are not considered by those representations to reflect a high standard of design and local distinctiveness.

- 7.32 The design of the proposed development is, as mentioned above, clearly contemporary and modern in style and as such, is a departure from the historic and architectural characteristics of the existing market town centre. However, this application site is on the edge of that centre and lies only partially within the Bishop's Stortford Conservation Area. In addition, regard should be made to the current characteristics of the site and the immediate surroundings. In Officers opinion, the provision of the proposed building, with the use of flat and monopitched roofs, the variation in materials of construction and the provision of protruding appendages create a building which is highly articulated in its design and will thus provide much interest within the street scene. In this way and, taking into account the character of the site as existing, the proposed development will, in Officers opinion, enhance the Conservation Area, in accordance with policy BH6 of the Local Plan and PPS5.
- 7.33 During the process of the application, the design of the ground floor elevation of the building and space to the front of London Road has evolved following Officers concerns that this part of the development should respond positively to the street scene and provide an active frontage. Now proposed is the provision of larger windows to the side of the building at ground floor which allow more significant views into the retail store. Now also proposed is the provision of an amended trolley park and soft landscaping combined with seating onto London Road which will provide a greater degree of interest and activity to the frontage of the building and street scene.

Parking provision and highway matters

- 7.34 Letters of representation and the Town Council raise concern that the proposed development will result in a significant and harmful rise in traffic generation which will impact on the local highway network, particularly at the Hockerill traffic lights to the north of the application site.
- 7.35 The application is supported by a Transport Assessment (TA) and the accuracy of that report is criticised by some letters of representation. The TA sets out that a comparison of the trip generation for the current use (car show room) and the proposed site (discount food store and residential units) has been made using TRICS which has concluded that the number of vehicle trips generated by the proposed development

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would be less than as existing.

- 7.36 The Highways Officer comments that the rationale behind the figures set out in the TA are not accepted. However, having regard to the Highway Authority's own TRICS assessment, the proposed development will not, in the opinion of Hertfordshire County Highways, give rise to significant increases in traffic generation. The Highways Officer comments that the principle of the scheme is therefore acceptable in a highway context.
- 7.37 Whilst Officers are therefore mindful of the concerns raised by letters of representation, having regard to the conclusions of County Highways, the proposed development is not, in the view of Officers, likely to give rise to significant levels of traffic, that would result in harm to the highway network.
- 7.38 Concern is also raised by letters of representation and the Town Council with regards to the level of parking provision proposed for the development. Concern is raised that any overspill parking for the approved development could result in harm to the surrounding roads.
- 7.39 The development includes the provision of 14 No. 2 bed houses. The maximum standard in policy TR7 of the Local Plan sets out that there is a maximum requirement of 21 spaces for such units. The proposed development incorporates an undercroft parking facility dedicated for the residential units with the provision of 18 parking spaces. Given the very close proximity of the development to sustainable means of transport, the level of parking for the residential element of the scheme is considered to be acceptable in this case.
- 7.40 The discount food store element involves the provision of 1380 square metres of retail space. The maximum requirements for such a size store under policy TR7 of the Local Plan is for 77 parking spaces. The proposed development incorporates the provision of 61 parking spaces for the retail element of the proposal which therefore accords with that policy. The 'Vehicle Parking Provision at New Development' SPD sets out that within a designated car parking zone 3 (in which the application site lies), there is acceptance for a lower percentage of the maximum standard of between 50-75%. The proposed development provides 79% of the maximum standard and is therefore considered to be appropriate for parking provision in zone 3. Having regard to that consideration and, taking into account the sustainable location of the site, the level of parking provision for the retail use of the site is considered to be acceptable.
- 7.41 Whilst Officers therefore recognise the concerns of letters of

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representation that the proposed development may give rise to off street parking in nearby streets, having regard to the above considerations there is not considered to be any valid reason to refuse planning permission in terms of parking provision.

Neighbour and future residents amenity

- 7.42 The main considerations in respect of residential neighbour amenity relates to those properties along London Road which front the application site – namely, 43-81 London Road. Those properties are located on the other side of the road to the application site, with a distance of 20metres between the front building line of the proposed development and the front elevation of the residential dwellings. However, having regard to that distance and the change in levels and associated height of the buildings in comparison to that as existing, Officers do not consider that the proposal will result in any significant harm to the amenity of those properties that would warrant the refusal of the application in terms of overlooking, overbearing or loss of privacy.
- 7.43 There is a pub and other residential properties further from the application site, however the distance between built form is significant, and will not result in significant harm to the amenity of those properties, in Officers opinion.
- 7.44 The Fife Wilson site lies to the west of the application site. The site is not currently occupied but, as noted above, there is a current planning application to renew a planning permission for residential accommodation. In light of that, consideration must be given to the potential impact on residential amenity of that building, should permission be granted to renew the previous approval.
- 7.45 The proposed development on this application site includes the provision of warehouse/storage and service access on that part of the site backing onto the Fife Wilson site – that element is at a height of 3.4 metres. The upper floor element of the proposed development (that serving the residential units) is therefore sited further from the Fyfe Wilson development at a distance of approximately 14 metres. Whilst this distance is not significant, the development approved at the Fife Wilson site is for flatted development where such a relationship is not uncommon and will not, in Officers opinion, result in significant harm, in terms of overbearing, overlooking or loss light impact.
- 7.46 The proposed development does include the provision of a service access to the rear of the property in-between the western boundary and the adjoining Fyfe Wilson site. The applicant sets out in their Planning

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Statement that the store has one dedicated service delivery each day. That one delivery carries all of the produce to store, including frozen and chilled goods which are carried using individual temperature controlled units that can be loaded onto the vehicle. This, the applicant sets out, reduces disruption and the need for air-conditioned lorries, which can be noisy.

- 7.47 The Environmental Health Officer however recommends the provision of a planning condition requiring that no delivery vehicles associated with the handling of goods be allowed on site between 19:00 and 07:00 hours unless they are 'parked up with their engines switched off between those hours'. Such a condition would not only protect the amenities of potential future residents of the Fyfe Wilson site but also occupiers of the residential element which forms part of the proposals. Having regard to those considerations and, taking into account the comments from the Environmental Health Officer, I am of the opinion that, subject to such a planning condition which is considered to be both reasonable and necessary for the reasons set out above, the access arrangement for delivery lorries will not result in significant harm to future residents of the development or adjoining developments.
- 7.48 Linked with this issue is the potential future impact of noise on future occupiers of the residential properties – namely the relationship with the nearby railway line. Some information in respect of this issue has been submitted by the applicant. The Environmental Health Officer has recommended the provision of a planning condition requiring that the proposed development incorporates window openings that have a sound reduction of at least 40dB when closed and the provision of mechanical ventilation systems.
- 7.49 The location of the proposed development is not immediately adjacent to the railway line, as other recently constructed sites have been (such as the Crest Nicholson and Bowling Club site off Hockerill Street and Kingfisher Way respectively). In this respect and, having regard to the comments from the Environmental Health Officer I am of the opinion that, subject to a planning condition requiring information to be submitted relating to the specification of the residential dwellings, in terms of noise attenuation, that there will not be a significant impact on the future residents of those properties, in accordance with ENV25 of the Local Plan.
- 7.50 The proposed development also involves the provision of a communal amenity space at first floor for the residential properties. There are basic schematic drawings of that space in terms of landscape provision; however the precise specification is unclear. In Officers opinion the provision of appropriate soft landscaping and boundary treatment to the

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western edge of that space will not result in significant harm to the amenity of future residents of the Fyfe Wilson development. In this respect and, in the interests of the quality of that amenity space provided, Officers consider that it is necessary and reasonable to require further hard and soft landscape information in respect of that space as part of a planning condition.

Financial contributions

- 7.51 As the application is for 14 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit.
- 7.52 HCC have confirmed that they will require contributions towards secondary education youth and library facilities. This is based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.53 A figure of £38,500 has been requested by County Highways towards Sustainable Transport Initiatives. This contribution will assist in improving existing sustainable transport infrastructure to increase accessibility to the site for customers visiting the premises by bus in order to help mitigate against the highway impacts of this new development, and is in accordance with the HCC Planning Obligations Toolkit and Local Plan policy IMP1.
- 7.54 HCC have recommended that the provision of fire hydrants be included as part of the S106 contributions. They comment that there is a hydrant on the corner of Grange Road which is approximately 170 metres to the end of the site. However, the British Standards require that hydrants be positioned no more than 60m from an entry to any building on the site and not more than 120m apart. HCC have commented that, based on the plans submitted there is a requirement for at least one fire hydrant. Having regard to those comments and, taking into account the requirements of the HCC Planning Obligations Toolkit, it is considered to be reasonable to require the provision of fire hydrants.
- 7.55 The East Herts Council SPD also requires standard contributions towards outdoor sports facilities and children and young people. The Council's PPG17 audit identifies that there are deficiencies in such areas within Bishop's Stortford. It should however be noted that the PPG17 audit is not precise in how it assesses deficiencies in particular locations.

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What must therefore be considered is whether there is a need for such contributions arising from the development now being considered and where such contributions would be focused, in order to mitigate against the impact of the development.

- 7.56 The Council's Leisure Services Manager has set out that there is a requirement for such monies in developing the trim trail in and around Grange Paddocks and possibly Sworders Field. A trim trail is a series of individual exercise equipment which forms part of a circuit around a particular open space. A trim trail is considered to provide an exercise circuit, offering physical activity not only for children but for the whole community. Having regard to those considerations and, taking into account the requirements of the planning obligations SPD and the PPG17 audit, it is considered to be reasonable to seek the cumulative sum of £11,269 for such a facility for outdoor sports facilities and children and young people.

Demolition of existing buildings

- 7.57 It is considered that the existing buildings and structures on the site do not make a positive contribution to the character, appearance of setting of the Bishop's Stortford Conservation Area. The proposed demolition is, for the reasons set out above, considered to enhance the setting of the site and locality and will therefore meet the requirements of PPS5.

Other matters

- 7.58 The Environment Agency have recommended a number of planning conditions relating to decontamination of the site. Those conditions are similar to that proposed by Environmental Health. Officers understand that there is a principal aquifer beneath the site and watercourses to the south of the site. Given the previous uses of the site for car repairs and workshop type uses, the Council must ensure that the proposed development protects against the possible impact on those environments, in accordance with policy SD5 and ENV20. Having regard to the requirements of those policies and, taking into account the comments from the aforementioned consultees, it is considered reasonable and necessary for planning conditions to be attached to any grant of planning permission in respect of contaminated land.
- 7.59 To ensure that the proposed development incorporates appropriate high quality materials and is appropriately sited within the site in relation to surrounding levels it is considered necessary and reasonable for planning conditions to be attached requiring information in respect of levels and the provision of samples of materials. Similarly, with respect to hard/soft landscaping matters, it is considered appropriate to require more detailed information in respect of landscape matters which, in the

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interests of visual amenity is both reasonable and necessary.

7.60 Having regard also to the comments from the Environmental Health Team and, taking into account the significant nature of the development proposed, it is considered necessary and reasonable to attach planning conditions regarding the methods of construction and limits on the hours of working.

8.0 Conclusion

8.1 Having regard to the above considerations and, taking into account the comments from the Council's retail planning consultant, the proposed development is not considered to result in significant harm in retail planning terms and so meets with the requirements of PPS4. A planning condition is recommended by Officers to restrict the use of the building to a limited assortment discount food retailer which reflects the evidence submitted by the applicant to support such a use.

8.2 The proposed development is a contemporary and modern design which is different in character and appearance to other buildings within the immediate locality. However, the size, scale, form and design of the building is considered appropriate and will, in the view of Officers, enhance the character and appearance of the locality and Bishop's Stortford Conservation Area, in accordance with policies ENV1, BH6 and PPS5.

8.3 The proposed development will not, in the opinion of Officers, result in a significant rise in traffic generation and the level of parking provision is considered to fall within the requirements of policy TR7 and PPG13. The proposal will not, therefore result in significant harm to the local highway network.

8.4 The proposed development would involve an increase in employment levels generated by the proposed use and so would accord with policy EDE2. The proposed development is acceptable in terms of neighbour amenity considerations and all other planning considerations.

8.5 Financial contributions are recommended by Officers, in line with the requirements of the County Council Planning Obligations Toolkit and the Councils Planning Obligations SPD to offset the impact of the development on local infrastructure.

8.6 For the reasons set out above Officers therefore recommend that planning permission is granted subject to a legal agreement and conditions as set out at the head of this report.