

- (a) **3/11/0987/FP - Demolition of existing main car dealership and construction of new main car dealership and adjacent car park with raised storage area;**
- (b) **3/11/0988/FP - Demolition of bodyshop and outbuilding and construction of 6 no. offices and 5 no. light industrial units with trade counters at 295-297, Stansted Road, Bishops Stortford, Herts, CM23 2BT for Gates Group Ltd.**
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Date of Receipt: 08.06.2011

Type: Full – Major

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD - MEADS

RECOMMENDATION

(a) That in respect of application 3/11/0987/FP planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (6463GPA/01, 6463GPA/02A, 6463GPA/03, 6463GPA/04, 6463GPA/05, 6463GPA/06A, 6463GPA/20, 1150/1, 1150/3, 1150/4A)
3. Materials of construction (2E113)
4. Prior to the commencement of development details of foul water disposal and a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect controlled waters and to reduce surface water run of and the risk of flooding in accordance with Policy ENV21 of the East Herts Local Plan Second review April 2007.

5. Contaminated land survey and remediation (2E332)
6. Levels (2E051)
7. Construction hours of working- plant & machinery (6N072)

a) 3/11/0987/FP and b) 3/11/0988/FP

8. The vehicle repair/ workshop shall not be open other than between the hours 0730 and 1930 Monday to Saturday, and not at anytime on Sundays or Bank Holidays.

Reason: In the interests of the amenities of adjoining residential properties in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

9. Hard surfacing (3V213)
10. Wheel washing facilities (3V251)
11. Landscape Design Proposals (4P12)
Delete a, b, c, d, e, f, g, and h
12. Landscape Works Implementation (4P13)
13. Landscape Maintenance (4P17)

- (b) That, in respect of application 3/11/0988/FP subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

- A financial contribution of £36,000 towards sustainable transport programs and £20,000 to provide the necessary highways infrastructure;
- £300 standard monitoring fee per clause.

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

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (1152/3B, 1150/4A, 1152/5B, 6463GPA/01, 6463GPA/19)
3. Materials of construction (2E113)
4. Prior to the commencement of development details of foul water disposal and a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained at the site unless otherwise agreed in writing by the Local Planning Authority.

a) 3/11/0987/FP and b) 3/11/0988/FP

Reason: To protect controlled waters and to reduce surface water run of and the risk of flooding in accordance with Policy ENV21 of the East Herts Local Plan Second review April 2007.

5. Contaminated land survey and remediation (2E332)
6. Levels (2E051)
7. Construction hours of working- plant & machinery (6N072)
8. Hard surfacing (3V213)
9. Wheel washing facilities (3V251)
10. The buildings hereby permitted, shown as unit numbers 6-11 on drawing number 6463GPA/19, shall be used for Class B1 purposes and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

11. The buildings hereby permitted, shown as unit numbers 1-5 on drawing number 6463GPA/19 shall be used for Classes B1, B2 or B8 and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over any future changes of use and that this would remain an appropriate for an Employment Site and would not result in a need for additional parking, in accordance with the aims of Policies EDE1 and TR7.

12. Green Travel Plans (3V272)
13. No external lighting shall be provided to units 10 and 11, shown on drawing number 6463GPA/19 without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

a) 3/11/0987/FP and b) 3/11/0988/FP

Summary of Reasons for Decision in both cases

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, EDE1, BIS9, ENV1, ENV2, ENV16, ENV19, ENV20, ENV21, ENV25, TR1, TR3, TR7, TR8, TR14, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (098711FP.EA)

1.0 Background

1.1 This Committee item comprises of two adjoining application sites which are shown on the attached OS extracts, and are located to the west of Stansted Road within the built up area of Bishop's Stortford.

1.2 Members may recall that these applications were reported to the Development Control Committee meeting on 17 August 2011 (the report for these applications is attached as an appendix to this report). At this meeting both applications were deferred to enable Officers to undertake negotiations with the applicant to seek variations in the proposals with regard to:

- The location of the vehicular access;
- The height, location, and potential for landscaping of the proposed two storey parking structure.

It should be noted however that the amendments requested relate only to application ref. 3/11/0987/FP (application (a)).

1.3 Following the Committee meeting, Officers outlined the concerns of the Committee to the applicant, and requested that amendments were made to the submitted plans to overcome the concerns expressed. The applicant has made the following amendments to the scheme:

- Movement of the access road slightly away from the boundary with no. 289 Stansted Road by relocating the grass verge previously shown in front of the car display bays to the other side of the road, which will also allow for greater tree planting along this boundary;

a) 3/11/0987/FP and b) 3/11/0988/FP

- Reduction in the depth of the car park by 1 metre to allow for it to be located further away from the rear of the residential properties which front Stansted Road and to allow for an area of tree planting along the boundary with the rear of those properties.

1.4 The applicant has also now submitted a levels drawing detailing the relationship of the proposed car park with no. 289 Stansted Road. This drawing indicates the change in levels across the site (the land falls away from east to west), and also the distance between the car park and the rear of the property.

2.0 Site History

2.1 In June 2010 an application for both of the sites was submitted, under Ipa reference 3/10/0906/FP, which proposed a new car showroom and the development of 60No. flats to the rear of the site. Officers recommended refusal of the application at this site for the following reasons:-

1. Loss of employment land (E021)
2. The proposed residential development by reason of its scale, height, massing and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and detrimental to the character and appearance of the surrounding area. The proposal is therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. Inadequate affordable housing provision (H051)
4. The application lacks sufficient information regarding flood risk to enable the Local Planning Authority to properly consider the planning merits of the application. The proposal would thereby be contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007.
5. The application lacks sufficient information regarding the presence of bats to enable the Local Planning Authority to properly consider the planning merits of the application. The proposal would thereby be contrary to policy ENV16 of the East Herts Local Plan Second Review April 2007.

2.2 The above application was withdrawn prior to consideration by the committee.

a) 3/11/0987/FP and b) 3/11/0988/FP

2.3 In 1991 planning permission was granted at the site for the change of use from B1 to 1) car showroom/open sales 2) parts and servicing counters 3) car rental 4) accident/body shop under lpa reference 3/91/0653/FP.

2.4 The site has been subject to other planning applications for extensions, alterations and advertisements, none of which are considered to be of any particular relevance to the consideration of the current application.

3.0 Consultation Responses

3.1 County Highways were consulted on the amended plans and have commented that the alterations do not impact upon highway considerations and as such their previous comments remain valid.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council have been consulted on the amended plans. However, no comments had been received at the time of writing the report, and any received subsequently will be reported to Members at the committee meeting.

5.0 Other Representations

5.1 All third parties who were notified of the original application and/or commented on the application were consulted on the amended plans. At the time of writing this report, 5 letters of representation have been received which make the following comments:

- The new plans do not address privacy concerns previously expressed;
- The ground level of the car parking should either be lowered or it should be moved to another location within the site;
- The space proposed for planting between the car park and the rear of the properties fronting Stansted Road is not sufficient to allow plants to take growth and there would be inadequate sunlight to this area;
- Concern at the length of time it would take for landscaping to grown to a sufficient height to screen the building and protect privacy;
- Concern that the developer would not provide the proposed planting;
- Concern that due to the change in land levels across the site, the properties fronting Stansted Road are situated at a higher level meaning that people using the car park will be able to look straight into their properties;
- Lighting on the top floor of the car park will be visible and will disturb local residents during the night;

a) 3/11/0987/FP and b) 3/11/0988/FP

- The area proposed for additional landscaping along the boundary with no. 289 will only provide improved privacy to a point, as the area proposed narrows as you move within the site to the west to such a degree that part of it is too narrow to allow for planting to be provided;
- The occupiers of no. 289 will still suffer from increased noise due to the location of the access road, and their privacy would be impacted upon due to high sided vehicles using the access road and the siting of the new car showroom offices;
- The access road should be realigned;
- The reduction in the height of the boundary fence to the front of no. 289 is not necessary to the extent proposed (only the first panel needs to be reduced in height), and the reduction in height along the length of the fence will impact on the privacy of the occupiers of the property.

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
EDE1	Employment Areas
BIS9	Employment Areas
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
TR1	Traffic Reduction in New Developments
TR3	Transport Assessments (if over 1000sqm)
TR7	Car Parking- Standards
TR8	Car Parking- Accessibility Contributions
TR14	Cycling- Facilities Provision (Residential)
IMP1	Implementation

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

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

a) 3/11/0987/FP and b) 3/11/0988/FP

7.0 Considerations

- 7.1 As outlined earlier in this report, these applications are being reported back to the Committee following their deferral to allow Officers to seek amendments to the scheme in respect of the position of the access road and the car park. As Members did not seek amendments in respect of other elements of this scheme, this report will only consider the amendments made to the scheme and whether they are sufficient to overcome the concerns expressed by Members previously. The consideration of all other elements of the scheme can be found in the previous committee report which is attached as an appendix to this report.

Access Road

- 7.2 The application proposes to re-use the existing access to the site, however this access road is proposed to be widened thus bringing it closer to the boundary with no. 289. Whilst the applicant noted the concerns of Members in respect of the location of this access road, they commented that “to relocate the road elsewhere on the site as suggested would by necessity result in buildings being located in this position which would be to the detriment of the occupier of the adjacent residential property (no.289)”. They have however proposed to move the road away from this property slightly by relocating the grass verge previously shown in front of the car display bays to the other side of the road which they comment will provide the opportunity for greater tree planting along this boundary and, as the applicant comments, will soften the transition between residential and commercial uses. The applicant also notes that currently there are cars for sale parked along this boundary.
- 7.3 Officers in their previous report to Committee did not raise any concerns with this element of the application. Whilst it is acknowledged that the scale of development proposed on the site will result in a degree of noise and disturbance to the occupiers of this property from the access road, regard should be had to the existing situation. As previously mentioned, there are currently cars for sale located along the site’s boundary with no. 289 and adjacent to that is the access road into the site which currently leads to the workshop on the site. The current authorised uses on the site will already result in some noise and disturbance and loss of privacy to the occupiers of the adjacent dwelling. The amended plans which have been submitted will allow for some landscaping to be provided along this boundary to improve the relationship this property currently has with this commercial site. Whilst it is acknowledged at the western most part of the boundary to no. 289 the space for landscaping is limited, to the flank elevation of the dwellinghouse itself, and the part of the rear garden of the property closest to the house, a

a) 3/11/0987/FP and b) 3/11/0988/FP

space of between 1.5 and 3 metres deep is provided for landscaping. Having regard to this space for landscaping and the existing relationship that the property has with this commercial site, Officers are of the opinion that the retention of the access to the site in this location and its widening would not result in such a significant increase in noise, disturbance or loss of privacy to this property to warrant refusal of the application.

Proposed car park

- 7.4 As outlined earlier in this report, the amended plans submitted indicate a reduction in the depth of the proposed car park by 1 metre to allow for space to be made available for planting between the rear gardens of the properties which front Stansted Road and the car park. Whilst Members suggested that consideration should be given to moving the car park to another location within the site or reducing the height of the car park by lowering the ground level that it is built upon, the applicant was unable to make these amendments to the scheme. In this respect, the applicant has commented that “the suggestion made by Members to relocate this building elsewhere on the site at the loss of two industrial buildings renders the entire scheme commercially unviable and simply will not work for the Applicant. Neither too will the suggestion of making it sub-terranean, not only due to the considerable financial cost associated with such construction but also due to the practicality of access being immediately adjacent to the entrance road which would be at a higher level”.
- 7.5 In considering the application previously, Officers commented that the proposed car park was likely to give rise to some degree of noise disturbance to neighbouring properties and could result in some limited overlooking into their rear gardens when vehicles are parked in the spaces that are closest to the site’s boundary with these neighbours. Officers also commented that the upper level of the car park that would be likely to cause the most disturbance, is proposed for the storage of cars and as such it is anticipated that the amount of activity and movement occurring within this part of the car park would be limited. In making these judgements Officers had regard also to the distance between the car park and the rear elevations of adjacent properties which, at its closest point, is now a distance of approximately 36 metres.
- 7.6 The proposed location of the car park now allows for a gap of 1.2 metres to be provided between the car park and the rear boundaries of the properties to the east, and it is proposed that this area could be used for planting to assist in screening the car park. Officers consider that, whilst this space is limited, some form of planting would be possible although it is questionable whether planting that would fully screen the building could be achieved in this space. The applicant has not put forward any planting plans.

a) 3/11/0987/FP and b) 3/11/0988/FP

7.7 However, whilst the ability of planting to screen the building fully may be limited, regard should be had to the intended use of the first floor of the car park for the storage of cars, the distance that would be retained between the car park and the rear of these neighbouring dwellings and the existence of garages to the rear of properties in Stansted Road which would screen the views from the car park to some degree, Officers therefore do not consider that the proposed car park would result in a significant impact on the privacy of the occupiers of the nearby residential properties to warrant refusal of the application.

8.0 Conclusion

8.1 Having regard to the amendments made to the scheme and the considerations outlined above, Officers consider that the proposed development within both planning applications would not result in any unacceptable harm to the amenities of the occupiers of nearby residential properties to warrant refusal of the application.

8.2 Having regard to the above considerations and those made in the previous report attached as an appendix to this report, it is recommended that planning permission is approved for application (a) subject to the conditions at the head of this report and that permission is approved for application (b) subject to a Section 106 agreement and the conditions at the head of this report.