

4a A) 3/10/1964/OP – Outline Planning application for a mixed use development comprising retail, leisure hotel, food and drink, residential, community uses, car parking, servicing and access arrangements together with alterations to the public highway and/or public realm works and flood mitigation measures on land north of Link Road; and

B) 3/10/1965/LC – Demolition of 1 The Causeway; 1, 2 and 3 Old River Lane; Church Hall Water Lane; boundary wall north of Church Hall; and substation at Old River Lane, Link Road, Water Lane, Bridge Street and Barrett Lane, Bishop's Stortford for Hendersons Global Investors Company

Date of Receipt: 15.11.2010

Type: Outline Planning
Permission, Conservation
Area Consent

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – CENTRAL AND MEADS

RECOMMENDATIONS:

- a) in respect of application 3/10/1964/OP, that, subject to the referral of the application to the Secretary of State in relation to the Town and Country Planning (Flooding) (England) Direction 2007, subject to the applicant entering into an agreement under section 106 of the Town and Country Planning Act 1990 as amended and, subject to appropriate conditions, planning permission be **GRANTED**.
- b) in respect of application 3/10/1965/LC, subject to appropriate conditions, Conservation Area Consent be **GRANTED**.

_____ (196410OP.MP)

Note on the recommendations:

Members will note that details of the recommended conditions and legal agreement are not set out above. This situation has arisen because of continuing negotiations in relation to the application which has resulted in changes to the final form of these immediately prior to the deadline for the publication of this report.

Officers will be formulating the full details of the appropriate conditions and matters to be included in a legal agreement in the days subsequent to the publication of this report and they will be circulated to Members at the earliest possible opportunity.

3/10/1964/OP and 3/10/1965/LC

1.0 Introduction:

- 1.1 In large measure Members will be aware of these proposals because of the significant publicity that they have generated. They were submitted formally to the Council in November of last year (2010) and, following an extensive round of public consultation, have been subject to amendment in June of this year. The applicant has now requested that the Council proceed to a decision on the proposals.
- 1.2 The Council has undertaken the appropriate consultation exercise, notifying neighbouring occupiers, placing site notices and advertising the proposals in the local paper. In addition, the applicants have undertaken their own consultation and feedback exercise, meeting with representatives of many, if not all, of the stakeholder groups in the town.
- 1.3 By way of introduction, and to deal with this issue early, it is helpful to explain the land ownership situation with regard to the site. Until recently, the Council has had a land holding interest in the area of the site within Link Road (the current parking areas) and remains as owner of part of the site located to the north of Link Road (the application site is described more fully below). As part of decisions in relation to its land holdings, the Council has disposed of its land owning interest in the public car parks to the applicant. These land disposal decisions have enabled the applicant to bring forward the development proposals.
- 1.4 As indicated, the Council remains as a land holder in relation to the land to the north of Link Road. It also remains as a tenant, currently in the Causeway office building and, upon vacation of that building, in Charringtons House only, which are located within the application site.
- 1.5 Despite the position in relation to land holding and tenancy arrangements, it is very important to set out here that these arrangements and previous decisions in relation to them should be given no weight in the planning application decision making process.

2.0 Proposals:

- 2.1 In more detail then, this application seeks outline planning permission for the comprehensive redevelopment of land at Old River Lane and north of Link Road to create a mixed use, retail led development. Conservation Area consent is also sought for the demolition of existing buildings within the site in order to facilitate the development. The application site is shown on the OS extract attached at the end of this report.

3/10/1964/OP and 3/10/1965/LC

- 2.2 The extent of the site of the proposed development is approximately 6.4 hectares and it is located centrally within the town of Bishop's Stortford. The application consists of two distinct areas: a part referred hereafter as the 'main site', which is the area where the built development is proposed and is contained within the Link Road. To the north (north of the Link Road) is a further area of the site within which Flood Compensation works are proposed and which is referred to as the Flood Compensation Area (the FCA).
- 2.3 The proposals put forward in these applications comprise:
1. The redevelopment of the main site to provide a mixed use development comprising retail, leisure (cinema), hotel, food and drink, residential and community uses.
 2. Works related to those uses which include:
 - a) The provision of car parking to service the proposed development and the existing town centre uses.
 - b) The formation of a new access off the existing public highway and modifications to the existing highway arrangements to provide access to the development and;
 - c) Alterations to the public realm;
 - d) Works related to the FCA.
- 2.4 Members will note that the application is in outline form. It is necessary then to consider the principle of the development proposed on the application site and access matters. All other matters are reserved for subsequent consideration. The details which follow relate to the proposals as they exist following amendment in June of this year. As noted above, these amendments were undertaken by the applicant following a round of public comment and after the initial submission of the scheme in November 2010.
- 2.5 As part of the submissions provided with the application there is an indicative layout and parameter plans showing the minimum and maximum extent of the buildings proposed (both in footprint and height). The full details of these plans are supported and set out in the Design and Access Statement. The extent of the details provided give the Council scope, if it wishes to and supports the proposals, to condition the subsequent development to fit within the parameters given. The applicant invites such a condition.
- 2.6 Also submitted as part of the application are maximum floor spaces of the individual uses proposed within the buildings. The *maximum*

3/10/1964/OP and 3/10/1965/LC

quantum (all measured as gross external areas) of development is therefore as follows:-

Use Class	Maximum floorspace (square metres)
A1, A2, A3, A4, A5 (retail, professional services, restaurants, cafes, drinking establishments and hot food takeaways)	16,000
D2 Assembly and leisure (including cinema uses)	2,100
C1 Hotel	6,600
C3 Dwellings	8,900
D1 Non-Residential institutions (the provision of a community facility space within block D)	500
Public toilets	250
Car parking	Up to 670 spaces

- 2.7 The main body of the site is proposed to be developed into four blocks of new development, referred to as A, B, C and D and an extended Waitrose store comprising a fifth block. The details of the constituent blocks are as follows

Block A

- 2.8 Located on the position of the existing Causeway office building. This is shown as a block which may be up to four storeys in height with retail uses proposed at ground, first and second floor (including some residential at second floor) and entirely residential at third floor with a roof garden to serve those residential dwellings. Members will note that, for modern purpose built retail accommodation storey heights will be in excess of more historical buildings to meet retailer and building servicing requirements. All building height information is given in the form of AOD (Above Ordnance Datum – this comprises heights measured against a given zero point, this enables comparison to be made between building and land level heights). In order to have an appreciation of the height of the proposed buildings then there needs to be a comparison with the ground levels in the vicinity of the buildings.
- 2.9 This cannot be an entirely accurate assessment – ground levels may change as a result of the works proposed, and building floor levels may not be comparable with those as existing. However, for comparison purposes, the surveyed height of Old River Lane at its junction with Bridge Street is given as 57.5m.

3/10/1964/OP and 3/10/1965/LC

- 2.10 For each block maximum and minimum heights are given for each element of the building. This means that each element could vary in ultimate height between the parameters given. The height of the block A building is proposed to be between 63.0m and 75.8m. The frontage elements of the building to Old River Lane and Bridge Street are shown to be between 67.3m and 75.8m to the highest ridge. This indicates a building of a height of between 9.8m and 18.3m on those frontages. By way of comparison, the existing Charringtons House has an identified height of 17.6m (when measured against the same datum point) and the cowls at the top of the Coopers malting building to have a height of 10.2m.
- 2.11 The illustrative masterplan proposes this block to include a department store (the southern part of the block) at three stories in height fronting onto the Old River Lane and Bridge Street frontages. This would provide a key visual landmark. The northern part of the block would be retail and servicing on the ground and first floors with residential units above.

Block B

- 2.12 This block is located to the west of block A and is adjacent to the rear of the existing Coopers of Stortford building. The block is proposed to be three stories in height, with retail uses at ground floor and residential at first and second floor. The height of building is proposed to be between 62.2m (AOD) and 73.2 (AOD). The frontages onto Old River Lane and the passage between this block and block C to the north will vary between 65.7m and 68.2m to the eaves and 70.2m and 72.2m to the ridge. In relation to the land level in Old River Lane and with the caution set out above in relation to possible changes in land levels, this indicates a building when viewed from these frontages and to the eaves of 8.2m and 10.7m in height.
- 2.13 As set out above, the cowls at the top of the Coopers maltings building are identified to be at a height of 67.7m. The Guild House (occupied by Mullucks Wells) and the Lemon Tree, to the west of block B are shown to have a height of 67.9m at the rear of their buildings.

Block C

- 2.14 Block C is located in the north west of the main site to the north of Block B, south of the existing Waitrose building. The Grade II Listed United Reformed Church (URC) is located a minimum of 13m to the west of the block at ground floor and with a minimum separation of 27m at third floor. The passageway that would be created to the north, between the block and the existing Waitrose, would be a minimum of 4m in width and

3/10/1964/OP and 3/10/1965/LC

possibly up to 12m width. Retail uses are proposed at ground floor and first floor. This block has two further floors with residential use at second and third and a garden area for residents.

- 2.15 The height of the majority of this building is proposed to be between 73.8m and 75.8m to the ridge. Adjacent to the URC the building will vary between 65.7m and 71.7m.
- 2.16 This building is placed on the current car parking area which serves Waitrose. The surveyed land levels of that car park at present are between 58m and 59.1m. Water Lane is surveyed at around 60m. The proposed floor level of the building (subject to more detailed design) is given as 58.2m, so the majority of the building will be between 15.6m and 17.6m in height to the ridge. The element adjacent to the URC would be between 7.5m and 13.5m in height. Further comparison can be had with the existing surrounding buildings. The URC, with a floor level of 60.2m extends to 72.8m at the parapet. The height of the existing Waitrose building is 67.1m.

Block D

- 2.17 This is the fourth of the blocks, located on the current public parking area and forming the north east part of the main site. This block has a large square footprint and is proposed to contain retail, hotel, public toilets, servicing and leisure uses at ground floor. First floor would be given over to the hotel, further retail and leisure uses. Second floor leisure and hotel and hotel use only on the third floor.
- 2.18 This building has the possibility of a central courtyard garden. However, in external views it will appear as a three and four storey building. Eaves and ridges to the building are potentially quite complex. To the Old River Lane side, the lowest eaves height is given as 66.7m and the greatest ridge as 76.7m. From the Link Road side the lowest eaves is 68.0m and the highest ridge 76.7m. The surveyed height of this part of the site varies around 57m. The proposed building is to have a floor level of between 57.1m and 58.2m, subject to more detailed design. Comparing against a floor height of 57.6 as a midway point gives a building height of between 9.1m and 19.1m on the Old River Lane side and between 10.4m and 19.0m on the Link Road side.
- 2.19 This building will provide the external face of the development fronting Link Road. To the north is the land owned by the Town Council.

Waitrose

3/10/1964/OP and 3/10/1965/LC

- 2.20 The proposals include the possibility of an extension to Waitrose to add an additional 520 sqm at ground and first floor levels to provide an increased A1 retail space. The extension of this part of the building is intended to become a key visual landmark at the northern end of the main site.

Parking

- 2.21 Underground parking is proposed under blocks A, C and D. Under blocks A and D two combined underground levels of parking are proposed to provide up to 600 parking spaces with access off Link Road.
- 2.22 Of those 600 spaces, 200 are proposed to provide parking space for Waitrose and the remaining are proposed both for this development and to service the wider town centre.
- 2.23 Under Block D one level of underground parking is proposed to provide parking for the residential units of up to 70 spaces. References to parking provision are made in the form of 'up to' indicating that fewer spaces may ultimately come forward unless expressly required in any conditions.
- 2.24 During the construction phase the applicant has undertaken to provide a similar level of parking to that currently existing in the two car parks. A number of means of doing this are currently being explored.

Access

- 2.25 The main vehicular access into the site is proposed to be from a new signalised T-junction on Link Road, east of the main site and north of Charringtons House. This will provide access to the proposed underground car parking under blocks A and D, and servicing and public access to the hotel in block D.
- 2.26 Old River Lane is proposed to be stopped up as a vehicular route where it joins Bridge Street. It would remain as a pedestrian access (and enable some servicing during controlled hours). To the east a new vehicular access will be created (to the west of Charringtons House) to serve the remaining office use and as a service access to block A.
- 2.27 Blocks B and C will be accessed from the west off Water Lane. For the residential parking (below block C) a lift access is proposed, rather than a ramp, lowering vehicles down to the parking level. Servicing for the non residential uses is to be provided from Water Lane at the closest part of the buildings to the lane and also from the central pedestrianised

3/10/1964/OP and 3/10/1965/LC

route (again during controlled hours only).

- 2.28 As part of the proposals, in addition to the new junction onto Link Road the width of that road will be increased and the roundabout junction with Bridge Street replaced with a non-signal controlled T junction. The widening of Link Road, to its west, toward Charringtons House and the main site enables turning lanes to be introduced for ease of access into the site. The existing pelican controlled pedestrian crossing on Link Road is removed and pedestrian crossing facilities are incorporated into the new junction.
- 2.29 In terms of pedestrian (and cycle) access, the following is proposed
- From the east, a pedestrian access via Link Road with new signalised pedestrian crossing, located north of Charringtons House;
 - From the south (from the existing town centre) pedestrian access is proposed, as set out above, from Bridge Street. It is proposed that Bridge Street is narrowed and different surface treatments be applied to enhance pedestrian access;
 - From the west from Water Lane, Barrett Lane and Florence Walk to the north and south of the proposed block C;
 - From the north via the existing foot link to the east of the Waitrose store which would be maintained.

Public Spaces and realm

- 2.30 It is anticipated that the spaces between the blocks on the main site will be for pedestrians (cyclists where practical and safe and for some limited servicing during controlled hours). The route of Old River Lane then will become a pedestrianised space from its current junction with Bridge Street, through the main site to its northern perimeter adjacent to an extended Waitrose. On the parameter plans supplied the minimum and maximum width of the spaces between the buildings are also set out. At the south end of this route, the minimum width between block A and the boundary of the site adjacent Coopers is given as 18m. This may extend to 22m in width. Incorporated into this space is the current outdoor display area for Coopers. The narrowest point of the route between blocks A and B would be 10m in width and potentially up to 16m. Between blocks C and D the width is also a minimum of 10m but potentially up to 20m. At the northern end, the space between blocks C and D widens to form a public space. This would vary between a minimum of 22m wide and 35m wide at its northern end.
- 2.31 At the south end of this route, as indicated the application extends up to

3/10/1964/OP and 3/10/1965/LC

and includes all the land to the east of the current Coopers buildings. It therefore includes the land currently occupied by Coopers and set out as the outside display area. It is proposed that this is incorporated into the pedestrian route through the development. This would require the agreement of the current landowner to ensure that this element of the proposal can be implemented.

- 2.32 Crossing the site is a route east to west between blocks C and D to the north and B and A to the south. The route commences to the north of the Guild House on Water Lane and exits at the new road junction on Link Road, via the pedestrian crossing incorporated into the junction, to enable access beyond Link Road to the Waytemore Castle gardens. The applicant has indicated a willingness to extend the potential of this route into the Castle gardens. This would be by the creation of a foot bridge along the line of the route over the watercourse in the Castle gardens. This would give greater connectivity within the gardens. This would require the agreement of the Council as landowner.
- 2.33 Between the blocks on the main site the widths of this route are given as a minimum of 6m and a maximum of 12m (between blocks B and C) and a minimum of 7m and a maximum of 12m between blocks A and D.
- 2.34 Where the main site adjoins Water Lane and the URC, it is anticipated that a further useable public space will be created. The minimum width of the street between block C and the URC is given as 13m. It may increase up to 20m. In this gap would be the route of Water Lane and 'sitting out' space associated with the retail units at the ground floor west side of block C (anticipated to be café/ restaurant uses).
- 2.35 Surface treatment to both Bridge Street and Water Lane is proposed to emphasise pedestrian use over vehicle priority.

Flood Compensation Area

- 2.36 The FCA is located to the north of Link Road, to the east of the residential properties in Yew Tree Lane, Bryan Road and the Hunts Motor Garage site. It is anticipated that temporary vehicle access would be created to this part of the site by extending northwards the current access into the Northgate End car park. Trees and shrubs in this location would be removed as necessary and the level of the land lowered to create an acceptable flood compensation area. The purpose of this work is to remove the main site from risk of flooding and that, when flooding events do occur, the flood waters are contained within the FCA site.

3/10/1964/OP and 3/10/1965/LC

Amended plans

- 2.37 The application has been the subject of dialogue between the applicant and Officers which has resulted in amended plans being submitted relating to the layout of the site and proportions of the buildings.
- 2.38 Block A has been reconfigured so that the northern boundary has moved south to enable a wider route between blocks A and D and views of the SAM. A feature element has been provided at the south west corner of the block and there is an increase in the minimum street width between block A and Coopers by 2 metres, now 18 metres and a reduction of the maximum street width between block A and Coopers by 8 metres, now 22 metres. The parking spaces to the front of Coopers are now removed which provides a larger area for the public realm.
- 2.39 The upper floors of block C are now set back with the provision of a minimum 27 metre setback for the second and third levels from the United Reform Church. There is an Increase in the minimum street width between the URC and block C which is now 13 metres.
- 2.40 Block D is now reconfigured in line with block A so that the southern boundary has moved further to the south with an additional change in the angle on block D – which increases the route between block A and D and provides views of the SAM. There is now no maximum extent of building expansion on the southern boundary and the north west corner is 'chamfered'. This building also provides a variation to building frontages at eastern elevation, fronting Link Road.
- 2.41 Amendments have also been made to the highways configuration of the site which involves the following:-
- modification to Link Road/Bridge Street junction, which now enables a right turn when travelling south;
 - retention of free flowing traffic running north to south at Link Road; and
 - accommodation of reconfigured car park access.
- 2.42 In addition, the application has also committed to provide a new pedestrian bridge across the watercourse between Link Road and the Castle mound, to promote a direct route to Castle gardens. The applicant commits to ensure that car parking provision during the construction phase remains at a similar level to the existing on-site provision.

3/10/1964/OP and 3/10/1965/LC

3.0 Existing Site Characteristics:

- 3.1 Much of the main site currently forms areas of public parking accommodating 416 car parking spaces. The east portion of the car park is operated by the Council as a 'Pay and Display' car park and provides 233 public parking spaces. To the west is the smaller car park which serves Waitrose and provides 183 car parking spaces. Access to those car parks is via Old River Lane which branches off Bridge Street. Old River Lane follows the original path of the River Stort and, below the existing road is a culvert which collects surface water discharge from land to the east and west.
- 3.2 Sited on the north west part of the main site is Waitrose, which provides 2,250 square metres of retail shopping space. East of this building is the Town Councils Memorial Gardens which consists of a number of mature trees and landscape features. The application proposes to retain this area in this use.
- 3.3 In the south eastern part of the main site are the office buildings of the Causeway and Charringtons House. These are three and four storey buildings, comprising of red brick and extensive glazing. Charringtons House is proposed to be retained for Office use with a number of tenants. The Causeway building is proposed to be demolished subsequent to its vacation.
- 3.4 Within the site, and proposed to be demolished are 1-3 Old River Lane. These properties are a modern terrace of three residential properties. Also proposed for demolition is the current URC Church Hall, located to the north of the Old River Lane properties. The hall is a double height brick building which has undergone a series of late 20th C extensions.
- 3.5 The main part of the site also contains a significant number of trees. Along the south side of the public car park, a line of trees form a feature here. There are further lines of trees within the Waitrose car park – some of significance and within the public parking area – although more modest. As referred to above the Town Councils land is mostly tree covered. There is a significant feature tree to the frontage of the Causeway office building (fronting Bridge Street) and to the east of Charringtons House are four or five significant trees which soften the appearance of that building when viewed from Link Road.
- 3.6 The Flood Compensation Area (to the north of the Link Road) consists of a previously used landfill site which was made redundant in the 1970's. That area currently has reasonably significant tree and shrub coverage. There are informal foot routes through the area.

3/10/1964/OP and 3/10/1965/LC

4.0 Site Context:

- 4.1 Because of the location of the site and the current public purpose of many of its existing buildings and spaces, this is a location that is likely to be well known to all residents of the town. Also, because of its location, adjacent to the Link Road which is an important route into and through the town, it will feature prominently in the perception of visitors to the town.
- 4.2 As set out above, Old River Lane is the former route of the River Stort in the town. As a result, the main part of the site sits on the valley floor. It is generally level, but the land rises to the west side of the site to Water Lane and Barratt Lane and beyond them to North Street. There are a number of listed buildings on Water Lane in close proximity to this side of the main site.
- 4.3 North Street forms part of the historic core of the town with a number of listed and other historic buildings. Beyond North Street and the Corn Exchange at the junction of North Street, High Street, Market Street and Bridge Street is St Michaels Church. The church and its spire figure prominently in the perception of the town and it is currently visible from a number of locations within and adjacent to the main site.
- 4.4 The context changes travelling east along Bridge Street from the Corn Exchange from the older and more historic buildings to the more modern development on the south side of that road which comprises the northern periphery of the Jackson Square development. There is a pedestrian route into that development on the south side of Bridge Street. There remain some historical elements with the maltings buildings at Coopers and former riverside cottage to the rear (also part of Coopers). Beyond Jackson Square (one of the main retail areas of the town) to the south of the site are the further retail uses on Potter Street and South Street.
- 4.5 Link Road provides strong curtailment to the retail and commercial part of the town. Beyond it to the east as far as the railway line, the land is largely undeveloped. This area of gardens and less formal public space contains the current route of the river Stort. It also contains the Waytemore Castle mound, a grade I listed building and scheduled ancient monument.
- 4.6 Footpath routes extend to the north east (over the railway to the residential areas and Kingsbridge Road/ Cannons Close and beyond) and to the north along the river to the leisure facilities at Grange Paddocks. It is in this area, west of the river that the FCA is proposed.

3/10/1964/OP and 3/10/1965/LC

4.7 Those footpath routes converge at a currently pelican controlled crossing over Link Road and into the main part of the site through the current car parks. Pedestrians cross the main part of the site to reach Waitrose, Water and Barrett Lanes, the Councils offices, Bridge Street and Jackson Square. All of which indicate the current permeability of the area.

5.0 Environmental Impact Assessment:

5.1 This application has been the subject of an Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

5.2 The EIA process is aimed at ensuring that the likely significant environmental effects of a development (beneficial and adverse) are properly taken into consideration in the determination of a planning application.

5.3 In this case, the Environmental Statement reports on the following topic areas:

- Traffic and Transportation;
- Air Quality, Dust and Odour;
- Noise and Vibration;
- Socio-economics;
- Ecology;
- Lighting;
- Townscape and Visual;
- Archaeology and Cultural Heritage;
- Drainage, Flooding and Water Resources;
- Ground Conditions, Hydrogeology and Contamination;
- Demolition and Waste Management; and
- Cumulative Effects

5.4 The following is a summary of the main points raised under each topic area. Please note that this summary relates to the information set out in the EIA submitted by the applicant and is not the Councils planning officers assessment of the proposed development. That is set out further on in this report.

Traffic and Transportation

3/10/1964/OP and 3/10/1965/LC

- 5.5 The EA has been accompanied by a Transport Assessment which seeks to establish the likely implications for transport movement during the construction and operation phases.
- 5.6 The assessment of the proposed development indicates that during the busiest hour there is spare capacity in the town centre car parks equivalent to a minimum of about 10% of supply on a Thursday and 7% on a Saturday. Most people travel to the town centre by car and there is spare capacity in the bus services which currently pass the site. The waiting time for a parking space during that busy time is, on average 129 seconds during the Thursday morning peak hour, 124 seconds during the Thursday afternoon peak hour, and 127 seconds during the Saturday peak hour.
- 5.7 During the construction works it is suggested there will be no change in traffic flows, congestion or delay, although there will be a temporary loss in car parking spaces. As indicated, alternative options will be explored, such as the use of a suitable vacant site or conversion of long stay spaces in the town centre to short stay for shoppers and providing the long stay spaces at other sites, in order to overcome this.
- 5.8 The implementation of a Travel Plan will assist in encouraging the use of sustainable modes of transport (cycling, walking, etc) and will help to reduce the impact of vehicles on the road network. The location of the site is highly accessible by non-car travel options, and it will maximise sustainable means of transport through improved pedestrian crossings and maximising the accessibility for pedestrians to the existing town centre retail area to the south.

Air Quality, dust and odour

- 5.9 A qualitative assessment to determine the likely impact of the implementation of the development has been carried out which determines that properties within 200metres of the site are likely to experience releases of dust and particulate matter. However, through good site practice and suitable mitigation measures, the effect of dust and particulate matter during construction will be reduced to acceptable levels for the majority of the construction period.
- 5.10 The air quality assessment of the potential effects of the development during the implementation stage show that the proposed development would cause imperceptible to small increases in annual mean NO₂ and PM₁₀ concentrations and imperceptible to medium increases in 24 hour PM₁₀ concentrations. The proposed development will not however result in exceeding any of the statutory objectives for NO₂ and PM₁₀ at

3/10/1964/OP and 3/10/1965/LC

existing or proposed sensitive receptors, other than those which already occur.

Noise and Vibration

- 5.11 A noise assessment has been undertaken to determine the potential noise and vibration effects associated with the implementation of proposed development. There are a number of noise sensitive receptors located within the vicinity of the Site including residential dwellings located on Yew Tree Place, Water Lane; and Castle Cottage.
- 5.12 The noise assessment identifies that the implementation of the development is likely to result in negative effects to the closest residential properties to the site. However, through mitigation the level of noise experienced can be minimised. Such measures generally involve the treatment of noise at source through appropriate selection, maintenance and siting of plant as well as the adoption of operational measures associated with the timing and routing of deliveries and the implementation of local hoarding/screens.
- 5.13 The baseline noise environment within the vicinity of the Site mainly consists of road traffic noise from vehicles on Link Road and Bridge Street, and to a lesser degree, noise generated by the operation of the extract louver associated with the Jackson Square shopping centre.

Socio-economics

- 5.14 Bishop's Stortford benefits from low levels of unemployment and crime, whilst at the same time higher than average levels of qualifications and considerably higher than average levels of earnings in comparison to both the East of England and England. Bishop's Stortford is well served in terms of local facilities, healthcare, education and community facilities.
- 5.15 The most significant effect of the proposed development is the removal of the URC Church Hall. However the current layout of the hall results in an inefficient use of the space. The Applicant is in discussions with the Church to ensure that they are provided with an alternative facility that enables the various activities to continue during the construction phase and one which is in close proximity to the Church.

Ecology

- 5.16 The main site consists of large car parking areas with paved/covered ground and a number of buildings. The FCA consists of mature, semi-mature and self-seeded trees both scattered across the FCA and forming

3/10/1964/OP and 3/10/1965/LC

areas of broadleaved semi-natural woodland, with large areas of tall herb and ruderal vegetation and scattered scrub present.

- 5.17 Within the main site two low status bat roosts were found: a common pipistrelle and brown long-eared roost within the URC Church Hall and a common pipistrelle roost within a tree immediately north of the hall. No other protected species were confirmed present within the Site, although nesting birds are to be expected.
- 5.18 The proposed development will result in the loss of all vegetation within the FCA and loss of most vegetation within the main site. The proposed demolition of the Church Hall will result in the loss of two bat roosts, losses of bat foraging and commuting habitat, disturbance to a nearby bat roost and losses of and disturbance to suitable bird nesting and foraging habitat.
- 5.19 Once the works to the FRA have been implemented new habitats will be provided in order to mitigate against any such impact. The new habitats to be created will comprise of an appropriate combination of habitats suitable for a range of species and groups, ensuring the provision of suitable bat foraging, commuting and roosting habitat and bird nesting habitat.
- 5.20 A license from Natural England will be required in order to permit the removal of the bat roosts within the main site and appropriate replacement roost habitats will be provided in accordance with the License.

Lighting

- 5.21 The externally lit environment in and around the immediate vicinity of the site was assessed. It was found that the main site conditions indicative of medium to high brightness were recorded. The FCA is however unlit and is a low brightness level.
- 5.22 During construction phase, the provision of temporary lighting will be required to illuminate contractors parking areas, the contractors compound and working areas. There will be greater impact of any such lighting on the FCA due to the existing low level of lighting. The lighting levels will be managed as part of a Construction Management Plan and best practice measures.
- 5.23 Once the proposed development is operational, there will be no lighting within the FCA and the lighting specification and strategy for the main site will reduce glare and improve visibility for road users, pedestrians

3/10/1964/OP and 3/10/1965/LC

and cyclists and improve the sensitivity of lighting within the Conservation Area.

Townscape and visual

- 5.24 Existing features within the town landscape were identified as follows:- strong public access through footways surrounding the site and within the local vicinity of the town.

Archaeology and Cultural Heritage

- 5.25 The area is likely to have potential for remains for three key periods, Roman, Medieval and Post Medieval. The site is located within a Conservation Area and has five grade II Listed Buildings to the west, and Waytemore Castle (listed building and Scheduled Ancient Monument (SAM)) to the east.
- 5.26 With regards to the FCA, it is understood that this area was previously used as a rubbish tip either at the turn of the C19.C20 and/or during World War II. An archaeological watching brief has been undertaken which indicates that there is between 0.65-3metres of overlying waste material which lies above any possible archaeological remains.
- 5.27 It is likely that further archaeological work will be required within the main site which would comprise of trial trenching and evaluation prior to the excavation and construction. Within the FCA these would be in the form of archaeological watching brief observations.
- 5.28 The elements making up the above ground archaeological features include the SAM, Listed Buildings and Conservation Area which have been assessed as being of an overall moderate importance. The Heritage Statement submitted with the application provides a formal basis of discussion of the preservation and integrity of these elements of the historic landscape.

Drainage, Flooding and Water Resources

- 5.29 The River Stort is located on the eastern boundary of the FCA and is 35metres from the eastern boundary of the Main Site. A surface water culvert is located on the western boundary of the FCA and beneath the main site. The majority of the main site lies within Flood Zone 1 and the majority of the FCA also lies within that zone.
- 5.30 It is considered that the following significant risks may be associated with the proposed development, pre-mitigation:- reduction in surface water

3/10/1964/OP and 3/10/1965/LC

quality; increased flood risk; insufficient capacity of foul drainage and surface water utility infrastructure and over demand for potable water supply.

- 5.31 During construction the Environment Agency's PPG guidance documentation will be adopted and good environmental site practices will be employed to ensure that construction activities will not increase sedimentation within surface water features or sewers.
- 5.32 The proposed development will ensure that surface water drainage is attenuated using sustainable urban drainage including the provision of attenuation tanks.
- 5.33 Development of the FCA will provide flood water storage to compensate for the potential displacement of River Stort flood waters by the proposed development.

Ground Conditions, Hydrogeology and Contamination

- 5.34 Intrusive site investigations have been undertaken where the land has been tested for contamination. High levels of contaminants have been found in the FCA and potential and current sources of contamination and geotechnical hazards have been found in the main site. Sensitive controlled water receptors in proximity of the Site include a public water abstraction, the River Stort and the underlying Secondary Aquifers and Principal Aquifer.
- 5.35 Mitigation measures are proposed in accordance with current best practice and the relevant guidance. It is considered that residual effects during the site preparation, earthworks and construction phase are mostly negligible with the exception of the minor to moderate residual risk of the release of contamination to controlled waters during excavation of the made ground within the FCA. The mitigation measures will provide compliance with the Construction Design and Management Regulations 2007 and, the process of risk assessment, remediation and approval from the regulatory authorities will ensure that the site is returned to a condition that is suitable for the development proposed in accordance with PPS23.

Demolition and Waste Management

- 5.36 The demolition, site clearance, excavation and construction works will result in waste outputs. Wherever possible such waste will be reused on site or recycled. Waste that requires remedial activities will be dealt with and disposed of in accordance with best practice.

3/10/1964/OP and 3/10/1965/LC

6.0 Site History:

- 6.1 There is no planning history directly related to the development proposals in this application. However, the following provides a brief overview of the main permissions relating to buildings within the application site:-

The Causeway / Charrington House

- 6.2 Planning permission was granted within LPA reference E-70/197 for office accommodation and a Council Chamber. Various permissions to date have granted consent for modest extensions or alterations to the buildings.

Waitrose

- 6.3 Conservation Area Consent was granted for the demolition of the former Benskins Brewery which was previously on the site.
- 6.4 Planning permission was granted for the foodstore together with offices and alterations to the car parks within LPA reference 3/0100-92FP.

1-3 Old River Lane

- 6.5 Planning permission was granted for the three dwellings within LPA reference 3/95/0904/FP.

Church Hall

- 6.6 It is understood that the Church Hall was built in 1915 and as such there is no planning history relating to that building or any later planning history.

7.0 Consultation Responses:

- 7.1 As is indicated above, the application has been the subject of two consultation exercises. On the original plans submitted in November of last year, the following responses were received. A summary of the amendments to the scheme is set out at the end of the proposal details in section 2 above. Please bear in mind that the following comments need to be read in context with comments on the revised proposals which may have superseded some of the issues raised below:-

3/10/1964/OP and 3/10/1965/LC

- 7.2 BAA Airports comment that the proposed development has been examined from an aerodrome safeguarding perspective and suggests conditions and construction practices to ensure that the development does not have any harmful impact in relation to the safe operation of Stansted Airport.
- 7.3 The Civil Aviation Authority (CAA) have commented that they do not normally comment on planning applications unless its own property is affected or wind turbines are proposed. The CAA ask that consultation is made with any aeronautical safeguarding maps.
- 7.4 The Conservation Officer (CO) comments that the site would benefit from enhancement and the principle of the mixed use development as proposed is considered to be appropriate, subject to concerns raised with the impact of the development on immediate and wider heritage assets being addressed.
- 7.5 The CO comments that, in its current state, the immediate site makes little contribution to the architectural value of the Conservation Area as it is dominated by the existing office blocks, a supermarket and large car parks.

Block A

- 7.6 The overall mass and width of this building is a concern as it appears overly dominant. Attempts have been made to break the mass with gable ends and slight variation in the ridgelines. However, this has not assisted in the visual impact of the block, resulting in a less than ideal width between Coopers (a grade II Listed Building) and block A.

Block B

- 7.7 This block is a continuation of Coopers and is considered to be of a scale which is more reflective of the wider setting of the Conservation Area and Listed Buildings. This building would result in the loss of the United Reformed Church Hall. It is accepted that the retention of the hall, although of some architectural and aesthetic significance, would not outweigh the benefits of the proposal. It is however unfortunate that the boundary wall to the north, which is considered to be of higher value, could not be incorporated as part of the scheme.

Block C

- 7.8 The height of block C is not dissimilar to that of the church which sits opposite the block and as such has a direct impact on the immediate

3/10/1964/OP and 3/10/1965/LC

setting of that heritage asset and reduces its prominence as a landmark. It is also unfortunate that the square around the church now also serves as a shared vehicular and pedestrian surface, but with the extent of seating limited to the side area.

Block D

- 7.9 The overall mass and scale of block D is considered to compete with the Waytemore Castle. The CO acknowledges the link to this heritage asset through the development (in between block A and D). However, this link is compromised by its physical width, the nature of development at first floor including the siting of public conveniences, underground access parking and entrance to the cinema. The CO considers that the layout of the development makes it difficult to enjoy and access Waytemore Castle.

Access

- 7.10 The proposed main thorough-fare on the north-south axis between Waitrose and Jackson Square, provides a distinct relationship between buildings and the public realm. However, the ground floor units fronting onto that space appear to be predominantly retail based, which limits the use of the space to daytime activities. In addition, the space is further compromised to the south adjacent to Coopers, where parking is proposed, which limits the pedestrian space and public realm.
- 7.11 The east-west access is, as previously mentioned, compromised by the layout between building A and D which does not allow the Waytemore Castle to be fully appreciated.
- 7.12 The CO accepts that the site is in need of enhancement through regeneration with a mixed use development possibly being the best way forward. It is nevertheless a difficult site with many heritage assets and constraints to consider. Any development should respect the scale, mass and form of the buildings within the immediate and wider setting, including making a conscious effort to enhance the heritage assets and landmarks.
- 7.13 The County Development Unit comment that the County Council seeks to promote sustainable management of waste and encourage District Councils to have regard to the potential for minimising waste generated by development. This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. The County Development Unit comment that a site waste management plan is required for all construction projects worth

3/10/1964/OP and 3/10/1965/LC

more than £300,000 which aims to reduce the amount of waste removed from the site and where that waste is taken to.

- 7.14 The Councils Drainage Engineer comments that the majority of the site is within flood zones 2 and 3 and the entire FCA is within zone 2 and 3. There has been historic flooding at the site in the past, particularly along the A1250 and adjacent car park.
- 7.15 The River Stort historically passed through the site and was culverted in the late 1960's/early 1970's. That culvert remains and functions as a main river water course. It was recently designated as a critical ordinary watercourse (COW) to reflect its importance as a feature of the infrastructure for the town and additionally to recognise its susceptibility to flooding.
- 7.16 The Engineer is concerned that the suggestion within the FRA that flood flows from the development would be directed along road routes to the River Stort would mean that there is a potential flood risk along Link Road, the footpath and adjacent car parks.
- 7.17 The Engineer is not clear how the basement external drainage system will help to reduce flood risk generated by the basements and there is therefore a potential additional risk of increased flooding as a result of this and due to the basements being within the flood zones.
- 7.18 The proposal involves the use of pumps to discharge surface water from the development into the culvert which is not considered to be sustainable. The Engineers consider that discharging surface water flows into the culvert could increase flood risk to upstream sites as the culvert drains many upstream residential areas and additional flows could mean that flows upstream back up and flood properties.
- 7.19 The general principles of 'making space for water' have not been applied and a small concession to green roofs and an FCA does not mitigate the negative impact of the development and concern is raised that the site will tend to increase flood risk for the area.
- 7.20 English Heritage (EH) comment that Bishop's Stortford is a mediaeval market town overlaid with subsequent phases of building. It has a distinctive character, despite the considerable expansion that it has experienced from the late twentieth century onwards.
- 7.21 EH acknowledge that there are existing negative features within the development site, including the surface car parks, Link Road with the Causeway and Charringtons House office blocks. However, it is

3/10/1964/OP and 3/10/1965/LC

considered by EH that there are other options for ameliorating these factors to provide a more appropriate form and quantum of development more in harmony with Bishop's Stortford heritage assets and character.

- 7.22 EH consider that a key aim of any redevelopment of the site should be the reconnection of the Waytemore Castle Scheduled Ancient Monument (SAM) with the historic core, including the enhancement of the settings of both those heritage assets. EH therefore question the appropriateness of the proposed widening of the already intrusive link road or to introduce a new road junction.
- 7.23 EH consider that there is a lack of sensitivity between the interface of the development with the historic core, primarily the Water Lane Area. The United Reform Church Hall is a building of local interest and, despite some insensitive alterations, retains an architectural form and detail that assist in making a positive contribution to the area. EH is concerned that the importance of this building in heritage terms has not been fully explored.
- 7.24 To the north of the Church Hall is a brick wall associated with the former Manse. Some parts of that wall may be C17 or C18 in origin and with the various trees along the footway, reflects the layout of the former historic garden.
- 7.25 EH consider that the demolition of the Church Hall, and the wall should be reconsidered. The loss of these elements removes part of the historic grain and townscape. It is also considered to be a missed opportunity to present a more acceptable transition between the historic core and the development.
- 7.26 With regards to the layout of the proposed development, EH commends the proposal to create streets with identifiable building blocks. However, the land between blocks A and B leading to the SAM appears too narrow and overpowered by buildings. At its east end, the traffic junction and adjacent ramp to the underground parking would damage its attractiveness as a new street linking various heritage assets.
- 7.27 With regards to the mass and form of the development proposal, EH comment that whilst it is recognised that parts of the historic core, including North Street does contain established buildings of three storeys – the height of buildings diminishes moving east to the application site. The site has historically not been occupied by tall buildings. EH comments that the proposed development would damage the character of the Conservation Area as it would fail to preserve or enhance the character or appearance of that designated area, it would adversely

3/10/1964/OP and 3/10/1965/LC

affect the settings of nearby listed buildings including the SAM.

- 7.28 EH raise concern that the application is at outline only and not a detailed submission which leaves important design decisions unresolved, especially on matters such as the specific design of the hotel and the department store.
- 7.29 The Environment Agency (EA) object to the proposed development as the FRA (Flood Risk Assessment) submitted with the application does not comply with the requirements of appendix E, paragraph E3 of Planning Policy Statement 25 (PPS25). They comment that the FRA does not provide a suitable basis for assessing the impact of the development on flood risk for four reasons:-
1. The modelling work that demonstrates the effectiveness of the FCA is unsound.
 2. The applicant has failed to maximise the potential for sustainable drainage systems on site. The proposed drainage system relies upon pumps and underground storage devices which are not considered to be sustainable.
 3. The FRA has failed to adequately restrict surface water discharge from the site. The developer should achieve a greenfield rate of around 2-8 l/s per hectare. The FRA states a discharge rate of 144 l/s without justifying why a lower rate cannot be achieved.
 4. The FRA states that the culvert will be realigned which has not been discussed with the EA. The formal consent of the EA will be required for this.
- 7.30 The EA comment that, although there are some constraints of the site, there remains scope for a more sustainable drainage strategy than that proposed. A drainage system that relies wholly on a pumped system is unacceptable as it is not sustainable.
- 7.31 The EA comment that their requirements are that surface water discharge should mimic that of an undeveloped greenfield site, up to and including a 1 in 100 year plus climate change event. No justification has been submitted for not achieving the greenfield rate. Surface water disposal is a material planning consideration and the provision of sustainable drainage system should be considered.
- 7.32 The EA also highlight in their consultation response that the site offers an opportunity to re-open, and naturalise a significant stretch of the River Stort (the culvert). The EA comment that opening up the existing culvert will provide an attractive focal point for the development and improve the natural environment at the site.

3/10/1964/OP and 3/10/1965/LC

- 7.33 The Councils Environmental Health Officer advises that any permission the Planning Authority may give should include planning conditions. The planning conditions recommended by the Environmental Health Officer includes:- the submission of service management plans relating to noise and vibration and a noise assessment, a limit on construction hours of working, no external loudspeakers, dust, asbestos, bonfires, air extraction and filtration, soil decontamination and refuse disposal facilities.
- 7.34 Herts Biological Records Centre (HBRC) comment that they agree with the ecological survey methodologies submitted with the outline planning application. It considers that further survey effort and consideration of species mitigation and habitat creation in the FCA will need to be taken before full permission can be granted. It reminds the Council of its legal duties and that the presence of a protected species is a material consideration in decision making. Its conclusion is that the proposed development will have an impact on European Protected Species. Accordingly, the Council must ensure that the requirements of the Habitats Directive 2010 are met and apply the three derogation tests. HBRC also comment that additional survey work will be required at reserved matters stage.
- 7.35 Herts County Council Fire Protection Unit set out the provisions that would be required on development to ensure that the proposals meet the requirements of the Building Regulations in so far as fire safety is concerned. The plans submitted are not sufficient, at this stage, for the Fire Authority to adequately assess the proposals in that respect.
- 7.36 Hertfordshire Constabulary comment that they will be able to offer detailed advice when more information is submitted.
- 7.37 Hertfordshire County Highways recommends that permission be refused for the following reasons:-
- The application fails to satisfactorily demonstrate the sites impact upon existing highway safety, capacity and free flow of traffic or make provision of satisfactory measures to mitigate the impact of the development;
 - Mitigation measures to adequately off-set the potential changes to traffic movements and numbers have not been agreed. No sustainable transport contributions have been put forward as part of the development to address the barriers to using modes of transport other than cars.

3/10/1964/OP and 3/10/1965/LC

- 7.38 The Highways Officer sets out that Bishop's Stortford is an old market town experiencing growth in retail and employment. The use of car remains the dominant feature in the local travel pattern. Because of the historic nature of the town, this leads to physical constraints to the road network which in turn cause congestion at key junctions.
- 7.39 The Bishop's Stortford Transport Study identifies that the reliability of bus service suffers from traffic congestion in the town and the bus infrastructure is not of high quality with few shelters and information facilities.
- 7.40 Although the existing footways provide a pleasant environment for pedestrians the town centre footpaths are narrow along in places and the existing cycling facilities are very poor. Hence the use of cycles in Bishop's Stortford is very low. The study sets out measures to be adopted to address transport problems in the town including:
- Town Centre Urban Traffic Control/SCOOT
 - Variable Message Signs giving information on parking availability and congestion.
 - Better parking pricing strategy to convert most car parks to short stay.
- 7.41 With regard to parking, accumulation survey shows there is limited spare capacity in town centre parking. The very busy car parks are the Jackson Square and Waitrose. The applicants parking accumulation survey was carried out in May 2010 which is considered as a neutral month
- 7.42 The transport problem in Bishop's Stortford is that of congestion and over dependence on private car. 24% of the peak hour traffic entering Bishop's Stortford terminates in the town centre. Added congestion is caused by traffic circulating looking for parking spaces.

Proposed Parking

- 7.43 Of the 670 parking spaces proposed as part of the development:
- 200 parking spaces are allocated for Waitrose, where the store already has 183 parking spaces, so 17 extra parking spaces are provided;

3/10/1964/OP and 3/10/1965/LC

- 400 spaces are allocated for retail, cafes & leisure, cinema and the hotel. However there are already 233 existing parking spaces. Therefore the additional spaces provided are 167.
- 70 parking spaces are linked to the 100 residential units.

7.44 The Transport Assessment recognises that the parking provision is less than the maximum EHDC parking standard, but states there is realistic alternative to car use in town centres and this being a town centre development the proposed parking provision is appropriate. The Highway Authority however considers that this is not a true reflection of the existing traffic problems and high dependency of car usage in Bishop's Stortford.

7.45 The Highway Authority's concern is, of the 600 parking spaces proposed for the development, only 184 spaces are new and the balance of 416 spaces are existing spaces which form part of the car parking occupancy survey in May 2010. The Highways Officer is concerned that the additional 184 spaces have to cater for the demands created by the proposed development. The Highway Authority recognise that there will be linked trips associated above use, but the existing traffic problems in Bishop's Stortford are exacerbated by people driving around looking for parking spaces. The Highway Authority is concerned over the potential for additional congestion caused by drivers seeking a parking space and there are no measures put forward by the applicant to address this concern.

Planning Policy

7.46 The Highway Authority has no fundamental objection to the proposed development. It is consistent with National Planning Policy Guidance on Transport PPG13 which emphasises integrating land use planning and transport planning at national and local level.

7.47 PPG13 states that the land uses which are major trip generators of travel should be located in built up areas and nearer to public transport facilities. The preference for retail and leisure development should be given to town centres.

7.48 Being a mixed use development the proposal meets the aims and objective of PPG13. However, the proposed development should demonstrate that there are adequate provisions to access the development without the use of car, there is a public transport facility to meet current and future demand, there is a need to tackle road

3/10/1964/OP and 3/10/1965/LC

congestion and air quality and promote linked trips with efficient use of car parking.

- 7.49 The applicant has not put forward any proposals to improve bus infrastructure and service provision to improve accessibility and reduce the dependency on car. As already indicated car parking provision is a concern and there is a need to manage car parking demand by pricing policy and better parking availability information by increased usage of variable message signs (VMS) to discourage people driving around looking for parking spaces.

Road capacity and congestion

- 7.50 The Annual Average Weekday Traffic Flow (AAWD) for Bishop's Stortford indicates that there was a growth of 2.5% in 2007 on year 2005, but now there is a decrease of 3% in 2009 on 2005 flows.

Traffic generation - Department Store and Cinema

- 7.51 The applicant has calculated the car peak hour trip generation based on the availability of car parking space. The Highway Authority is satisfied with the proposed peak hour trip generation for the residential development and Waitrose extension. Excluding 17 additional parking for Waitrose and 20 parking spaces allocated for the hotel, the number of parking related to A1 – A5 development and cinema is 147 spaces.
- 7.52 The Highway Authority is of the view that the midday peak for the department store and cinema would be at least 318 trips in and 348 trips out. This is in excess of the parking provision made and will have to be accommodated by other modes than the car. The same analysis applies to pm peak as well. If a cumulative parking demand is calculated for the above the proposed parking provision is inadequate to meet the demand. The Highway Authority accepts that a significant proportion of the trips will be linked trips, but it is not appropriate to ignore the potential trips solely for the department store and cinema.

Trip Generation - Hotel

- 7.53 The Highway Authority accepts that it is possible for the hotel to minimise visitors coming to the hotel by car. Bearing in mind that the hotel is only a few miles from the airport, it is possible that the hotel would attract more trips by taxis from the airport & station.

Committed Developments

3/10/1964/OP and 3/10/1965/LC

- 7.54 The applicants TA states that no additional trips are assumed from the two identified committed developments. The hotel could generate 30 additional trips during Saturday peak and 80 additional trips from the residential development. These have not been allowed for in the modelling work.

Trip Distribution

- 7.55 Trip distribution is based on the EHDC retail study. The distribution suggests that there should be a fairly equal split of development traffic between the north and south. However the modelling work assumes 70% of traffic is 'to and from' the north which reduces the development traffic through the Hockerill Junction.

Highway Alterations

- 7.56 A new signal controlled junction has been proposed at the Link Road to provide access to the site. No information has been provided on the signal operation of this new access junction and how pedestrians will be catered for. The Highway Authority have asked for additional information in respect of HGV turning swept path diagrams at the junction, entry to the service/delivery area and at the exit.
- 7.57 The Highway Authority sought changes to the Bridge Street/ Link Road junction which have been dealt with in the revised submissions. With the proposed Bridge Street junction modification (prior to amendment), queue lengths worsen at the new development access from the Link Road South. Vehicles queuing could potentially block back to the Bridge Street junction as there is only 90m between the junctions.
- 7.58 The Hockerill junction is critical and is used for measuring air quality. The way the potential trip generation is calculated on the availability on parking, the predicted development is estimated to be relatively small. In distribution it is further assumed that more development traffic will route to the north. The junction is operating at or near capacity and the Highway Authority would have expected to see a more detailed consideration in the transport assessment report.
- 7.59 The Highways Officer concludes that the transport assessment is based on the assumption that there is only 147 additional parking spaces available and limited trips will be made by the car. There is nothing in the report to promote passenger transport measures. If this development is to be acceptable in transport terms the following measures are required:
1. Significant investment in passenger transport to address the substantial shortfall in parking provision.

3/10/1964/OP and 3/10/1965/LC

2. VMS on key routes into the town to give motorists advance warning of congestion issues and availability of parking spaces.
3. A parking and pricing strategy to discourage long term parking.
4. Remodelling of Link Road and Bridge Street has implication on the operation of public transport. The proposal is dependent on the improvement to passenger transport infrastructure and service provision. It may be appropriate to consider signalling this junction and linked to a SCOOT system of the signal junctions along Link Road, The Causeway to Hockerill Junction.
5. The alterations to highway layout have been safety audited by the County's Consultant. The Highway Authority has raised concern on trip generation, distribution, swept path for HGV, committed developments etc

7.60 The Hertfordshire County Council Historic Environment comment that, as part of the EIA scoping exercise. advice was offered that, in addition to completing a desk based assessment of the site, it would also be necessary to carry out an archaeological field evaluation in order to inform the development proposals.

7.61 This was necessary owing to the location of the main site in relation to Waytemore Castle, and within an area of multi-period activity of Roman, medieval and post medieval date that is also likely to possess high potential for the presence of palaeo-environmental remains and archaeological deposits. However, no such archaeological evaluation of the site has taken place.

7.62 The archaeological desk based assessment submitted with the application identifies that the site has the potential to contain remains of medieval and post-medieval and possibly Anglo-Saxon date and, that due to the relatively modern development that there is a clear potential for archaeological material to survive.

7.63 With regards to the FCA, the information submitted with the application does include information from a field evaluation in the form of a geo-archaeological investigation which reveals that deposits of palaeo-environmental interest are present below a substantial overburden of accumulated rubbish and that further archaeological mitigation will therefore be necessary.

7.64 The Archaeologist considers that the proposal development is likely to have an impact on heritage assets with archaeological interest, particularly with regard to the main site, where the potential impact of the proposed development has not been adequately assessed. Furthermore, the archaeologist sets out that archaeological investigations of the Main

3/10/1964/OP and 3/10/1965/LC

Site may well reveal heritage assets with archaeological interest which require measures to conserve their significance by their preservation in situ.

- 7.65 The Archaeologist therefore considers that insufficient information has been submitted to enable informed advice to be provided to the LPA regarding the potential impact of the proposed development on the historic environment. Additional information in respect of these issues, and the impact on the historic environment should therefore be submitted prior to the application being determined.
- 7.66 The Councils Landscape Officer (LO) recommends that planning permission be refused.

Trees

- 7.67 With regards to the impact on trees within the site, the LO sets out that the proposal involves the removal or loss of 59 trees or more. Trees numbered T15 – T25 comprise a row of lime trees which serve to screen the gable end of Charringtons House and are classified as ‘Category B’ trees, which are of a moderate quality and value. These trees provide (in summer) a definite screening or softening effect to the locality in relation to views into or out of the site and have the potential to be of particular visual importance.

Layout

- 7.68 The main issue is how well the chosen layout is justified in so far as it will help to create safe, accessible, vibrant development which respects its setting, including the landscape / townscape.
- 7.69 The creation of a potentially attractive, pleasant and useable “square” in the north western corner of the site at the far end of Water Lane between the existing church and block C is a positive aspect to the proposed development. In addition, the LO considers that there is an improved frontage to Coopers and the proposed department store to the south of block A shops. The opportunity to create a useable and traffic free “square” has been explored which, with sensitive hard landscape design and the provision of trees/seats etc may well offer an attractive setting for the listed building.
- 7.70 The space between building blocks C & D and Waitrose however appears awkward in plan geometry. This area is part of the central core to the development, around which the hierarchy of open spaces pedestrian links and squares that contribute to the overall character of the development ought to hinge. This area of outdoor space needs to be

3/10/1964/OP and 3/10/1965/LC

redefined and a bolder and formal approach is justified here.

- 7.71 The LO considers that the ring road and western perimeter to the site appears to be designed in highway engineering style and can at best be described as 'lack lustre' in approach. Little or no attempt appears to have been made to enhance this important gateway to Bishop's Stortford.
- 7.72 In addition, the LO sets out that insufficient weight has been given to creating or maintaining a positive vista and visual link from or through the development to the motte and parkland to the west. The design intentions should be to improve rather than aggravate the visual or physical links between the development site and the parkland to the west.
- 7.73 There is an existing grassed strip between Charringtons house and the ring road. The proposal seeks to widen the carriageway at the expense of this grassed area in order to provide easier access to the underground car park. These changes together with the vehicular dropping off point and coach facility to the front of the proposed hotel, results in a proposal dominated by highways which, in the view of the LO, is detrimental to the townscape of this part of Bishop's Stortford.
- 7.74 The proposed layout for the underground car park imposes a major constraint on new tree planting in the eastern half of the development site, and this makes it difficult to mitigate for the loss of these trees by new tree planting elsewhere. Similarly the proposed building footprint to block B could be adjusted to better accommodate the large beech tree (T72).
- 7.75 Natural England comment that, owing to work pressures they are unable to provide detailed response on the details submitted with the application and that they will not therefore be making any detailed comments in respect of the application.
- 7.76 NATS aeronautical information service has commented that the proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.
- 7.77 Thames Water comment that, with regards to surface water drainage that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. With regards to surface water it is recommended that the developer should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to

3/10/1964/OP and 3/10/1965/LC

discharge to a public sewer the prior approval of Thames Water Development services will be required.

- 7.78 There are public sewers crossing the site. In order to protect those sewers and ensure that Thames Water have adequate access to those sewers, approval of Thames Water must be sought whether the erection of a building or extension of a building would be over the line or within 3 metres of a public sewer.
- 7.79 Thames Water initially indicated that there were potential issues with the capacity of the foul sewerage system and its ability to accommodate the flows generated from the proposed development. On the provision of further information from the applicant this concern has been overcome and the company confirm that the impact on its network is acceptable
- 7.80 Veolia Water has commented that the site is located within the Groundwater Source Protection Zone of the Causeway Pumping Station. This is a public water supply and comprises of a number of chalk boreholes operated by Veolia Water.
- 7.81 The construction works should be undertaken in accordance with British Standards and Best Management Practices, thereby significantly reducing groundwater protection risk.

Revised Scheme:

- 7.82 Towards the end of June of this year, amended plans were received from the applicant. Details of the amendments are set out at the end of section 2 above. The above mentioned consultees were formally re-consulted on the amended plans. Accordingly, the below comments from consultees are the most up to date responses
- 7.83 Consultation responses have been received from Hertfordshire County Council Fire Protection, Natural England and NATS aeronautical information service,. However, the comments raised do not differ from those set out above. Where further or different responses have been sent, these are set out below:
- 7.84 The Conservation Officer (CO) comments that the amended scheme has, to a certain extent, addressed previous concerns, however the recommendation of refusal remains.

3/10/1964/OP and 3/10/1965/LC

Block A

- 7.85 The reconfiguration or reduction of block A has addressed concerns regarding the previous 'link' and east west route between the development site and the SAM. The proposal now therefore results in a more welcoming area akin to a street scene providing views and glimpses of the Castle mound and its setting from within the development.
- 7.86 The feature element serving the department store, which is considered by the CO to be one of the gateways into the development, appears uncomfortable and it bears little or no relationship with any architectural form or historic feature representative of Bishop's Stortford.
- 7.87 The increase in the minimal distance between Coopers and block A is now more acceptable.

Block C

- 7.88 The previous concerns relating to the height of block C have been addressed by setting the upper floors back by a minimum of 27metres to the United Reform Church. However, such treatment involving setting back levels at different storeys is not, in the view of the CO particularly successful, as is evidenced in other developments within the town.

Block D

- 7.89 The distinct variation in eaves, ridges and roofscapes fronting Link Road presents a more appealing façade which goes towards reducing the mass that directly addresses the Castle mound. However, the retention of the trees to the east of block D is crucial to soften the impact of the development.
- 7.90 The underground parking entrance is much improved and allows for a more inviting area.

Extension to Waitrose

- 7.91 The extension to this building will close off the square and if not pursued by the developer and Waitrose, will result in a detrimental impact on this element of the scheme.
- 7.92 The CO comments that the amendments have gone towards addressing previous concerns by enhancing the open street and access between blocks A and D and the public realm between block A and the Coopers

3/10/1964/OP and 3/10/1965/LC

store and there is relief to the United Reform Church by setting back the upper floors of block C. However, the mass of the blocks and as such built form remains of concern to the CO. In addition, the treatment of the buildings design needs to be reflective of the character of the area and with further explanation of the proposed 'Stort style'. The CO maintains in objection to the development for those reasons.

- 7.93 The Environment Agency maintains its objection to the development. It comments that the Flood Risk Assessment does not conform to the requirements of annex E, paragraph E3 of PPS25. In particular, the EA is concerned that the proposed development fails to maximise the use of sustainable drainage systems on the site and fails to adequately restrict surface water discharge from the site. The EA consider that a surface water greenfield rate of 2-8 litres per second should be used whereas the applicant considers that a brownfield rate should be used.
- 7.94 The EA set out that the high density of development greatly restricts the options for integrating sustainable drainage systems into the development. The lack of open space incorporated into the design has resulted in a layout where the only option for rainfall storage is in underground storage tanks which are unable to be drained using gravitational forces and are therefore reliant on a pumped system which is not considered to be a sustainable approach to drainage.
- 7.95 The provision of a pumped system requires maintenance and operation for the lifetime of the development in order for the system to function adequately. A failure in the system would lead to an increased flood risk.
- 7.96 The County Archaeologist has provided additional information on the proposals, following additional archaeological evaluation. The Archaeologist stresses that such evaluation was however limited. It proved impossible to excavate two of the test pits and two other pits had to be altered, (due to the presence of services), only one of the four test pits was actually excavated to the upper horizon of potential significant archaeological remains.
- 7.97 Therefore, the investigation has established that significant layers of dumped deposits (made ground) are likely to overlie much of the eastern part of the main site, the situation in the western half, and on the west side of Old River Lane remains uncertain, given the shallow depth reached in the trial pits. The evaluation was not considered by the archaeologist to be of sufficient scale to establish whether or not any significant pre-modern archaeological deposits are present at the site.
- 7.98 The archaeologist considers that it still remains the case that the

3/10/1964/OP and 3/10/1965/LC

potential impact of the proposed development has not been adequately assessed and that the presence, extent, and complexity of any archaeological remains present within the proposed development area has not been established. In addition, the possibility cannot be excluded that archaeological investigations might reveal heritage assets with archaeological interest requiring measures to conserve their significance by their physical preservation *in situ*.

- 7.99 It would therefore be desirable to carry out more extensive evaluation of the site in order to provide further information regarding the impact of the proposal on the historic environment before the determination of the application.
- 7.100 However, there are site ownership issues, and other practical issues which have already placed difficulties in the way of achieving any appropriate level of proper evaluation of the site over the past few months, and that this situation is likely to continue.
- 7.101 The archaeologist therefore recommends a planning condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 7.102 The archaeologist advises that, given that the recent evaluation of the site has not provided sufficient information from which the presence, extent, and complexity of any archaeological remains present can be assessed, it is important to emphasise that the further evaluation of the site, and any consequent detailed archaeological investigations that may follow *prior to the commencement of any development*, may occupy a considerable period of time.
- 7.103 English Heritage has commented that the latest revision to the layout has realigned the pedestrian route between blocks A and D and the removal of the canopy creates a space that is more akin to a street. It is however considered by EH that the parameter plans indicate that this link may be as narrow as seven metres which, with the scale and massing of the buildings and at its eastern end a lack of active frontages, it is likely to result in a visually constricted channel that does not reflect the character of other streets, such as North Street.
- 7.104 The assimilation of the underground parking entrances within the footprint of block D is welcomed by EH, which would reduce the impact on the pedestrian link. This is, nevertheless, considered to be an inappropriate visual element that would be visible from the base of the Castle mound. It would be an unattractive feature within a new enlarged area of traffic dominated hard surfaces which, at one point would be wider than a dual carriageway. It is an unfortunate new visual and

3/10/1964/OP and 3/10/1965/LC

physical impediment to creating an approachable and sensitive link between the Castle and Water Lane area.

- 7.105 The changes to block C are confined to the second and third floor levels and whilst these are likely to reduce the impact on the listed building (United Reform Church), at ground floor this space remains the same, with the existing change in levels not expressed. Views from the Church and from the point at which Water Lane returns to its historic, mainly two storey narrow span forms, the height, bulk and alien massing of block C would be apparent.
- 7.106 In addition, EH consider that the re-modelling of block D would convince viewers that this is a collection of building forms, rather than a large block with appended details.
- 7.107 EH welcome the removal of the parking to the front of the Coopers building. However, it is unclear what the impact on the viability of the listed building is, which is not within the scope of the planning application.
- 7.108 EH therefore considers that, despite revision to some of the design and layout features that there is no substantial change in its scale or the quantum of development and the recommendation of refusal remains.
- 7.109 EH organized and ran an Urban Panel day in May 2011. The EH panel visited Bishop's Stortford, spending half the day in the town, before travelling elsewhere. During the visit, the applicants presented the details of the revised scheme to the panel and the panel walked the site. In its subsequent report the panel set out that there needs to be some caution in relation to the arguments that the town needs to boost its retail base and attract further visitors. This is a self-defeating position given that all towns within the County and beyond are seeking to do likewise. The panel strongly argued that the towns it visited should seek development which reinforces the character of the place and resist formulaic proposals that could have emerged in any neighbouring town. It questioned the justification of proposals on historical spending patterns when unknowns, such as internet commerce, may impact on this in the future.
- 7.110 The panel feels that the town retains a distinct character although some of the 20th C contributions to this are less distinguished. It was feared that the same failings may reoccur on the development site.
- 7.111 It considered that there is a level of economic activity already present in the town which enables time and space to be taken to determine the nature and form of future development. The Council then has the benefit

3/10/1964/OP and 3/10/1965/LC

to consider wider issues including: transport planning and movement, possible reinvestment in Jackson Square, the potential of other sites, the quality of the conservation area, the re-invigoration of the Castle mound and area and the flexibility of the proposals.

- 7.112 The panel expressed reservation about the impact of the proposals given that the community appears uncertain with regard to the mix of potential new retailers and because it feels there are solutions that could lead to the reduction in the scale of the development (for example, if elements such as the hotel and cinema were located elsewhere).
- 7.113 A consultation response has been received from Hertfordshire Constabulary, (East Herts Safer Neighbourhood Team). The response provides an overview of all crime and anti-social behaviour incidents that have occurred within a 1km radius of Old River Lane. As a result, the Constabulary has asked that provision for two PCSO's be made as part of the proposed development.
- 7.114 The Planning Policy Team have commented on the planning application and set out that there is no site allocation for the site but is within the built up area of Bishop's Stortford. The Planning Policy Officer provides general advice with regards to the relevant planning considerations and related saved policies applicable in the East Herts Local Plan Second Review April 2007.
- 7.115 The Planning Policy Officer also sets out that the site is identified by the Councils retail consultant, Chase and Partners, in its Retail and Town Centres Study (2008). The study identifies the application site as a potential development site and states (paras 7.20-7.23):-

"Bishop's Stortford suffers in comparison with its larger neighbours and competitors in that it lacks major attractors of comparison retail expenditure. Only the Marks & Spencer store performs this function, but Stevenage, Welwyn Garden City and Harlow have similar stores as well as the likes of Primark, Bhs, and in Welwyn Garden City, John Lewis and Debenhams.

In our view, the introduction of such a store to Bishop's Stortford would greatly assist the retention of future expenditure and go a long way toward preserving the town's currently strong retail health. We therefore recommend that, firstly, East Herts Council identifies sites within or adjacent to the town centre which can accommodate a significant quantum of retail floorspace. Secondly, we recommend that East Herts Council encourages development which includes a department store anchor.

3/10/1964/OP and 3/10/1965/LC

A retail-led mixed-use scheme could be linked to Jackson Square through a first floor bridge over Bridge Street. This would open up a current dead-end within Jackson Square and strengthen links with the northern end of the town centre, supporting its viability. Existing buildings on this site are already of four to five storeys in height and the precedent has therefore been set for major development.

The site could accommodate a department store, car parking and possibly office and/or residential development...Any new retail scheme within the town centre or well related to it that might support the towns vitality and viability should be supported by policy”

7.116 Hertfordshire County Highways initially maintained its objection to the proposed development for the following reasons:-

1. The application fails to demonstrate that the site impact on highway safety, capacity and free flow of traffic or make provision of satisfactory measures to mitigate the impact of the development.
2. The development fails to provide adequate measures to promote sustainable transport measures, particularly passenger transport to improve accessibility to the development without the use of car.

7.117 The Highway Authority was of the view then that proposals should be refused on the basis of the impact of the development on the free and safe flow of traffic in the town centre and surrounding area. The Highway Authority referred to the parking provision, with 184 additional spaces being provided, and that it has been alerted to the loss of other parking associated with existing uses in the area (existing Church, residential, Coopers, Lemon Tree and Causeway offices). It referred to its previous response where it identified that the proposed development needs to be accessible by other alternative modes to influence the travel pattern. It provided costings for the potential improvement to the existing 510 bus service (increasing frequencies in the evenings and weekends and to extend the service to cover poorly served parts of the town). These cost estimates initially pointed to a contribution of £470,000. The Authority acknowledges that the applicant has put forward measures improve the potential delay to this service, but this should not be seen as a substitute to the additional services required.

7.118 The financial contribution subsequently offered by the applicant is £307,916 and the Highway Authority considers that this would allow for a meaningful increase in local service provision and would offer a real alternative which is considered to be consistent with the HCC Toolkit and the three tests in the Community Infrastructure Levy (CIL) requirement and PPG13.

3/10/1964/OP and 3/10/1965/LC

- 7.119 The Highway Authority comments on variable message signage – the need to enhance the existing provision – and adopting a parking management and pricing strategy to control demand.
- 7.120 With regard to the remodeling of the Link road/Bridge Road/The Causeway junction, the Highway Authority comments that the proposal is to convert an ‘all movement roundabout junction’ to an ‘all movement priority junction’. The purpose is to keep the priority traffic movement along Link Road/Causeway and to discourage ‘rat running’ along Bridge Street. The Highway Authority has a concern that there will be considerable amount of traffic along Bridge Street which will be held up at this priority junction which in turn will delay the bus service.
- 7.121 Since the adjoining access junction proposal is to be signalised, the Highway Authority’s view is that the Causeway/Link Road/Bridge Street junction should be considered for signalisation. This option has been discussed with the applicant’s traffic consultant. An independent safety audit has highlighted the safety issues associated with the operation of this junction and recommended that a signal control junction should be provided. The findings of the Safety Audit report was passed on to the applicant consultant but the give way junction proposal remains the current scheme.
- 7.122 Subsequent to that, the Highway Authority and the applicant have agreed that the junction can be subject to monitoring, as a result of the development. If it is not operating satisfactorily then modifications, including signalisation, would have to be applied at the expense of the applicant. The detail of the requirement would be subject to negotiation prior to the inclusion in a legal agreement.
- 7.123 With regard to the new Link Road/site access road Junction, the Highway Authority comment that the introduction of a new junction of a signal controlled design at this site entrance onto Link Road is likely to increase conflict between vehicles and pedestrians. The visibility along the link road to the crossing points and the signal junction is important for the safe operation. The severe curvature on A1250 Link Road on the approach to signals junction is a concern.
- 7.124 The proposed pedestrian crossing across the eastern side of the Link Road has been coded as a separate pelican crossing to the south of the junction rather than being an integral part of signal junction configuration. A secondary stop with right turning traffic from the development and potential queuing in the middle is likely to cause significant safety hazard. This and the number of other issues were raised by the County Highway modeling team and the safety audit team.

3/10/1964/OP and 3/10/1965/LC

- 7.125 With regard to trip generation, the Highway Authority have received additional information in respect of the trip generation, modeling work, signals timing and related impact on Hockerill Junction. The Highways Authority are currently reviewing this information and have not provided any further information at the time of writing this report.
- 7.126 The Highway Authority set out that there is likely to be disruption during the construction phase and that a construction management plan is required setting out the phasing of the development, details of excavation and disposal/ storage of material, details of hours of operation, and agreed construction vehicle routing plan and measures to ensure that all sub contractors comply with the agreed routing plan.
- 7.127 With regard to displaced parking during the construction phase, the Highway Authority comments that the applicant should identify suitable sites for the displaced parking areas and have agreement with the landowners in place and ensure that the temporary parking spaces are reinstated to their original use on completion of the construction. It is important that a firm agreement on displaced parking is required before outline planning permission is granted to maintain reasonable level of accessibility in to the town centre during construction period.
- 7.128 The Councils Engineers have provided additional comments which largely reiterate those previously made. The Engineers consider that the development does not conform to the SFRA or PPS25, particularly with regards to identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. The Engineers are concerned that the proposed development site will increase flood risk for the area.

8.0 Town Council Representations:

- 8.1 Bishop's Stortford Town Council have been consulted on the original and amended plans and object to the development on the following grounds:
- The proposed development will result in the loss of historic sightlines and the destruction of open areas close to the town centre due to the bulk, height and location of the proposed development;
 - The proposed development will impact on the town centre and is contrary to policies BH6, ENV1 and BIS10 of the Local Plan;
 - There has been insufficient public consultation;
 - There has been insufficient consideration of alternative sites, such as the Goods Yard site;
 - The transport and traffic assessment is insufficient and the proposed

3/10/1964/OP and 3/10/1965/LC

development will lead to an unacceptable level of congestion during the construction phase and in the long term;

- The plan for temporary parking is insufficient and the amount of parking is insufficient for the amount of development and the claimed level of footfall;
- The proposed development is disconnected from the town centre which will impact on the vitality of the existing town;
- The case for additional housing and in particular flats in this location has not been adequately made;
- Some of the development will present a 'canyon' which is visually undesirable and may attract street crime;
- Insufficient information relating to mitigation of flood risk.

9.0 Other Representations:

9.1 The application has been advertised by means of neighbour notification, newspaper advertisement and the erection of a number of site notices around and within the application dated. 40 letters of representation have been received which can be summarised as follows:-

9.2 Some letters of representation generally support the principle of redevelopment of the site, as it will bring economic development to the town which will support the vitality and viability of the retail offer of the town.

9.3 However, notwithstanding those benefits, letters of representation do raise concern with the development for the following reasons:-

- Impact of construction works on retail function of nearby shops;
- Insufficient parking for the existing and proposed quantum of development;
- Insufficient parking for employees of nearby businesses;
- Impact on free-flow of vehicular traffic;
- Insufficient parking for the retail function of Coopers of Stortford;
- The retail study for which the application is based is out of date and does not reflect the existing situation;
- The proposed retail development in this part of the town will draw trade away from South Street and other areas of the town centre;
- There is no demand for a hotel – there is a current permission for a hotel in South Street which has not been built and has not received any interest from developers;
- Scale and massing of the development will urbanise the existing open character of the site;
- Underground parking is not desirable and will discourage people to

3/10/1964/OP and 3/10/1965/LC

visit the Town Centre;

- Impact on setting and fabric of listed buildings adjoining the site;
- Loss of community facility;
- Impact on flood risk- a local business operator comments that the FCA proposals would be unnecessary if the river were better maintained (debris removal etc) and questions what will be the impact on foot links in the FCA area, who will maintain it, the impact on its wildlife interest, and on the risks to the business;

- 9.4 A petition with 302 signatures has been received from the Bishop's Stortford Civic Federation who are in objection to the proposals. The Federation indicates that further additions to the petition will be made available by the time of the committee meeting. It refers to the history of the town and the unfavourable nature, in its view, of recent developments along the length of the river and the lost opportunities they have represented. In this instance it points to the location within the Conservation Area and the need to ensure that the area is treated with the greatest sensitivity.
- 9.5 The Civic Federation is critical of the public engagement process which led up to the submission of the proposals. It raises concerns with regard to the impact on the character and heritage assets of the area, the commercial impact on the town and transport matters. The Federation objects to the housing element of the proposals.
- 9.6 The Bishop's Stortford retail community has written in objection to the proposals. It questions the viability and need, but the majority of its concern is in relation to the provision of car parking during construction and subsequently.
- 9.7 The Bishop's Stortford Chamber of Commerce also writes in objection to the proposals (although it notes that it supports the proposal of substantial redevelopment on the main site). It is primarily concerned in relation to infrastructure (transport), parking provision, disruption during construction and the viability of the proposals.
- 9.8 The comments from these local stakeholder groups were received during the first round of consultation on the proposals.
- 9.9 In addition, a petition with 105 signatures has been received from the Osteopathic Centre, based in Hadham Road. A petition from Coopers Store has also been received with 2081 signatures. Both petitions object to the proposed development.

3/10/1964/OP and 3/10/1965/LC

10.0 Policy:

10.1 The most relevant Local Plan Policies in respect of the consideration and determination of this application are:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD3	Renewable Energy
HSG1	Assessment of sites not allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC1	Appropriate Development in the Green Belt
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
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
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in Flood Risk Areas
ENV21	Surface Water Drainage
ENV23	Light Pollution and Flooding
ENV25	Noise Sensitive Development
LRC11	Retention of Community Facilities
BH1	Archaeology and New Development
BH2	Archaeological Conditions and Assessments
BH3	Archaeological Conditions and Agreements
IMP1	Planning Conditions and Obligations

Local Development Framework (LDF)

10.2 The first stage of preparation of the Councils Core Strategy was achieved with the publication of the Issues and Options paper for consultation in Sept 2010. That consultation set out the key issues facing the district over the coming years and a number of strategies for dealing with them. There are no specific policy requirements established by the Core Strategy but, many of the key issues identified, are ones

3/10/1964/OP and 3/10/1965/LC

which are also raised by these development proposals. Prior to the publication of the Issues and Options document, and ongoing, the Council has commissioned a number of technical studies relating to a range of discrete issues, to inform the further preparation of the LDF. Again, these are not policy documents, but they set out a range of information that is relevant to policy preparation – and to the consideration of these proposals.

10.3 The most relevant Policies of the East of England Plan (May 2007) are:

SS1	Achieving Sustainable Development
SS2	Spatial Strategy
SS4	Towns other than Key Centres and Rural Areas
SS7	Green Belt
T2	Changing Travel Behaviour
T4	Urban Transport

10.4 Members will be aware that there has been some degree of flux in relation to the status of the Regional Plan. Cala Homes has lead a series of challenges in relation to the governments aspiration to revoke and abolish Regional plans. The current position however is that plan remains a valid part of the development plan and needs to be taken into account, in almost all circumstances in decisions on planning applications. There are no circumstances in relation to this proposal that indicate that the regional Plan should not be given due weight.

10.5 The following planning policy guidance notes and statements are most relevant:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPG13	Transport
PPG17	Open Space, Sport and Recreation
PPG24	Planning and Noise
PPS25	Development and Flood Risk

10.6 The government has now released a draft of the proposed National Planning Policy Framework (NPPF). This is proposed to replace all current planning policy guidance notes and statements. It is not proposed to set out a significant summary of that document here. It is in first draft form and could be subject to substantial change before its final form.

3/10/1964/OP and 3/10/1965/LC

- 10.7 A policy approach is set out which indicates a presumption in favour of sustainable development. This should be seen as a golden thread running throughout plan preparation and decision making. Local Planning Authorities should plan positively for new development and approve all individual proposals wherever possible. Some weight can be given to the policy aspirations of the government set out in the document. The applicant points to the new NPPF and asks the Council to give it significant weight. Your Officers consider however that, whilst it is clearly relevant, undue weight should not be given to it. It may well evolve and change prior to its final formulation. It has been weighed as a consideration in decision making, but it is not quoted extensively in this report.
- 10.8 Ministers have also made statements setting out their views on the operation of the planning system and, in particular, Greg Clark, Minister of State for Decentralisation made a statement which pre-dates the NPPF on 23 March 2011 – Planning for Growth which indicated that the governments top priority in reforming the planning system is to promote sustainable economic growth and jobs.
- 10.9 In addition, Members should be mindful of the Bishop's Stortford Vision which provides a vision for future development in Bishop's Stortford and sets out that any development must take full account of the history of Bishop's Stortford, including the blending of the new and the old. The vision is that access in and around the town should be easy and attractive and not limited by congestion and that the Town Centre should be a bustling high street supported by national anchor stores, whilst keeping a strong independent retail presence and a thriving market.
- 10.10 The Bishops Stortford Town Plan 2008 is also of relevance to the considerations of this application. The Town Plan mainly consists of information from a survey of residents in Bishop's Stortford and identifies a number of areas of concerns relating to the town in general. Of the areas relating to this development proposal the following areas are identified in the Town Plan:-
- The town benefits from a variety of shops in the town however the market area could be increased in size and possibly pedestrianised;
 - Too many flats are being built in the town;
 - A need for a reduction in the town centre road congestion;
 - A lack of town centre parking particularly on Thursday and Saturday mornings;
 - A need for Improved public transport facilities;

3/10/1964/OP and 3/10/1965/LC

- Parking in the town centre is expensive for workers who, as a result, tend to park in the side streets surrounding the town centre.

11.0 Considerations:

11.1 The main considerations in this application relate to the following broad topics:-

- The principle of development, including the residential element;
- Retail issues;
- Transport, Access and Parking matters;
- Heritage issues, impact on character and appearance;
- Drainage and flood risk;
- other relevant issues.

11.2 In considering these issues this report is laid out as follows: First some commentary is set out on the policy background of the particular issue. That is followed by the position of the applicant in relation to the matter. The report then briefly summarises the views of those who have commented on the issue – including the responses of agencies for whom that issue is the main area of concern. (This is a summary of the issues raised and fuller details are set out in the consultation responses section above and the full text of consultation responses can be inspected). Finally there is a commentary by your officers and a conclusion in relation to each issue. There follows at the end a final summing up and ultimate conclusion.

The principle of development – including the residential element

Policy background

- 11.3 The application site is located in the town centre of Bishop's Stortford. The general policy approach of the Council, as set out in policy SD2 of the Local Plan, is to concentrate development in the main settlements, which includes Bishop's Stortford. This approach is compatible with national guidance and requirements of the Regional Plan (policy SS2). The LDF sets out a range of options for the strategic position with regard to development in the future. Whilst this is not sufficiently advanced to specify a strategy at this point, development in the town centre of Bishop's Stortford is clearly not ruled out.
- 11.4 With regard to residential development, both the Local Plan and the Regional Plan contain policies that support the redevelopment of existing developed sites within town centres.

3/10/1964/OP and 3/10/1965/LC

Applicant's position

- 11.5 When dealing with the question of principle, it is appropriate to set out here the significant list of benefits that the applicant has identified to be the result of the development. These include (but not exclusively):
- the comprehensive regeneration and delivery, through private investment, of an under utilised and previously developed town centre site;
 - development representing a value of £105 million;
 - creation of up to 723 new permanent and 300 temporary construction jobs;
 - provision of retail floorspace to meet the capacity and demand identified in the Councils retail and town centres study;
 - reduction of expenditure leaking out of the town;
 - provision of up to 100 homes, including affordable provision in this accessible location;
 - provision of modern leisure and hotel accommodation.

Third Party comments

- 11.6 Generally no third parties have questioned the principle of development. Most have raised questions with regard to the scale and need – which are slightly different issues and are addressed in the further sections of the report below. Most comments are made in relation to specific elements of the proposals and whether they are acceptable in relation to these discrete matters. Again, those issues are addressed further below.
- 11.7 With regard to housing, the majority of those who have responded on this matter are concerned with regard to the size of the units rather than the principle of the matter. There is a view expressed that further flat units are not required to meet the needs of the town.

Officer's commentary

- 11.8 In your Officers view there can be no objection to the principle of the development. These proposals clearly represent a very significant investment into the retail and leisure services and facilities available in the town. They would enhance the availability and quality of these services to all residents. In addition, a new hotel and residential uses are proposed. Whilst these may not be of direct or as regular benefit to existing residents they also represent further investment. In total the proposals will have a significant impact on the economy of the town and employment availability.

3/10/1964/OP and 3/10/1965/LC

- 11.9 It is appropriate to give some consideration to the situation which would prevail if this development does not come forward. In town centre locations such as this, putting forward development proposals of this nature is a complex and expensive matter. The applicants have engaged with a significant number of landowners in order to bring forward a comprehensive set of proposals and clearly have some measure of confidence in the market taking up the development, if it were to be provided.
- 11.10 There is further commentary below in relation to the factors that support a need for development of this nature. However, what must be the case is that few developers and landowners would have the capacity to bring forward proposals of a similar nature. If the proposals were not to succeed, apart from the lost opportunity to deliver investment into the services and facilities to the town, the applicant and majority landowner would be minded to consider what alternative use the land asset could be put to. Clearly the current use of much of the land as car parking has a purpose and provides an income for the landowner. However, in the longer term, other development proposals and possibly ones that are less complex in nature may come forward, such as sole use of the site for housing purposes.
- 11.11 All commentators are aware of the current lack of growth nationally in the economy. Whilst Bishop's Stortford is a reasonably resilient town in this respect, this is no reason not to seize good opportunities for investment when they occur. The government has strongly indicated that planning authorities should favour development that enables growth. This was clearly set out in the statement from Greg Clark MP of 23 March 2011 and in the draft National Planning Policy Framework. Given this background, the degree of investment that these proposals represent and the uncertainty with regard to future proposals coming along in their absence, it is considered that this issue must be given very significant weight in the decision making process.
- 11.12 With regard to housing, Members will be aware that, when considering current housing provision figures set out in the Local Plan, supply has been limited. The requirements of PPS3, Housing, are that the Council should be able to demonstrate a five year supply of land available for housing. Whilst this is currently the case, delivery rates indicate that this may be difficult to sustain.
- 11.13 Most of the concern regarding the housing element relates to the size and type of the units. Small units and the provision of flats is not supported by those who have commented on this matter. Preparation

3/10/1964/OP and 3/10/1965/LC

work for the LDF has involved undertaking a strategic housing market assessment. This does give a greater understanding of the type of units that are most aligned to the need in the district. That assessment indicates that the greatest demand is for two and three bed units.

- 11.14 At this outline stage further detail of the type and mix of units has not been provided. In a draft heads of terms for a legal obligation agreement the applicant has indicated that up to 40% of the provision will be made as affordable provision – in the form of a commuted sum. It is also indicated that a proportion of the overall (up to) 100 units will comprise ‘sheltered accommodation’.
- 11.15 In principle it is considered that the provision of housing in this location is acceptable. It is well located, sustainable and supports supply in the district. Little weight can be given to the concern per se, that the housing is in the form of flats. It is the physical manifestation of that which must be considered – and matters of scale and appearance of the development are dealt with below. Considerable uncertainty remains however with regard to the overall numbers, the nature of the supply and the provision of affordable housing. Given that the number of units set out is in the form of ‘up to’ 100, endorsement of these proposals as they stands accepts that 100 units can subsequently be accommodated. Officers are of the view that accommodating such a number is physically possible. However, to do so, it is very likely that smaller units – one and two beds – would be predominate. The normal uncertainty with regard to outline applications prevails of course. If the ultimate number of units were to be much lower, say 60 or below, then it is highly likely that three bed units could be a greater part of the mix.
- 11.16 The applicants indicate that some of the units may constitute ‘sheltered accommodation’. Whilst there is no further qualification of that at this stage, in presentations the applicants have suggested supported housing for early retired and more elderly residents who wish to downsize from the current larger family home be provided.
- 11.17 With regard to the provision of affordable housing, the applicants have offered that this would comprise ‘up to 40%’ of the units and would be provided either as a commuted sum, or on site. Officers initial approach would be to ensure the development of 40% of units directly as affordable provision, as is sought in policy HSG3. The Affordable Housing SPD does, however, allow the Council to consider this position further, given the current economic climate and the statements from the government, on detailed assessment of financial viability arguments in relation to development proposals.

3/10/1964/OP and 3/10/1965/LC

- 11.18 That information has not been requested nor assessed in this case. Commuted sums are not favoured by the Council due to its generally undeveloped programme of capital works in the district with regard to the provision of affordable housing and the less efficient means of provision that separate development of affordable units entails. However, it does work with the local social housing providers with regard to their capital programmes and it is likely that there would be an identified purpose for financial provision if that were to be the approach here.
- 11.19 As it stands, the applicants offer allows for both possibilities. Further work, at the detailed stage, and probably requiring financial viability assessments, will be necessary to establish the final approach to this matter. Whilst it is undetermined now, and the doubt is a cause of some concern, it is anticipated that some benefit in this policy area will be achievable.
- 11.20 So, in conclusion with regard to matters of principle, the proposals represent an excellent opportunity to maximise the use of a currently underused area of previously developed land in a very well located position in relation to the town. The employment potential, investment in services and facilities, increased choice and suitable location for housing must all be afforded very significant weight in favour of the scheme. That is tempered to some degree by the uncertainty with regard to the mix of units which may come forward in terms of size and the lack of certainty with regard to the delivery of any affordable units as part of the development.

Retail Issues

Policy background

- 11.21 The proposals are described as retail led. The policy background to retail proposals is set out in the Local Plan and in PPS4, Planning for Sustainable Economic Growth (Dec 2009). As part of the work supporting the preparation of the LDF the Council commissioned retail consultants Chase and Partners to undertake a retail and town centres study (RTCS), published 2008.
- 11.22 Policy STC1 of the Local Plan sets out that town centres are the preferred location for new retail development. Proposed development should be consistent with the character and role of the town centre, accessible by a choice of transport, provide effective use of upper floors and be satisfactory in terms of parking provision, access and traffic generation.

3/10/1964/OP and 3/10/1965/LC

- 11.23 The applicants submitted Retail Statement mistakenly indicates that the main site is within an identified town centre in the Local Plan. The Local Plan does not define such an area. However North Street and Bridge Street are defined as primary shopping frontages. Florence Walk is defined as a secondary shopping frontage.
- 11.24 The Governments objectives for sustainable economic growth are set out in PPS4. It urges local planning authorities to plan positively for economic growth using a robust evidence base and setting out a clear hierarchy of centres. Sites in the centres of towns should be identified for development where necessary and, if such sites are not available, edge of centre sites should be preferred. A primary shopping area (PSA) should be identified.
- 11.25 When dealing with planning applications LPAs are urged to adopt a positive and constructive approach and applications that secure sustainable economic growth should be treated favourably. PPS4 indicates that the proposals should be assessed against:
- whether the proposal has been planned over the lifetime of the development to limit CO2 emissions and minimise vulnerability and provide resilience to climate change;
 - its accessibility by a choice of means of transport;
 - the effect on local traffic levels and congestion;
 - design, taking opportunities available for improving the character and quality of an area;
 - impact on economic and physical regeneration, social inclusion and local employment.
- 11.26 Where proposals of this nature are not located in a town centre a sequential assessment is required of all possible alternative sites – assessing those in the town centre first. Where such proposals are not located in a town centre a range of other issues, including the impact of the proposed development on the vitality and viability of the town should be considered (PPS4 para EC16).
- 11.27 In the preparation of the RTSC the Councils consultants considered existing patterns of convenience and comparison goods shopping behaviour. Zones were identified based on postcode areas associated with the existing town centres. In zone 3 (Bishop's Stortford) 36% of convenience goods expenditure occurred in the town centre, with a further 42% secured by the two out of town centre stores.
- 11.28 For comparison goods it was demonstrated that Bishop's Stortford was the strongest of the East Herts towns and retains 55% of the local

3/10/1964/OP and 3/10/1965/LC

expenditure on clothing, footwear and fashion goods. Harlow was identified as a significant attractor to zone 3 spend – in other words, an alternative centre that residents in the Bishop's Stortford area will often visit.

- 11.29 The retail study sets out that there are a number of sites which could potentially accommodate additional retail development in the town – and the main site of this application is identified as the most central. In conclusion it was considered that Bishop's Stortford has a significant retail offer. However, it does lack major attractors of comparison retail expenditure such as a department store (Pearsons was identified as somewhat limited). It was considered to have greater potential for growth than any of the other East Herts towns.
- 11.30 In terms of future need, despite high retention rate of expenditure within its immediate area, the RTCS showed that Bishop's Stortford is not a major attractor of expenditure beyond this. Assuming that market share remains constant, an assessment of future need is set out in the RTCS with regard to new comparison floorspace. A need for considerable floorspace was identified for Bishop's Stortford (up to 33,306sqm in the period up to 2021).
- 11.31 In terms of policy recommendations, the RTCS consultants confirm that Bishop's Stortford is clearly the most important retail destination in the District. It is recommended that the town is designated as the principal town centre for the district. A town centre boundary is also suggested in the study. The suggested area includes the main part of the application site.
- 11.32 On a general note, the study concludes that the level of comparison goods need in the district is expected to increase. Failure to provide for this may lead to degradation in the performance of East Herts towns in comparison to other centres. It is noted that Stevenage, Welwyn Garden City and Harlow in particular are improving their offer and that the strength of competition is likely to increase.
- 11.33 The conclusions of the RTCS have been taken into account in framing the Core Strategy Issues and Options document. One of the key issues set out in it is to promote the vitality and viability of the districts town centres.

Applicant's position

- 11.34 Given the location of the site in relation to the town centre and the recommendation of the Councils retail consultants in relation to an identified town centre area, the applicant is of the view that there is no

3/10/1964/OP and 3/10/1965/LC

requirement for a sequential assessment of possible alternative sites to be carried out. The Councils retail consultant has however commented that the site is not allocated for the development proposed in the Local Plan and the applicant is therefore required to demonstrate that there are no more sequentially preferable alternative sites and that the proposal would not lead to any significant adverse effects. Despite the applicants comments that there is no requirement to carry out a sequential test, this has, in any event been carried out and information in respect of alternative sites has been included within the retail statement.

- 11.35 The applicant has considered sites only within Bishop's Stortford town centre which are capable of meeting the need for additional retail floor space. The applicant has considered four alternative sites as follows:
- 11.36 *The Riverside/Adderley Road site:* the site is allocated in policy BIS13 of the Local Plan as an appropriate location for mixed use development. The site is located on the eastern edge of the primary shopping area with part of the site (along The Dells and Riverside Walk) forming part of the defined Secondary Shopping frontage of the town centre. The site is therefore not considered to be more sequentially preferable than the application site.
- 11.37 In any event, the site has been developed for housing together with an extension to the Jackson Square development in order to accommodate the relocated Sainsbury's store. As the site has now been developed it is no longer available for development.
- 11.38 *The Mill Site:* Policy BIS12 of the Local Plan indicates that the site could be suitable for residential development and small scale office development. 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.
- 11.39 *The Goods Yard/ John Dyde Site:* Policy BIS11 identifies the site as suitable for providing a mixture of town centres uses, subject to highway network capacity and railway operation constraints. However, whilst the site is sufficient in size to accommodate the proposal and appropriate for main town centre uses proposed, it is considered to be sequentially inferior to the application site as it is located further from the primary shopping area of the town centre and lacks direct links to it. In this respect, the site is not considered to be sequentially preferable to the

3/10/1964/OP and 3/10/1965/LC

application site and would not reinforce the long-term vitality and viability of the town centre.

- 11.40 *South Street, former Sainsbury's*: This has been vacant since Sainsbury's moved to their new store in Jacksons Square. The site comprises 3,639 square metres of floor space over two floors. Given the previous use, the site is suitable for further retail development. However, the level of need for additional retail floor space in Bishop's Stortford is more than sufficient to support the proposed development and the future reoccupation of the former Sainsbury's store. The proposed development will account for just over half of the available retail capacity identified in the TCRS 2008. In addition, there is both a quantitative and qualitative need and for development to meet the requirements of modern retailers and retain expenditure in Bishop's Stortford – which is currently being lost to other centres outside the district. Reoccupation here then, whilst beneficial, would not accommodate the proposals being advanced by the applicant in both quality and scale terms.
- 11.41 In summary then, the applicant is of the view that the proposals are necessary to meet the quantitative and qualitative need that is evident in the town (and sit comfortably within it). The application site is the most suitable one in the town to deliver this. The proposals are well founded in relation to national guidance in PPS4 (which seeks to focus development on existing centres) and will improve consumer choice, meet community needs, promote vitality and viability and reduce unsustainable journeys made to other centres.
- 11.42 In relation to the other issues to be considered (PPS4, para EC16) the applicants assessment of these is that the proposed development is acceptable or positive in relation to them all.

Third Party comments

- 11.43 The Town Council as well as other local organisations (including the Bishop's Stortford Federation, the Bishop's Stortford Retail Community) and other third party representatives have criticised the development in terms of the impact on the existing retail function of the town. There is a concern that the scale of the proposals, in terms of their retail floorspace, is excessive and has the potential to impact harmfully on the current retail offer in the town, particularly with regard to retailers located on South Street. Comments have also been made on the impact on existing businesses by virtue of disruption during any construction phase – that matter is dealt with separately below.
- 11.44 Waitrose has submitted an objection to the scheme both at the initial consultation and amended scheme stage. It objects on the basis of the

3/10/1964/OP and 3/10/1965/LC

impact of the proposals on the convenience function in the town. It is of the view that the provision of underground parking provision (in replacement of the current surface provision) will have an impact on the viability of its store due to the inability to compete with the out of centre stores in town. Because access to the store will be less convenient for the car driver, and because users do not favour underground parking, Waitrose is concerned that its store will lose out to the locations which retain more convenient access.

- 11.45 It is concerned that this should not be seen solely as an issue relating to competition. It points to the policy aspirations which seek to ensure that there is a range of retail offer in town centres, including both convenience and comparison goods. Because of the current lease arrangements, the agreement of Waitrose is required for the use of its car park and therefore for the implementation of the development. Waitrose particularly asks that this issue, in relation to the deliverability of the scheme, be weighed in the balance.

Officers commentary

- 11.46 As indicated, the Councils current policy position, set out in the Local Plan is that town centres are the preferred location for retail development. There is no defined town centre in the Local Plan however, the current uses on the main site act as part of it (retail and office) or are used in association with it (car parking). The Link Road provides a firm and clear boundary to the area, emphasised by the changed nature of the land and uses beyond it – the gardens and Castle mound. The proposals, in terms of their retail element, sit comfortably with the current Local Plan policy therefore.
- 11.47 National policy is currently set out in PPS4, this establishes town centre locations as the preferred site for new retail development. The work on the preparation of the LDF is underway and the future vitality and viability of the districts centres has been identified as an issue within it.
- 11.48 To inform that work, the Council commissioned the RTCS. This work did not, by itself, seek to establish a policy approach to retail matters – that is for the Council to do through the LDF formulation process. However, it undertook a detailed assessment of the current situation and pattern of customer demand and requirements, and based its work on assumptions which were framed around each of the towns in the district retaining its current share of retail expenditure. That work, in conclusion, considered that there is a case that additional floorspace is necessary to retain the market share the town enjoys. Doing otherwise would lead to decline because of the increasing competition from neighbouring centres.

3/10/1964/OP and 3/10/1965/LC

- 11.49 Whilst the economic situation of the country has changed since the formulation of that report, it still forms a cogent and robust evidence base for the Council to take into account. Given their former involvement and local knowledge, Chase and Partners have been engaged again to consider the specific impact of the current proposals, the retail impact information submitted by the applicants and the objection to the scheme raised by Waitrose.
- 11.50 Chase and partners advise that the applicant is right to point to the strong encouragement in PPS4 for local planning authorities to adopt a positive and constructive approach to planning applications for economic development. Further support is provided in the Local Plan policies, the emerging issues identified in the LDF and the RTCS.
- 11.51 Whilst there may be some doubt with regard to an appropriate scale of retail development given the changes in the economy nationally since the preparation of the RTCS, the applicant has considered the current health and vitality of the town centre. This assessment updated the RTCS and reinforces its conclusions that Bishop's Stortford does still face a competitive threat from other larger centres nearby.
- 11.52 The Councils consultants concur with the analysis undertaken by the applicants which reaches the view that none of the other sites considered can be seen as more central and/or suitable, available or capable of accommodating the proposed development. Your officers also agree with this conclusion.
- 11.53 Some respondents have pointed to the Goods Yard site as one which would be more suitable for the proposed development. That site does have some attributes that lend weight to this, such as the proximity to the railway station, existing cinema and because development here would be likely to provide more associated benefit to the businesses on South Street. However, it is at a further distance from the main retail core of the town. Rather than linking closely to that core, which the application site is more able to do, and form part of a retail 'circuit', which boosts the attractiveness of the centre for retailers and consumers, locating development of this nature at the Goods Yard site would distort and extend the town centre. In addition, the Council has recently formulated and published a brief which favours a different mix and scale of development at the Goods Yard site.
- 11.54 It is acknowledged that there is the potential for the proposals to have some detrimental impact on the traders located on South Street. That has to be tempered by the potential benefit of more visitors to the town

3/10/1964/OP and 3/10/1965/LC

overall. It is not considered that the solution to this potential problem is to locate a development of this nature at the Goods Yard site. Instead, alternative forms of development need to be encouraged to come forward there, as outlined in the site brief, which will increase the draw of customers along and therefore the attractiveness of South Street. The applicant adds that, in relation to its offer of replacement tree planting, this may aid with the visual improvement of South Street.

- 11.55 The concern raised by Waitrose is acknowledged. Its store is well located in the town centre and relatively easily accessible for bulk and top up shopping alike. The applicants stress that the newly provided car parking will be of good quality and that there will be direct links to the store. Whilst Officers anticipate that the proposals may have some impact on the bulk shopping custom for the store, it would appear that this would be tempered, and indeed possibly outweighed by both the considerable loyalty of Waitrose customers to the retailer and the additional customers that are likely to be generated by the proposed retail and residential development. Waitrose may have a newly generated customer base of 100 households immediately adjacent to its store. The risk issue raised by Waitrose about the impact on its store is acknowledged then, but is not considered to be significant.
- 11.56 With regard to the deliverability issue – the control over the land which constitutes the current car park – this has elements of both public and private interest. As with the land associated with Coopers which is shown to be incorporated into the development, if the Council is supportive then controls can be applied which require the proposed treatment to the land to be applied at an appropriate time during the development. There is a public interest that, if the proposals are supported, there should be a feasible chance that they will proceed. That is considered to be the case here, given acquisitions that have already taken place and the fact that the private land owners must have some interest that the proposed development will succeed. So, whilst Waitrose and Coopers do have an element of private control, it does not appear that the risk of non-delivery is so significant, that this matter should be given any great weight here.
- 11.57 In conclusion in relation to retail matters then, the proposals sit comfortably with national and current local policy. In informing its future policy it has been demonstrated that a need exists and that there are consequences for the town if additional retail development is not delivered. Whilst concerns have been raised with regard to the quantum of development, there is no alternative evidence to dispute the need identified. Given this overall situation it is considered that significant weight in favour of the scheme can be given to the compatibility of the

3/10/1964/OP and 3/10/1965/LC

proposals in relation to retail issues.

- 11.58 Whilst some matters may be less certain, the impact on the current convenience offer in the town and the issue of private land ownerships, it is not considered that these matters temper this support to any great degree.

Transport, Access and Parking Matters

Policy background

- 11.59 There are a range of transport policies set out in the Local Plan. Policy TR1 requires that development generating additional traffic should incorporate measures to ensure that alternatives to private car use are available to users of the development. Policies TR3 and TR4 require transport assessments and travel plans, which aim to reduce the generation of motor vehicle trips. The Councils car parking standards are the subject of policies TR7 and TR8 is the basis for accessibility contributions. Policies also seek to encourage cycling and the provision of cycle facilities.
- 11.60 National guidance is set out in PPG 13, Transport. The general thrust of policies and guidance at national and local level is that new development should be guided to accessible locations and that means of transport, other than the private vehicle, should be encouraged.
- 11.61 In the Regional Plan, policy T4 deals with transport issues in urban areas. It seeks to encourage a shift away from car use to public transport, walking and cycling. Ways of doing this are cited as ensuring that major developments are linked into the existing urban structure, capitalising on opportunities provided by new development to achieve area wide improvements in public transport and promoting public transport.
- 11.62 In the LDF, transport issues that have been identified include:
- locating development where it will minimise the need to travel;
 - assist in engendering modal shift;
 - facilitate the delivery of passenger transport services; and
 - retain and enhance existing walking and cycling routes.
- 11.63 Steere Davies Gleave (SDG) undertook a transport study on behalf of the County Council and East Herts Council in 2006. It identified that the transport system in the town had developed in accordance with its historic past. It also noted that the town is well located in terms of transport links with the M11 nearby and direct train link to London. In

3/10/1964/OP and 3/10/1965/LC

terms of the issues to be addressed, the study noted that car ownership levels are high in the town (78% of households have one car, 11% have three or more); parking is considered to be at a premium in terms of both availability and price; bus reliability is affected by congestion, patronage and perception is poor; cycling and walking are underused modes due to poor facilities, traffic and the geography of the town.

- 11.64 The study identified a number of transport opportunities for the town. Given the relative accessibility within the town, there is the opportunity to increase the mode share of walking and cycling. This would require the provision of better facilities for those users. For bus passengers it was concluded that better integration between bus and rail services could increase bus patronage, particularly for journeys to the station. It was noted that 70% of residents work in four locations: inner London, Harlow, Stansted and in the town. This focussed demand enables strategic public transport improvements to be of benefit.
- 11.65 With regard to traffic congestion, the study identified that, whilst the town serves a rural hinterland, much of the congestion is created by short cross town trips. Measures can be taken to discourage unnecessary car trips (parking policies, travel plans, safe routes to school) and that an urban traffic control system could improve the efficiency of the traffic light network.
- 11.66 When considering development, the study noted that this can provide the catalyst for significant improvements to the towns infrastructure and services. For this to generate the maximum opportunity, the study noted that development sites need to be considered as contributing to a town wide solution rather than dealing with their individual impacts (para 2.33). An overall integrated transport strategy funded to a significant degree from development contributions provides the best opportunity to provide a step change in transport provision in the town and address the towns transport problems in the longer term, it continued.
- 11.67 In terms of the strategy that was identified, the study proposed a mix of traffic management measures, public transport improvements, walking and cycling improvement measures and parking management. The study has been endorsed by the Council.
- 11.68 The County Council is currently in the process of formulating an Urban Transport Plan (UTP) for the Bishop's Stortford and Sawbridgeworth area. This is not yet available in a draft form.
- 11.69 The Councils parking standards are set out in the Vehicle Parking Provision at new Development SPD, June 2008. The SPD follows the

3/10/1964/OP and 3/10/1965/LC

current approach in national guidance which seeks to restrain parking provision and the standards are set in the form of maxima.

Applicant's position

- 11.70 The applicants have undertaken their own assessment of the impact of the proposed development. Transport modelling and parking assessments were undertaken prior to the submission of the application in October 2010 and have been reviewed and updated as a result of comments made by the Highway Authority.
- 11.71 The trip rates predicted in the transport assessment work are based on an assessment of the current operation of the car parks in the town. These were considered to already serve the same uses – the comparison retail offer in the town and the existing cinema. To make this comparison, the car parks serving Waitrose and Jackson Square were excluded from the assessment work (it was considered that these primarily serve a convenience retail function and are therefore not comparable). Survey work was undertaken in May 2010 in relation to the peak weekday periods (Thursday am and pm) and Saturday noon to 1pm. Using data on car park usage supplied by the Council this survey work has been factored up to the '85th percentile level'. This means that the level of demand that is 85% of the greatest demand can be assessed. It is not reasonable to assess or provide for the greatest demand, which occurs at Christmas. To do so would require very significant investment in highway and parking facilities which would remain underused for large parts of the year.
- 11.72 HCC requested that the trip rate generation be factored further upward. The transport assessment has been revised in this way.
- 11.73 HCC also asked the applicants consultant to consider the basis for trip distribution further. This was based on the Councils RTCS which undertook a household survey to provide evidence on existing shopping patterns. This involved a sample of households living in five local postcode areas and has not been considered to be biased in any way. No changes have been made in this respect then.
- 11.74 With regard to other development taking place, the consultants factored in the planning permission granted for a hotel at South Street and the residential development which may recommence shortly at the Atkins and Cripps site, London Road.
- 11.75 On this basis then a transport model has been devised, validated and run. The model area runs from the junction of North Street with Hadham

3/10/1964/OP and 3/10/1965/LC

Road in the west, includes North Street, Bridge Street and Link Road and runs through to the Hockerill lights in the east.

- 11.76 Three scenarios are tested in the model. 'Do nothing' considers the existing highway network with committed development only (not the application development). A 'do minimum' scenario considers the impact of the development proposed only taking into account the impact of its proposed access junction on the Link Road. Finally a 'do something' scenario assumes the proposed development traffic, its proposed access and additional off-site improvements. In this case, this includes a revised junction arrangement at the Link Road/ Causeway/ Bridge Street junction. The existing roundabout would be replaced with an uncontrolled T junction.
- 11.77 The conclusions of the testing are that journey times through the model area are increased in the morning peak by an average of 10 seconds per vehicle in the do minimum scenario. These additional journey times are reduced back to 6 seconds per vehicle in the do something scenario. This is because the give way requirement at the Bridge Street/ Link Road junction is removed. In the evening peak the respective delays are 27 seconds per vehicle reducing back to 12 seconds. On Saturdays, the delays are 39 seconds, reducing back to 26 seconds with the removal of the roundabout. This is with the onerous nature of the testing required by the HA.
- 11.78 In all morning scenarios, the testing shows that queue lengths at the Bridge Street/ Link Road junction are reduced southbound in the do something scenario. Again this is as a result of the junction measures. The model also claims that queue lengths at the Hockerill junction are improved by improvements to signal settings. Queues are also reduced at the Corn Exchange junction. This is because less traffic will travel southbound on North Street and then east bound on Bridge Street.
- 11.79 In the afternoon peak scenarios, the same improvement is found in queues at the Bridge Street/ Link Road junction. At the Hockerill junction, queue lengths increase. On Saturdays, there are similar improvements at the Bridge Street/ Link Road junction and improvements are also seen at the Hockerill junction. There are not considered to be harmful implications for the Air Quality Management Area (AQMA) at the Hockerill junction.
- 11.80 With regard to the bus services, the applicants have identified that there would be a delay to the 510 service. The mitigation proposed is to fit vehicle recognition equipment which gives buses priority at the traffic signals.

3/10/1964/OP and 3/10/1965/LC

11.81 In conclusion, the applicants are of the view that the impact of the proposals on the highway, parking and access proposals are all acceptable. In addition to the bus priority equipment, the applicants are willing to provide a financial contribution of £307,916 to the Highway Authority for the purpose of improving non-car modes of travel to the site and to commit to providing further alterations/ signalisation to the Bridge Street/ Link Road junction, subject to monitoring.

Third party comments

11.82 The consultation response received from the Highway Authority (HA) in response to the initial submission, recommends that permission be refused. This is on the basis of the impact of the development on the free and safe flow of traffic in the town centre and surrounding area and the lack of adequate measures to mitigate the impact of the development.

11.83 The HA refers to all the issues relating to traffic and movement in the town which are set out above and in the SDG Transport Study. It repeats that the main transport issue facing the town is the dependence on private vehicle use. It considers that, whilst the parking surveys undertaken by the applicant indicated some spare parking capacity in the town, this is limited and has an impact on congestion as vehicle drivers circulate in an attempt to locate a parking space.

11.84 It acknowledges that the location of the development is good in terms of accessibility and that additional parking can be restricted as a result. However, only an additional 184 spaces are proposed for the additional retail, hotel and leisure uses. It also acknowledges that there will be both linked trips and that demand will occur at different times. However, it remains concerned that, as proposed, given the particular transport circumstances in the town, the proposals will exacerbate traffic problems in the town.

11.85 The HA considers that, to a degree, it is unrealistic to consider the demand created by the retail use and cinema as a factor of the existing demand. Using traffic demand models separately for these two elements results in a much increased level of traffic prediction. The HA also has some concerns in relation to the additional traffic factored in as a result of committed development and the assumed distribution of traffic – which is weighted heavily to the north (70%) in the applicants modelling and therefore appears to underplay the impact on the Hockerill junction.

11.86 It set out that, in its view, for this development to be acceptable, the following measures are required:

3/10/1964/OP and 3/10/1965/LC

- significant investment in passenger transport;
 - improved variable message system on key routes into the town;
 - parking management;
 - possible further modification to the proposed Bridge Street/ Link Road junction with the introduction of signals linked to scoot system.
- 11.87 Following negotiations between the applicant and the Highway Authority matters have now been brought to a satisfactory conclusion. A contribution of £307,916 (index linked) is to be provided by the applicants to enhance public transport provision. The Highway Authority considers that this is an acceptable level of contribution.
- 11.88 Proposals for variable message signage have come forward and would be a commitment for the applicant to provide as part of the development. Parking management is acknowledged to be a matter for East Herts as parking authority and the applicant to resolve.
- 11.89 With regard to the Bridge Street/ Link Road junction, a position is to be set out in the legal agreement that will require the applicant to commit to further alterations/ signalisation of the junction, depending on monitoring of the traffic flows through the junction with the development in place. The precise nature of these requirements is to be set out in the legal agreement.
- 11.90 With the above measures in place the Highway Authority has confirmed that its objection is withdrawn.

Officer's commentary

- 11.91 In general terms the main site is well located in accessibility terms. It is in the centre of the town. Parking provision is included as part of the plans. Local bus services can be accessed at the adjacent bus stops on Link Road. The railway station is approximately 800m from the site. However, the impact of the proposals in transport terms does give your officers some considerable concern, given the position of the HA.
- 11.92 Within the urban area walking, cycling and bus usage are possible alternatives to private vehicle use – but we know from the SDG report that the levels of use of alternative modes are low. For travel beyond the urban area, the rail service provides a practical alternative for commuting to London and Cambridge. Rail and bus travel is also practical for shorter distances in the town and beyond the urban area in the main corridors to Harlow, Stansted Mountfitchet and Stansted Airport, but not to the more rural areas.

3/10/1964/OP and 3/10/1965/LC

- 11.93 The centre of the town is constrained due to its historical development. The scope for improvements then to the roads and junctions within the town centre to accommodate additional traffic is very limited.
- 11.94 Clearly transport, accessibility and parking issues are a significant matter in this proposal. However, as acknowledged in the SDG report, solutions to problems that arise are not straight forward. The SDG report made clear that the issues the town faces relate to the current levels of private vehicle use. These can be addressed, but there is a need to ensure that development plays its part in a 'whole town solution'. It does not appear that the assessment work currently undertaken by the applicant seeks to address the issues in this way – and instead treats the issues raised by the proposals as isolated ones.
- 11.95 If the Councils parking standards (set out in the Vehicle Parking Provision SPD) were followed to the maximum they would require the provision of additional parking calculated as follows:

Use	Maximum parking standard	Quantum	Maximum spaces required
Proposed Waitrose extension (convenience retail)	1 space per 15sqm	520sqm	34.6
New A1 – A5 uses	1 space per 30sqm (Note: this is the ratio for A1 and A2 uses, restaurants and drinking establishments have a greater requirement)	15,480sqm	516
Cinema D2	1 space per 5 seats	1200 seats	240
Hotel C1	1 space per bedroom (no provision for staff, bars and dining areas)	110 rooms	110
Residential C3	0.75 spaces per 1 bed 1 space per 2 bed (zone 2 provision)	Assumes 100 units at 50% 1 and 2 bed	87.5
Community use D1	1 space per 9sqm	500sqm	55.6
TOTAL			1043.7

- 11.96 The site is located in a zone 2 area however. The SPD allows for the

3/10/1964/OP and 3/10/1965/LC

maximum provision to be reduced. For the non-residential elements, the reduction to between 25 and 50% of unfettered demand would require provision (using the above figures) of between 239 and 478 spaces. (Total above – residential element (87.5) multiplied by 25% and 50%).

- 11.97 For the residential provision, account is already taken of the location in a zone 2 area in the calculated provision. An assumption has been made with regard to the proportion and number of units, which gives a maximum requirement for 87/ 88 spaces. It is clear that, for a final number of units in excess of 70, there would not be a space for all units. Given the town centre location and the current Councils policy standards, this level of provision is acceptable.
- 11.98 Fewer spaces are provided of course. 184 additional spaces are provided for the non-residential elements and up to 70 spaces for the residential element. The ability to provide more on the site is severely restricted. Under the east part of the main site, two levels of excavation are already to be undertaken. A third is considered to be neither feasible nor particularly attractive to users. In any event, the endorsed transport strategy seeks to control the expansion of parking provision and attune it to visitor and shopper needs – rather than long term parking. Increasing parking supply exacerbates the problems of the town in that its notional availability encourages drivers onto the congested and constrained road system – and further discourages bus patronage, cyclists and pedestrians.
- 11.99 Some consideration also needs to be given to the existing provision. No exercise has been undertaken to relate that to level of retail and leisure floorspace in the town. However, the applicants have undertaken car park surveys. These show that there is some, limited, availability, even at the busiest times. That availability is not in the car parks closest to the town centre, but in those located beyond Link Road. Given the transport strategy approach to the town it is considered that the level of provision is acceptable, but only if measures are put in place to ensure that the use of alternative modes is encouraged. A financial contribution level has now been agreed which the Highway Authority consider is sufficient to encourage the use of other modes.
- 11.100 The case for the development is that it is required to strengthen the retail offer of the town and to enable it to at least stand still, and possibly even compete with other centres. So, in terms of standing still, it is anticipated that those who are tempted to travel elsewhere for their shopping and leisure experience will stay loyal to the town. Given the additional offer it does seem reasonable to assume that some of those who remain loyal will linger longer in the centre. If those who currently travel elsewhere are enticed to the town, there is the potential for additional trips to it to be

3/10/1964/OP and 3/10/1965/LC

created.

- 11.101 Whilst the rationale of predicting additional traffic on the basis of current parking space usage is understood, this does not appear to recognise the potential for visitors to stay longer (hence impact on the turnover of car parking spaces) and for additional visitors (additional demand for the same spaces). The position of the Highway Authority in indicating that the demand created by the retail and cinema offers should be considered with a degree of separation has some merit. It does seem necessary and appropriate then for significant measures to be put in place to encourage other modes of travel, and the applicant has indicated a willingness to do this.
- 11.102 The applicants highway assessment discounts the Waitrose and Jackson Square car parks as they are considered to cater for the convenience retail element only. However it is most likely the case that the Jackson Square car park caters for both convenience and comparison retail shopping. It is further quite likely to contain an element of cinema related parking during the week as the closest parking to the cinema is commuter use dominated. The applicants also assert that demand for retail and cinema related parking occurs at separate times – however Saturday afternoons are likely to exhibit strong demand for both retail and cinema traffic.
- 11.103 With regard to financial contributions, policy TR8 indicates that a formulaic approach will be applied to all developments based directly on the number of on-site car parking spaces. In the Councils Planning Obligations SPD, which post dates the Local Plan, the contribution level is set at £500 per parking space. However, the SPD goes on to indicate that its standard charges apply up to development comprising up to 50 residential units or the equivalent of commercial floorspace. Both of these ceilings are breached in this case. The SPD is quiet on what approach should be taken in the circumstances, indicating that the County Environment Unit (formerly containing the County Highway Officers) would advise on commercial development.
- 11.104 The HA is of the view that the circumstances require an individual approach and that, supported by the strategy in the SDG report and the particular circumstances of the town, call for a greater level of investment into other modes of transport, initially seeking a contribution of £470,000. This is quantified on the basis of support into bus provision within the town during the evenings and at weekends when service provision is currently limited and to parts of the town where services are currently limited. The Highway Authority and applicant have now agreed on a contribution level of £307,916.

3/10/1964/OP and 3/10/1965/LC

- 11.105 The SPD does post date the Local Plan and your Officers are of the view that it represents an embellishment to the approach set out in the Local Plan. The SPD does advise that the standard approach applies up to a certain ceiling – but does not clearly indicate what should apply when that ceiling is breached. Whilst doubt has been cast on the intention of the stipulation of the ceiling, taken on its own, and your Officers do acknowledge some ambiguity, what does seem clear is that the standard approach for large scale development such as this is less applicable.
- 11.106 What level of provision is appropriate therefore? The applicants set out that there is adequate capacity within the bus services in the town. That is not disputed and reflects the findings of the SDG report. Simply adding further services, on which the HA predicates the initial request for financial contribution, does not appear to necessarily properly address the current problem. Accepting of course that enhanced evening and weekend frequencies will be of benefit. It appears that investment into the public transport infrastructure is also required – stops, information etc.
- 11.107 Officers are of the view that the subsequently agreed amount of £307,916 represents a meaningful and acceptable contribution to encouraging alternative means of transport to the site.
- 11.108 In terms of direct infrastructure provision for other modes, none is shown. The existing bus stops remain on Link Road, albeit moved to make way for the new road junction. The Link Road widening requirements seem likely to result in a narrowing of or pinch point in the footway here – to the detriment of those walking to and from the northbound bus stop having a negative impact in relation to the current problems of poor pedestrian provision in the town.
- 11.109 The impact of the amended junction on bus services which travel east along Bridge Street appears either unknown or not considered. It is likely to be detrimental however given the change to the proposed Bridge Street/ Link Road junction. The HA remain of the view that a signalised junction here is appropriate. The applicant has offered to include into any legal agreement a commitment that, should the junction not work in an acceptable way, then it would be subject to further alteration, including signalisation, at its expense. The criteria to determine the acceptability of the operation of the junction and when/ how monitoring would take place, would have to be built into the agreement or thereafter identified.
- 11.110 That junction amendment (in its current un-signalised as proposed form)

3/10/1964/OP and 3/10/1965/LC

is predicted to have the impact of removing traffic travelling south along North Street and then east along Bridge Street. This appears entirely feasible and would indeed lead to a better environment for pedestrians and cyclists on those roads. Otherwise however there is no specific provision for these users and, whilst the identification of cycle parking locations can be left until a detailed stage, all too often they are then assigned to the marginal and unattractive areas of the site.

- 11.111 Turning to the other elements of the concerns of the HA, it seeks the provision of an enhancement to the current variable message system (VMS) in the town. VMS can provide information with regard to parking space availability and, depending on its flexibility, other traffic and congestion information. A simple system is in place in the town following the development of the Jackson Square car park. The applicants have offered to enhance the current system. Whilst East Herts maintains the current system the intention is to reduce problems on the highway. It appears, but further confirmation will be sought, that the proposed scheme will be acceptable to the HA.
- 11.112 The HA also seeks reassurance with regard to the parking management and pricing strategy to be employed at the site and, as a wider issue, elsewhere within the town. The SDG report identified that short stay provision should be favoured within the town centre – to maximise availability for visitors and shoppers. Long stay should be focussed in the station area for commuters or otherwise outside of the central area. Of course, this should be implemented in association with the enhanced public transport and infrastructure that make this a more attractive alternative to car use for the short in-town journeys.
- 11.113 This matter is only partly within the control of the applicant of course. To date, there has been a willingness expressed to ensure that the public parking provision on the main site is operated in a way that dovetails into the wider parking strategy for the town. Doing otherwise does not suit the purposes of the applicant who is keen to maximise availability for visitors to the site and customers of the services located there. The Council is in the process of producing its parking management strategy and it appears there is no reason to believe that the management of the parking on this site would not sit well with that.
- 11.114 Overall it is considered that, in their current form, given the commitments of the applicants to be secured through the legal agreement process or conditions attached to any permission, the proposals can operate acceptably in highways terms and to assist in the implementation of the transport strategy as set out in the SDG report. The Highway Authority has withdrawn its objection to the proposals. Your Officers conclusion is

3/10/1964/OP and 3/10/1965/LC

that, given the clear significance of the proposals and the impact they may have, weight in neither the negative or positive be assigned to this matter. Account has been taken of the considerable number and extent of concern expressed in relation to highway and access matters by those who have written to the Council in response to consultations.

Heritage Issues, impact on character and appearance

Policy background

- 11.115 Policies relating to environment and design issues and built heritage are set out in chapters 8 and 9 of the Local Plan. A high standard of design is expected from all development proposals (policy ENV1). They should be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks, relate well to the massing and height of adjacent buildings and the surrounding townscape, incorporate sustainability initiatives, consider the impact of any loss of open land and minimise loss of and damage to important landscape features. Policy ENV2 calls for existing landscape features to be retained and enhanced, also referred to in policy ENV11.
- 11.116 In a Conservation Area, policy BH6 requires that new developments are sympathetic in terms of scale, height, proportion and form. Open spaces and other landscape features materially contributing to the character or appearance of the area should not be affected to the significant detriment of the area. Historically significant features should be retained wherever possible and important views should be respected.
- 11.117 Policies BH1, 2 and 3 set out the approach in relation to archaeological matters. These set out that appropriate investigation and assessment is required before decisions on proposals that affect areas of archaeological interest can be made.
- 11.118 The Council produced a character statement of the Conservation Area in 1996. This set out that, elsewhere towards the Causeway (away from the core of the town) the open car parks and the landscaping to the Council Offices is rather bland and uninspiring.
- 11.119 National guidance on design and heritage matters is set out in PPS1 Delivering Sustainable Development and PPS5 Planning for the Historic Environment. There is a clear emphasis on ensuring good design is secured through the planning process and that appropriate weight is given to the heritage environment when decisions are made on planning proposals. The approach, set out in PPS5, is to find ways to allow the heritage environment to inform and support new commercial and

3/10/1964/OP and 3/10/1965/LC

economic development.

Applicant's position

- 11.120 In a submitted Heritage Statement the applicant traces the history of the development of the town and how it has affected the application site in particular. The location of the site in the towns Conservation Area is acknowledged. It is considered that the site, in its current form, does not make an important or significant contribution to the character or appearance of the Conservation Area.
- 11.121 In terms of existing structures of historical merit, two are identified in the site as the URC Church Hall and a brick boundary wall to its north. The hall was constructed in 1915 and has undergone a series of 20th century extensions that are considered to be harmful in terms of scale, design and materials. Its setting is considered to be harmed by adjacent parking. It is not considered that the building is of particular individual architectural significance, but it does have local communal significance.
- 11.122 The brick wall is thought to be a surviving fragment of a garden wall. It is 56m in length and 1.8m high. It is in poor condition, has some local historic interest but is of little architectural interest in its own right.
- 11.123 In terms of views and vistas, the site is not visible from the historic town centre. From the site there are views to the Castle mound and, looking west, over buildings to the taller buildings of the town centre and the spire of St Michaels church.
- 11.124 The statement goes on to consider all the heritage assets near, but outside the application site. There is no inter-visibility between many of these and the site. In relation to Waytemore Castle it is considered that the castle is not visually read in conjunction with the main site due to mature planting and the intervening Link Road. Development on the main site is considered to have a minimal affect on this heritage asset.
- 11.125 With regard to the listed buildings on Water Lane (Water House, URC, 14 Water Lane and 16, Guild House, Water Lane) it is considered that currently the main site, as a car park, has a negative effect. Development on the main site is considered to have a modest effect on these buildings.
- 11.126 Turning to Coopers, it is again considered that the current arrangements, the Old River Lane route to the car park, has a negative effect on the siting of this listed building. Development within the main site is considered likely to have a modest effect on this building. Lastly, it is acknowledged that the spire of St Michaels is currently visible from parts of the main site and that any development of the main site will have a

3/10/1964/OP and 3/10/1965/LC

modest effect on this building.

11.127 The heritage statement considers the legislative and policy background. It also refers to guidance and acknowledged good practice. It then undertakes an assessment of the development proposals in this context. It acknowledges that the development will have some impact, but it concludes that this is considered to be outweighed by the benefits of the proposals both in heritage enhancement and in other terms.

11.128 An addendum to the heritage statement has been prepared in response to the initial concerns of English Heritage and to accompany the revised submission. This contains further information on the context of the main part of the application site in relation to the significance of the heritage assets on the site and surrounding. It assesses the historical context of the site in some detail. There is a further assessment of the impact of the proposals in relation to the listed buildings and scheduled ancient monument surrounding the site. The impact with regard to each of the assets is considered in relation to acknowledged English Heritage considerations.

11.129 The addendum also considers the impact of the changes to the scheme, namely: the realignment of the route between blocks A and D; the revised treatment to the space to the west of block A (adjacent to Coopers) and the revision to the scale of block C where it adjoins the URC. In all cases the assessment is that the revisions have a positive and enhancing impact.

11.130 In conclusion the applicants assessment is that the area of the main site, in its current form, retains little historic fabric because of its 20th century development. It makes little contribution to the character of the Conservation Area or the nearby listed buildings. It is considered then that the overall scheme has the potential to make a positive contribution and better enhance or reveal the significance of these assets.

11.131 In relation to the report of the EH Urban Panel the applicant comments that it is important to view this in the now wider context of the governments pro-growth agenda and the draft NPPF. It feels that the report fails to take into account the widely agreed drivers for the scheme, namely (but not exclusively):

- accepted principle of a substantial, retail led, mixed use scheme;
- more efficient use of the brownfield site in the town centre;
- long term investment needed to halt the decline of the town;
- the scale and quantum of development required to retain market share and to enable a viable scheme.

3/10/1964/OP and 3/10/1965/LC

- 11.132 The applicant comments that the proposals seek to enhance the town centre. On specific matters the applicant is of the view that the economy of the town is not as vigorous as the panel suggests and that additional retail development is required to prevent the towns decline. It feels that, through the formulation and development of the scheme, the proposals which have now come forward are appropriate for the town in terms of design, scale, massing, safe and secure, have appropriate access, sustainable and will create a distinct sense of place.
- 11.133 The applicant considers that the proposals sit well with the current retail offer in the town and will bring retailers to the town who are not currently represented. It will benefit all of the town, in the applicants view, including the South Street area. It is not appropriate to restrict retail development in advance of investment into existing facilities, as the panel suggested.
- 11.134 The proposals do provide for enhanced linkage to the Castle mound and area, with the route through the main site and bridge proposed within the Castle gardens.
- 11.135 The applicant refers again to the assessment of other sites in the town, set out in the retail impact section above, and the conclusion that this is the only town centre site available to accommodate retail floorspace, hotel and cinema. The applicant strongly objects to the comments in relation to the potential impact of internet shopping. It points out that a robust allowance has been made for this in the Councils RTSC. It also points out that, in recent appeal decisions, appeal Inspectors have given weight to the argument that new retail development such as the proposals, can reduce the amount of internet based commerce.
- 11.136 With regard to the character of the town, the applicant gives assurances with regard to tree planting and the desire to produce a scheme that reflects individual requirements and character of the town – as they have done elsewhere. The proposed development will not be of a standard format with little local responsiveness.
- 11.137 It has carried investigative work in relation to the archaeological interest of the site, so far as it is able, given land control and physical constraints.

Third party comments

- 11.138 Members will note the view of English Heritage (EH) submitted in relation to the original and revised submissions. In summary the proposals are considered to be damaging to the character of the town and refusal is

3/10/1964/OP and 3/10/1965/LC

recommended. It feels that the proposals have not been informed by the various heritage assets or by the character and context of the location. It questions the justification for the development, given retail expansion in other nearby centres (Stevenage, Letchworth and Hitchin are referred to).

- 11.139 It acknowledges that the current characteristics of the main site include negative elements but feels that other options for ameliorating these factors should be considered so as to provide a more appropriate quantum of development more in harmony with the towns heritage assets and character.
- 11.140 In specific terms EH considers that any scheme should attempt to reconnect the Waytemore Castle with the town. In this case it considers that additional barriers are introduced. Sensitivity and respect is called for in the interface of the new development with the town in the Water Lane area. It calls for the proposed demolition of the UR Church hall and the historic wall to the north of it to be reconsidered. Their loss removes elements of historic grain and misses an opportunity to provide a more acceptable transition from the historic town to development. Concern is raised with regard to the setting of block A in relation to the maltings building at Coopers.
- 11.141 Whilst it commends the intention to create street patterns, EH considers that the town council owned tree planting will become 'hemmed-in', a better treatment to the buildings fronting onto Link Road can be achieved and that the overall bulk, height and form of the blocks proposed are inappropriate. It does acknowledge the benefits of the revised scheme – the realignment of the link through to the Castle mound, the incorporation of the parking ramp into block D and the set back to the western elevation of block C at upper levels. These changes do not overcome its primary objections however.
- 11.142 Given all this, EH recommends that permission is refused on the basis that:
- the proposals fail to preserve or enhance the character or appearance of the conservation area;
 - they adversely affect the setting of nearby listed buildings;
 - they are not based on a proper assessment of the historic significance or townscape significance of the site; and
 - are presented inappropriately in outline form.
- 11.143 The Councils Conservation Officer recommends that permission be refused in relation to the initially submitted scheme. Whilst the principle is acknowledged, it is considered that the proposals compete with and do

3/10/1964/OP and 3/10/1965/LC

not compliment the heritage assets surrounding the site and the loss of the wall to the north of the Church Hall is to be regretted.

- 11.144 In relation to the revised scheme the CO is more positive than EH, but does still recommend refusal of planning permission. It is considered that aspects of previous concern have been overcome. Treatment of spaces, the ramped vehicle access and relationship with other buildings are welcomed. Caution is still expressed with regard to the relationship of block C with the URC to the west, the relationship between block D and the adjacent Link Road and a frontage feature proposed to block A.
- 11.145 The Councils Landscape Officer recommends that the proposals, as initially submitted, be refused. He identifies some merits of the scheme – the proposed public space on Water Lane and the treatment to the current frontage of Coopers. Other areas he describes as awkward, lack-lustre and highways dominated.

Officers commentary

- 11.146 As indicated, this development is located in a central and well known part of the town. There are few residents who will not be familiar with the current character of the site. It is not an unpleasant environment and, judged against many town centre parking locations, the trees within and adjacent to it give the area a pleasant appearance. It is a well known and accepted element of the town, probably because it is functional and pleasant. The applicants assessment of historic development is correct however and as it currently exists, the main site has been much altered in the last 50 years, has no historic significance in its own right and cannot be claimed to be the best setting for adjoining listed buildings.
- 11.147 However, the fact that the current situation may provide a poor setting for adjoining listed buildings does not, by itself, justify the introduction of the new setting proposed. The development must still be acceptable in its own right. There are elements of the proposals that are to be encouraged. Because it is divided up into blocks, there is a pattern of 'streets' and linkages that is akin to that found in the town.
- 11.148 In terms of the spaces, that between block A and Coopers, would appear to work successfully if implemented as shown. This requires that the frontage to Coopers (current outdoor display area) is incorporated into the space and treated accordingly. This would require the willingness of the Coopers landholding as referred to above and, it appears that there are reasonable prospects of this. However, if Members were supportive and appropriate controlling conditions are put in place, the fact should not be lost that the Council may be requested to reconsider the

3/10/1964/OP and 3/10/1965/LC

incorporation and treatment of this space in the future, if it cannot be secured by the applicant.

- 11.149 The space will be a minimum of 18m in width and up to 22m. The frontage to block A here represents a building of up to 13m approx in height. The cowls at the top of the Coopers malting building are lower, but, for buildings of this general height a separation of between 18 and 22m would appear as a wide generous street. There may be potential for tree planting here depending on servicing needs.
- 11.150 The applicants point with regard to the setting of the Waytemore castle is a valid one. It does sit within the context of the surrounding gardens, separated from the town by the Link Road. The point that EH makes is equally valid in that the proposals, to provide enhancement, could seek to reconnect the mound to the town. The applicant seeks to address this by the route through the site between blocks A and D which gives visibility toward the mound, and a reasonably direct route. This is, to some extent, undermined by the requirements of the road junction and the segregation of the pedestrian crossing at the junction. However, once in the Castle gardens, the applicants have offered the provision of a further bridge link which will make the ultimate route to the mound more direct.
- 11.151 Perhaps worryingly and as yet undetermined, the Highway Authority suggests a possible need for the provision of high level mounted traffic signals at the new junction. This is because of the requirement for the visibility of the new junction when travelling around the curvature of Link Road. If such provision is required, it will add to the highways paraphernalia, roadway dominance of the scheme and lack of connectivity between the town and the mound.
- 11.152 Within the main site, the route between blocks A and D will be a minimum of 7m in width and possibly up to 12m. Block A to the south is around 12m to 15m in height here to the eaves. Block D would be predominantly around 12m in height as a minimum and possibly up to 15m. For those heights, and if the detailing of the buildings above ground floor were to be largely blank, the minimum width of the route would give it the feel of a cut-through/ alley/ minor link – rather than a route in its own right. It may feel an unattractive route. The maximum width possible, 12m, would be more comfortable. It may be possible to introduce planting into a link of that scale.
- 11.153 To the north, between blocks C and D a wider space is to be created in the shape of an unequal sided rectangle – broader at the northern end. Here the width is between 22m and 35m. At the south end it tapers to

3/10/1964/OP and 3/10/1965/LC

between 10m and 20m.

11.154 Block C has a predominate height to the eaves of between approx 11m and 14m. Block D varies more between approx 9m and up to 17m at the eaves (for a small part of the length). Unfortunately, the part of block D which has the potential to be the highest is at the point where the intervening space between blocks C and D has the potential to be the narrowest. The building would appear dominant here if those two parameters coincided. This may not be harmful, effectively providing an entrance feature to the space. Otherwise this space will appear comfortable as a link – and should appear as more than that – a space in its own right – probably where it starts to exceed 15m in width. Planting is probably necessary here to give interest and definition. At the north end of this space an extension to Waitrose is proposed. That retailer is not currently supportive of the proposals and there may be the possibility that the space will simply ‘leak-out’ if no northern boundary is provided for it. That would be unfortunate. In any event, even if the extended Waitrose were to go ahead, there is a risk that it may appear a little oddly subservient to the buildings of blocks C and D.

11.155 Between blocks B and C is a route with a minimum width of 6m and a maximum of 12m. The buildings to either side are between 9m and 12m approx to the eaves (block B) and 11m and 14m approx (block C). A 6m width route here would certainly appear subservient to the buildings and possibly a little uncomfortable for some. A width not less than 9m is probably to be preferred.

11.156 The Link Road frontage will benefit from the separation between it and Charringtons House, the frontage servicing and parking area and the presence of tree planting on the town council land to the north. To the south of this site, one of the poorer aspects of the Jackson Square development is that it is located immediately to the footway edge of the Causeway. Its largely blank façade is situated such that there is no room for softening landscaping.

11.157 The application now under consideration is better in this respect, however, there does remain a concern that it may not be significantly so. Widening to Link Road pushes it closer to the façade of Charringtons House, existing trees here are therefore most likely to be compromised. To the east of block D, whilst there is some separation to the footway edge, this is taken up by the servicing/ drop off area, which is the concern of the Landscape Officer and EH. Space for tree planting is shown and the applicant gives assurances of significant softening planting here. There remains a concern however that, once detailed highway and junction requirements are established, associated footways,

3/10/1964/OP and 3/10/1965/LC

underground services or other reasons will prevail that prevent the space from supporting all but the most insignificant planting.

- 11.158 To the north of block D the Town Councils area of landscaped gardens is to remain. The submitted tree survey does not indicate it, but it appears that there must be some implications for the closest trees, in terms of the proximity of the potential buildings to the canopy and root areas. The proposed buildings are also likely to have implications for the beech tree to the rear of the Lemon Tree restaurant. The tree survey indicates that retention of this tree should be attempted – but replaced if it dies as a result of the development. The frontage Norway maple tree to Bridge Street would be removed.
- 11.159 Turning to the west side of the development adjacent to Water Lane. The dominant existing building here is the United Reformed Church. The church is some 12-13m in height. A minimum separation between the Church and block C is 13m. Through this space, Water Lane will continue to run. The aspiration is to create a space here with the west facing façade of block C given over in part to café/restaurant uses. Outdoor seating associated with these uses is anticipated.
- 11.160 This aspiration is certainly supported. Officers were concerned, in relation to the original submission, that block C competed unduly with the Church building and with Water House to the north (also listed). At that time the west façade of block C was to be approx 11m in height (as a minimum to the upper eaves). The solution has been to remove the upper element of the block where it faces the church. Whilst the endeavour is acknowledged the outcome is considered to be a less than successful compromise. The façade did not compete unduly by virtue of its height – but by virtue of its proximity. Now there is an uncharacteristic single storey building element, which will project out from a two storey element above and where some form of compromise roofscape will have to be implemented. The upper height buildings will be visible in more distant views on approach (Water Lane to the north, south and Barrett Lane). The separation between the church and block C at ground floor level remains the same. It does appear that a better solution here would be to retain the height of the façade – but to move the whole of it further from the URC.
- 11.161 The use of Water Lane by vehicles is limited. This will increase with the servicing of commercial units and the parking for the residential element of the block C reached from it. The peak in movements is not likely to be when the space between block C and the URC could be in use for other purposes, such as external seating for the proposed restaurant/café use. At the minimum of 13m it is feasible that an intimate and successful

3/10/1964/OP and 3/10/1965/LC

space could be created here. The risk is that it may fail due to its awkward visual relationship with the URC, the location of the residential parking access in this space and what appear to be the location of further infrastructure requirements for the building. If no further changes can be made to the built form, the developer is encouraged to ensure that this space is closer to the 20m width which may be possible. This is more likely to ensure all the elements of the space can be satisfactorily accommodated – and possibly some planting too.

- 11.162 The loss of the URC hall and the adjacent wall is regrettable. This has arisen as a result of maximising the floorspace within the development and does lead to the loss of some historic fabric. A case can be made, in isolation, to categorise each element of the historic environment as of little individual significance and therefore raise no objection to its loss.
- 11.163 Lastly, between block C and the existing façade of Waitrose is a route of a minimum 4m width and maximum 12m. With a building of between 11m and 14m height approx to the eaves (block C) and the existing façade of Waitrose, a 4m width route would appear rather restricted. It is anticipated that, were it not for the route forming an access to Waitrose, it would not be well used at that width. Given the curvature and alignment, it is considered that a width less than 6m would be less than successful and probably appear unsafe to many.
- 11.164 Overall the scale of the buildings can probably sit acceptably within the existing townscape. Whilst modulation to the heights is proposed, there must be a concern that this will appear cosmetic in nature and that, without very careful design at the detailed stage, will be superficial. This concern must be reinforced by the likely corporate demands of potential retailers who will probably push strongly for uniform, fully glazed and significant retail frontages. Whilst these are becoming common elsewhere, their replication in the town is likely to result in it appearing more ubiquitous. The conclusion is that an acceptable scheme can be achieved, but that there will be a need for very sensitive design at the detailed stage and the requirements of retailers should not be seen as paramount in all cases.
- 11.165 Views toward the spire of St Michaels church, which are currently available from some points on Link Road and within the main site, would be lost. This is acknowledged by the applicant as an unfortunate result of the development. However, unless all but the most modest proposals were to be implemented at the site, it is likely that these views would be largely impinged on in any event.
- 11.166 Officers consider that, should Members be minded to approve the

3/10/1964/OP and 3/10/1965/LC

proposed development that, in accordance with the above considerations, a clear steer should be made on future reserved matters applications in relation to the detailed design of the proposed buildings. In Officers opinion, this would be most appropriately dealt with through the provision of a design code, to be agreed with the developer through a planning condition, which would place control over details of the design relating to matters such as materials of construction, forms of fenestration and such like.

- 11.167 With regard to archaeological matters, Members will note that ground investigations have been undertaken as far as the applicant has been able to. The County Archaeologists (CAO) is content to allow the scheme to move to a decision on that basis but is clear that further investigation will be required. The CAO is also clear that the applicant should be fully aware of that requirement and that any concern in relation to the timing of and ability to proceed with development will have to be subjugated to the need for further archaeological investigation.
- 11.168 Because it could not be investigated there remains a risk, albeit small, that the remains of significance may be discovered for which preservation in-situ is the most appropriate solution. To ensure that Members are clear, if the proposals are supported on the current basis and advice from the CAO, if such remains are subsequently found, the Council could not insist on their ultimate preservation. It would have to seek to negotiate further with the developer in that respect.
- 11.169 With regards to the FCA, on the basis of the information submitted, there is also a necessity for the provision of archaeological mitigation of the development.
- 11.170 Turning to landscaping, almost all existing trees within the main site and, most likely the majority within the FCA, will be removed. Tree coverage provides much of the existing pleasant character of the main site. The applicants have given undertakings to replace as many trees as are removed. Given the scale of the proposals, the ability to do so on the main site will, however be limited. Other public spaces within the town can be utilised for this purpose. It is not clear however whether sufficient land is available to enable this commitment to be met. In any event, dispersed planting locations across the town will not have as much benefit as the current tree coverage. There will be substantial tree removal at the FCA part of the site.
- 11.171 Given that space within the site is limited, the scope for softening tree planting is limited. The Councils Landscaping Officer has recommended that the proposals be refused.

3/10/1964/OP and 3/10/1965/LC

- 11.172 Summarising on the general issue of heritage, character and appearance, the comments of English Heritage are clear and strongly put. Refusal is recommended on four grounds. Of these, it is considered that the first two are substantive – the failure to preserve the character or appearance of the Conservation Area and the adverse impact on the settings of nearby listed buildings. EH is also concerned in relation to the extent of the appreciation of the archaeological, architectural and historic significance of the townscape. Your Officers do concur that, whilst the significance of assets is identified in the submitted information, they do not appear to have influenced the formulation of the proposals significantly.
- 11.173 The Councils Conservation and Landscape Officer recommend that the proposals be refused. The County Archaeological Officer is content to proceed with controlling conditions.
- 11.174 With regard to the outline nature of the proposals, officers consider that it is acceptable and possible to make a decision on the basis of the submitted information.
- 11.175 The Council has a duty to ensure that special attention is paid to the desirability of preserving or enhancing the character and appearance of that area. Your Officers do not set aside the considered views of English Heritage aside lightly. EH does not have to consider, to any significant degree, the commercial arguments in favour of the scheme. That is for the Council to do in its ultimate weighing up. It is certainly the case that the revisions to the scheme have achieved some beneficial changes. With regard to the scale of the buildings, with very careful design at the reserved matters stage, it is considered that these can be weaved into the character of the town. The north-south space through the development would appear to work well.
- 11.176 The east-west routes are potentially less successful. The applicant points out, of course, that these are considered to be subsidiary routes as they are in this direction in other areas of the town. If linkage to the Castle grounds were a primary aspiration, more focus on it would be required. It appears that suitable relationship of the buildings to the Link Road and between block C and the URC can be achieved, but with additional amendments to the scheme these could be further improved.
- 11.177 With regard to the duty in relation to the Conservation Area, taking into account the current situation, the heritage losses and the potential public realm gains, the scheme tips the balance favourably and can be said to preserve the character and appearance of the area. Concern remains however with regard to the more detailed matter of the setting of listed

3/10/1964/OP and 3/10/1965/LC

buildings. It is not considered that the current block C arrangements overly enhance the settings of the Water Lane listed buildings or that the relationship with the Castle mound is improved. It is not considered that these elements are harmed however.

- 11.178 Given this and taking all the other facets of the heritage and appearance issues into account, including the expert advice, it is considered that these weigh against the proposals, to some degree

Drainage and Flood Risk

Policy background

- 11.179 Policies ENV18 and 19 deal with the water environment and flooding matters. In policy ENV18, the Council sets out that development will be required to preserve and enhance the water environment. A number of ways in which this can be achieved are set out. These include possibly deculverting and naturalisation of river channels, river corridor landscaping and sustainable improvements in public access to water. Development in close proximity to watercourses will also normally be expected to retain or re-establish open river corridors.

- 11.180 With regard to flooding (ENV19), development will not be permitted if it materially impedes the flow of flood water, increases the risk of flooding elsewhere, reduces the capacity of floodplains or increases the risk to people and property. Policy SD1 of the Local Plan requires that development of this scale achieves the sustainable use of resources including, amongst others, water.

- 11.181 National guidance in relation to flood matters is set out in PPS25, Development and Flood Risk. PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, PPS25 aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

- 11.182 PPS25 sets out that Local Authorities should promote the use of SUDs (Sustainable Drainage Systems) for the management of run-off and that the surface water drainage arrangements for any development site should be such that the volumes and peak flow rates of surface water leaving a developed site are no greater than the rates prior to the proposed development.

- 11.183 The Council have published a level one Strategic Flood Risk Assessment (SFRA) in November 2008, as is required in PPS25. The Councils SFRA is a desk-based study and provides sufficient detail to

3/10/1964/OP and 3/10/1965/LC

consider flood risk in the allocation of sites as part of the LDF process. It also provides information in respect of the decision making process of planning applications.

11.184 The SFRA has been endorsed by the Environment Agency and provides a number of recommendations for sustainable drainage policy including the provision of SUDS in new development where technically possible, in preference to positive connections to mains drainage; the use of the Environment Agency's SUDS hierarchy and; a reduction in surface water run off from new development so that greenfield discharge rates and 1 in 100 year attenuation is taken into account.

Applicant's position

11.185 The applicant has acknowledged that a flood compensation scheme is required as part of the development proposals. The main risk identified is that of fluvial flooding from the River Stort. The main site is identified as partly within flood zone 3 (high flood risk) and zone 2 (medium risk) from the Environment Agency Indicative flood zone maps. These do not take flood defences and man made structures into account. Accounting for those, modelled information still indicates that the main site is at risk of flooding – remaining in zone 2.

11.186 PPS25 sets requirements in relation to finished floor levels of completed development and that any displaced flood volume should be compensated for on a level for level basis. This is to avoid exacerbating the flood risk to surrounding areas. The applicant confirms that any requirements in relation to finished floor levels do not have implications for the heights of the buildings as set out in the submitted parameter plans.

11.187 The solution advanced by the applicant is to lower land that is already in the flood plain (the FCA). This would ensure that the development is protected from 1:100 year events (plus allowance for climate change) and should have some benefit in terms of flood risk elsewhere. Upstream, the proposals reduce the flood envelope by 20m in some places, withdrawing the flood extent from several other properties.

11.188 The initial response by the EA to the proposals was in objection. Four specific matters were raised in the response letter. These were addressed in a further submission from the applicant. This submission also sought to address further concerns raised by the EA in subsequent correspondence.

11.189 The first of the objection matters related to the modelling work

3/10/1964/OP and 3/10/1965/LC

undertaken. The second and third points relate to the failure to maximise the use of sustainable urban drainage systems (SUDS) or to restrict surface water run off from the site. A fourth point of objection was a proposal by the applicant to realign the underground culvert on the site. This proposal is no longer being pursued and the objection on that basis is therefore overcome.

11.190 In terms of the ability to implement SUDS, the applicant concludes that this can only take place within an area of servicing to the rear of block A and within green roofing areas. It has considered the drainage rate from the development and, with regard to the request from the EA that greenfield run off rates be achieved, it has been concluded that this is not feasible, without a pumped solution. The option preferred includes discharge from block B direct to the underground culvert and the remainder of the site to drain to underground storage beneath block D which would then be pumped back to the culvert.

11.191 In response to the continued objection from the EA on the basis of the lack of opening up of the current culverted watercourse, the applicant has submitted a supplementary justification report. Reference to the appropriate Local Plan policies and the Strategic Flood Risk Assessment report (Nov 2008) is set out in the report. It comments that the policy approach to deculverting and naturalisation is aspirational rather than mandatory.

11.192 In considering the matter, the report concludes that the opening up of the culvert within the main site is not a viable option for a number of reasons:

- doing so would require a reduction in the amount of floorspace available for retail uses to the detriment of the scheme and the identified requirements set out in the RTCS;
- an open culvert would present a barrier to the use of the links through the scheme and be detrimental to the ability to create useable public spaces;
- it would introduce a significant health and safety risk into the scheme by virtue of the drop to the culvert level. This requires the introduction of barriers and associated visual clutter, but a tangible risk remains;
- additional maintenance burdens are introduced into the scheme;
- the scheme becomes less commercially attractive to potential tenants;
- the potential for bio-diversity enhancement can be achieved through the implementation of appropriate works within the FCA.

Third party comments

11.193 Both the Environment Agency and the Councils Engineer recommend

3/10/1964/OP and 3/10/1965/LC

that the proposals should be refused. Both are concerned that the opportunities offered by the development of the site have not been taken up. It is strongly advanced that the culvert which runs under the line of Old River Lane should be opened up and de-culverted as part of the development and the water course incorporated into it as a feature, providing an attractive focal point and improving the natural environment.

11.194 The EA has considered the revised submission by the applicant but remains in objection to the proposals. It considers that the flood risk assessment is unacceptable and recommends refusal because the proposals fail to maximise the use of SUDS, instead relying on an unsustainable pumped system. Any failure of such a system could lead to a risk of flooding. SUDS has not been maximised because of the high density of the development.

11.195 The EA also remains in objection because the development has not taken the opportunity to open up the existing culvert thereby restoring lost habitat. It remains of the view that this would be an attraction to the area and that the reasons advanced as to why this has not been achieved are inadequate. The EA also refers to the lack of greenery in the proposed development and that this does not assist in measures to address climate change.

Officers commentary

11.196 In modelling terms, the applicants have been able to address the flood risk implications. The excavation of the land at the FCA will remove the main site from flood risk and will result in potential benefit to other properties elsewhere. However, the EA remains unsatisfied because the solution advanced does not maximise the use of SUDS within the main site, and so, by implication, the proposals are less sustainable than they could be. The solution advanced has potential by itself to cause a flood risk (the failure of mechanical pumping system).

11.197 In relation to the flood risk issue facing the main site, the solution offered is satisfactory. It is a conventional approach of directing flood flows elsewhere and adequate capacity is created to contain them, and to actually also reduce risk elsewhere.

11.198 The main areas of concern then relate to the treatment to surface water drainage matters at the main site. The maximisation of development within the site all but effectively precludes the wider use of SUDS at ground level. The applicants have given a commitment to optimise the use of SUDS as the design process is progressed but, if no more can be achieved because of lack of space or the need to provide certain forms

3/10/1964/OP and 3/10/1965/LC

of surfacing for public areas, then it is difficult to foresee that more potential will come forward. A tank and pumped approach is adopted as a result. This can achieve greenfield run off rates but constitutes an ongoing maintenance liability and could not be held up as exemplar in sustainability terms.

- 11.199 The concern of the EA and the Councils Drainage Engineer remain in relation to the opportunity to re-naturalise the route of the river through the site (opening the culvert). The applicants latest submission in relation to this is set out above and the EA has been asked by the applicant to further consider the matter. Some of the reasons for not opening up the culvert add to the concern Officers expressed above, that retailer demands will ultimately prevail over all other matters. To be attractive to retailers, an environment that enables ease of browsing and zig-zagging across the main street, is necessary. It is disappointing to see the possibility of biodiversity enhancement subjugated to the need for ease of retailing. However, that concern is not one of the applicants making, but rather a response of retailers to the wider demands of society to increase the attractiveness of the retail environment.
- 11.200 On a more positive note however, it is quite clear that, if the culvert were to be opened up, its depth would require either significant land take within the development, or, if this were minimised, would introduce a feature which would probably be mostly hard engineered and not necessarily an attractive addition to the environment. In both cases, safety barriers would be introduced which, apart from the appearance, must act as something of a constraint to movement regardless of how many crossing points may be provided. The health and safety issues advanced by the applicant, along with the identification of the liabilities that it would face, are acknowledged.
- 11.201 In its latest submission, the applicant points the Council and EA specifically to the potential of the FCA to enable bio-diversity enhancement and makes an offer to open up a length of the culvert that runs within that area.
- 11.202 It does appear to your officers that the applicant has fully engaged with this issue and considered carefully the achievability of it. The applicant is correct that the policy approach is aspirational.
- 11.203 In summary then, the matter of the current flood risk status of the site is addressed acceptably. It appears that acceptable bio-diversity enhancement can be achieved within the site as a whole (within the FCA) and taking the viability issues into account it is not considered that the lack of re-opening of the culvert should weigh against the scheme. The use of SUDs is minimal because of the development density and it

3/10/1964/OP and 3/10/1965/LC

does not appear that it will be significantly enhanced, even with careful design. However, in overall terms, it is considered that this should only be given minimal unfavourable weight in relation to the scheme.

11.204 The Environment Agency maintains an objection in relation to the proposals. Members will note from the recommendation and conclusion below that Officers consider the proposals, in the overall consideration, can be supported. As a result, if Members are minded to follow the recommended course of action, the Town and Country Planning (Flooding) (Direction) 2007 requires that the proposals be referred to the Secretary of State prior to any final decision on the matter.

Other Issues

Disruption during construction

11.205 One area of concern that has been raised by many who have commented on the proposals has been the extent of disruption that will be caused during any construction phase, the impact on businesses in the town and the reduction in car parking spaces whilst development takes place.

11.206 Clearly, given the location and the scale of the proposals, there is the potential for a significant amount of disruption to be caused. Regardless of other issues relating to the development clearly disruption, albeit frustrating and inconvenient to those affected, is ultimately a temporary situation and cannot be weighed significantly against the development proposals.

11.207 In this case, the applicants have offered to ensure that, at all times during construction, a number of parking spaces similar to the current public parking area and the Waitrose parking area combined, are maintained. It is exploring a number of ways of doing this. Part of the solution will be to manage construction on the site retaining partial availability of parking on site.

11.208 As indicated, off site options are being explored and, whilst they are not confirmed yet, the principle can be secured by means of a planning condition, given that there is a reasonable prospect of the alternatives coming forward.

11.209 In relation to the impact on business in the town, there is a concern that customers will visit shops and services elsewhere during construction. Again that concern can be reduced by good site management (ensuring that the site and surroundings are clean, tidy and safe) and through

3/10/1964/OP and 3/10/1965/LC

business promotion. The applicant has offered to play a proactive role in this, promoting the town as 'fully open for business' during the development phase. As above, details are to be confirmed and the applicant wishes to ensure that these align with the needs of the towns businesses and they have an input into the steps to be taken. Whilst it is a private matter, it is understood that an agreement between the applicant and commercial interests in the town is being formulated covering the issue of steps to be taken to reduce disruption and support businesses during the construction and subsequent operation phase.

- 11.210 As part of the development, excavation of the FCA is to be undertaken. Access to this area, north of Link Road, will be created by an extension to the existing Northgate End car park. The FCA is located to the rear (east) of the housing areas in Bryan Road and Yew Tree Close. It is anticipated that the excavation of material from the land will have an impact on residential amenity during its extent by virtue of noise, activity and possibly dust.
- 11.211 The excavation of material and subsequent more limited infill by appropriate material will result in a number of heavy vehicle movements to and from the site. The applicant has not been able to provide detailed information with regard to the number of likely vehicular movements. However, it is clear that this work is likely to result in some impact to residential amenity whilst it is being undertaken. There is also likely, as a result of this, and the construction generally, for a reasonable number of heavy vehicle trips to be introduced onto the roads in the town. The formulation of construction, site management and access plans, all required by condition, can ensure that the necessary information is provided in relation to these matters. It is not considered that they are so significant that they should prevent the development from proceeding.

Community safety and crime prevention

- 11.212 With regard to crime prevention measures, policy ENV3 of the Local Plan sets out that new development will be expected to incorporate crime prevention measures through design, layout and landscaping. Developments should be designed so as to discourage the potential of criminal activities by encouraging natural surveillance and creation of defensible spaces. The Herts Constabulary Architectural Liaison Officer has set out that such matters will be able to be considered and assessed once more detailed information has been submitted at reserved matters stage.
- 11.213 Comments have been received from Herts Constabulary Safer Neighbourhood Team, which provides information on crime levels within

3/10/1964/OP and 3/10/1965/LC

the locality of the site. The levels of crime indicated are over a one year period and relate to the existing town. The team seek funding through the development to enable provision to be made for two PCSOs. There is no information as to the costs involved, but it is presumed that this is on a revenue basis.

11.214 The inference of the statistics is that a similar level of criminal activity may be anticipated within the development. A singly designed area of the town with this issue in mind may have a beneficial impact however and, regardless, it is not clear how the costs of PCSOs relate to existing crime levels, or whether the expectation is that the developer should provide revenue funding without time limit. The request is not considered to be a reasonable one which would meet the necessary tests.

11.215 The applicant has explained that the new public spaces are to be managed privately and proposes that, as part of the development, CCTV surveillance is installed and managed by it.

11.216 For coherency, the preference of the Council is that CCTV in the town is managed in a coordinated way. The applicant has committed to sharing crime prevention and detection information gathered as a result of the use of the CCTV and points out that the areas covered by this CCTV scheme are private ones. It is suggested that officers continue a dialogue with the applicant to seek the incorporation of the CCTV provision in the development into the Councils managed scheme, but that refusal to do so should not weigh significantly against the scheme.

Protected Animal Species

11.217 Turning to protected species on the site, the comments from HBRC set out that the proposed development will result in the requirement to remove a bat roosts at the site, the removal of 2.4Ha of bat foraging habitat and disturbance to bats during the development process. A licence would therefore be required by Natural England for the removal of the bat roosts and the Local Planning Authority is also required to apply the three derogation tests in accordance with the Habitat Regulations April 2010.

11.218 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is a significant development proposal that will involve an investment of over £100million into the town centre to meet an identified need. Officers therefore consider that the proposed development is of overriding public interest and the first test is therefore considered to be met.

3/10/1964/OP and 3/10/1965/LC

- 11.219 Secondly, there must be no satisfactory alternative. The above considerations relating to the retail assessment of the development proposal sets out that the application site is best suited for the proposed development, in retail planning and town centre use terms. No detailed assessment of other sites has been undertaken in terms of this issue and the only one with some merit, the Goods Yard site, is likely to raise issues of a similar nature. Officers therefore consider that the second test is met.
- 11.220 Third, the favourable conservation status of the species must be maintained. Within the EIA the applicant proposes suitable bat foraging, commuting and roosting habitat to replace that lost. This would be within the FCA and the provision of bat roosts within the new buildings. Provided the mitigation measures and provision of replacement bat roosts and lost habitat is secured by condition, then it is considered that the conservation status of the species would not be affected by this development.
- 11.221 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.
- 11.222 Within the EIA the reports submitted show that there was not found to be the presence of badgers, water voles or reptiles. Officers do not therefore raise any further objection or comment with regards to any other protected species.

Community Facilities

- 11.223 Policy LRC11 of the Local Plan requires that, where a development results in the loss of a community facility, that facility should either be satisfactorily replaced, or it should be demonstrated that it is no longer required.
- 11.224 In relation to this development, the facility that is proposed to be lost, is that provided through the use of the URC Church Hall. The applicant has been in active discussions with the congregation of the church and proposals for the replacement of the facility with one which is close by and better in terms of the way it can be used, are advanced.
- 11.225 This is most likely to involve relocation of the URC church hall uses to the Charis Centre. The implication of this is that then, the current occupier of the Charis Centre, the Community Church, also needs to be found a new home. It is understood that the Community Church are progressing that matter independently, because of its own aspirations.

3/10/1964/OP and 3/10/1965/LC

What is important, and a risk for the applicant in this case is that, the replacement facilities for the URC can only be vacated willingly by their currently occupant and, if there is any delay in that respect, the proposals for the replacement of the URC facilities are equally delayed. Whatever situation prevails, the replacement provision would be required through a legal obligation agreement.

11.226 In addition, as part of the development, a space of 500sqm in size, is provided for community use in the block D building. It is proposed that this is managed in association with the cinema and can be made available for a whole range of community purposes. Again, control over the provision and management of this additional space can be exercised through condition or legal agreement.

Legal Obligation Agreement.

11.227 As the application is for up to 100 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.

11.228 HCC have confirmed that they will require contributions towards secondary and nursery education, childcare, youth and library facilities. This is based on the number of units proposed and on the current service information for the local area. The financial contributions relating to those service areas are considered to be 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. It is noted that letters of representation comment that there is insufficient capacity in the existing schools to cope with such an increase in the population. The contributions recommended will therefore go towards future school provision in the area. The applicant has referred to these matters within a draft 'heads of terms' of a legal agreement.

11.229 The East Herts Council SPD also requires standard contributions towards open space provision, children and young peoples provision, recycling facilities, community centres and village halls. In relation to this development it is considered that the direct provision of the community space, as set out above, avoids any need for further financial provision in respect of this element.

11.230 There is no current explicit provision within the draft heads of terms for open space, children and young peoples provision and recycling facilities. However, the FCA area is to be provided as part of the proposals. Current facilities are provided within the Castle gardens close to the site. If Members are supportive of the proposals, details in relation

3/10/1964/OP and 3/10/1965/LC

to provision can be further clarified. It is anticipated that recycling facilities would be required as part of the refuse disposal measures to be incorporated into the development.

11.231 The situation relating to affordable housing provision and sustainable transport provision are set out in the appropriate parts of the report above.

12.0 Conclusion:

12.1 In conclusion, much has been set out above about the significant nature of these proposals. They represent a very substantial investment into the services and facilities available in the town centre and will impact on all who use that area now – probably all residents of the town – and seek to bring more people to the area.

12.2 In terms of support for the proposal, the investment, the job creation and employment, the provision of enhanced facilities and the provision of additional housing all weigh strongly in support of the development. The retail situation is also well rehearsed. The Councils consultants have identified a need for significant additional retail floorspace in the town, have identified that it faces threats from nearby competing centres and that, to standstill in terms of additional provision, is akin to accepting decline. This proposal only achieves half of the identified need, so there remains spare capacity. So, in terms of retail issues, the policy background and acknowledged need, these all weigh heavily in favour of the proposals.

12.3 It is clear that the visual manifestation of the development is of concern to many. Expert opinion from English Heritage has advised strongly against the scheme. EH officers set out an alternative view with regard to need, considering that seeking to overcome threats from alternative possible retail centres is harmful and not as urgent as the applicant believes. Your officers however feel that, taking all the visual and heritage factors into account, whilst the impact is negative, it is not as significantly so, as other commentators have set out.

12.4 Transport, access and parking considerations are also a concern for many. The Highway Authority has withdrawn a recommendation of refusal in relation to the proposals and, on assessment of the case for the development, your officers are clear that this is an impact of some significance. Given the mitigating proposals put forward however, the public transport enhancement contribution, direct provision to avoid delays to the 510 service and the commitment to further analysis of the Bridge Street/ Link Road junction, your Officers have concluded that the

3/10/1964/OP and 3/10/1965/LC

overall impact can be seen as neutral.

- 12.5 Drainage and flood risk matters are assigned minimal harmful weight by your Officers on account that it has not been possible for such a significant scheme to display rather more exemplary sustainability credentials when it comes to dealing with drainage matters.
- 12.6 Weighing all these matters up, your officers are of the view that the beneficial impacts of the proposals do outweigh the harmful ones. All the other matters referred to in the report are taken into account in reaching this view.
- 12.7 The recommendation is that planning permission be granted, subject to the provision of a legal agreement, planning conditions and the referral requirements set out above.

13.0 Conservation Area Consent

- 13.1 The proposed development runs concurrently with an application for Conservation Area consent (LPA reference 3/10/1965/LC) which seeks consent for the demolition of The Causeway building, 1-3 Old River Lane residential dwellings, the Church Hall, the boundary wall to the north of the Church Hall and an existing substation.
- 13.2 As is set out at section 7.0 of this report, objections are raised by EH with regards to the removal of the Church Hall and boundary wall, as they are considered to make a positive contribution to the character and appearance of the Conservation Area. The Conservation Officer is less concerned with the demolition of the Church Hall but comments that it is a disappointing that the wall cannot be incorporated as part of the scheme.
- 13.3 Other third party representations have raised some concern with the demolition of the buildings on the site for reasons generally similar to that raised by EH. Letters of representation also raise concern with the demolition of residential dwellings which are considered to be adequate residential family homes.
- 13.4 Within the site, the office building, The Causeway and the residential dwellings are considered to have limited historic or architectural value in contributing to the character and appearance of the Conservation Area. The Church Hall and the wall are, however, considered by Officers to be of some aesthetic and historic interest. However, in considering the wider benefits of the development proposals, as is set out above, the retention of the Church Hall and wall is not considered to be outweighed by those

3/10/1964/OP and 3/10/1965/LC

other benefits, in this case. Officers therefore do not consider that the Church Hall and wall make such a significant contribution to the character of the Conservation Area such as to warrant refusal of this application.

- 13.5 Conservation Area Consent for the demolition of the structures is supported.