

**Description of development:**

An urban extension comprising 329 new dwellings (of a range of sizes, types and tenures, including affordable housing), including:

- a site for a one-form-entry primary school;
- public open and amenity space, together with associated landscaping;
- access, highways (including footpaths and cycleways), and parking; and
- drainage (including a foul water pumping station), utilities and service infrastructure works.

All matters are reserved for later approval except for Phase 1 (130 dwellings) and access for Phase 2 onwards.

The description above follows amendment of the application in the form of revised plans and documents received by the Council on 28 November 2013 and 23 October 2014. Further details of the amendments are set out in the summary of the proposed development in section 2.0 below.

**Location:** Hazelend Road and Farnham Road, Bishop's Stortford, Herts

**Applicant:** Countryside Properties

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**Date of Receipt:** 27 August 2013

**Type:** Outline – Major

**Parish:** BISHOP'S STORTFORD MEADS

**Ward:** BISHOP'S STORTFORD MEADS

**RECOMMENDATION:**

1. That, in consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Democratic and Legal Services completes a Section 106 Agreement in accordance with the heads of terms as set out in **Essential Reference Paper 'A'**.
2. That, in consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment, any two Members who represent Bishop's Stortford wards and who are Members of this Committee and the Head of Democratic and Legal Services, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the

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scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Democratic and Legal Services be authorised to complete a Section 106 Agreement as may be amended, in all cases to ensure a satisfactory development.

3. That, upon completion of the Section 106 Agreement as authorized, planning permission be **GRANTED** subject to the conditions set out in **Essential Reference Paper 'B'**.
4. That, in consultation with the Chairman of the Development Management Committee, the Head of Planning and Building Control be authorised, in advance of the issuing of the planning permission, to add or remove conditions and directives and make such changes to the wording of them as may be necessary, to ensure clarity and enforceability, and to ensure a satisfactory development.

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework; the Bishop's Stortford Silverleys and Meads Neighbourhood Plan and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

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### **Essential Reference Papers:**

- A Section 106 agreement heads of terms
- B Conditions of planning permission
- C1 Summary of consultation
- C2 HCC Highways consultation report
- C3 HCC Education and other services consultation

### **Plans:**

- Location plan, showing ASRs and SCA
- Application site boundary
- Phasing plan

## **1.0 The site and vicinity**

- 1.1 The application site lies within an area of 156ha known as Bishop's Stortford North (BSN), which is approximately 1km to the north of the town centre. In the East Herts Local Plan (2007) BSN is divided into 6 areas: five have designations as Areas of Special Restraint (the ASRs),

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and one is a Special Countryside Area (SCA). This planning application relates to ASR 5 only.

- 1.2 The location and application site boundary are shown on plans at the end of this report. Plan A shows the constituent ASRs including ASR5 and the SCA. Plan B shows the application site outline along with relevant points to note within the site and vicinity. The application site has an area of 26.3ha and comprises two elements:
- 1.3 Area 1 (18.8ha) is a triangular shaped site lying to the south of the A120 bypass, north east of Farnham Road, north west of Hazelend Road, and with a short frontage to Rye Street at the southern point of the site. The site slopes from 80m Above Ordnance Datum (AOD in) the west to 70m AOD in the east. It comprises agricultural land with some trees and hedgerows on the margins, and a drainage ditch in the north east corner. There are no public rights of way.
- 1.4 Area 2 (7.5ha) lies to the south of the A120, east of Hazelend Road, north of Michaels Road and is bounded in the east by the River Stort. It comprises two areas of pasture separated by a dry ditch, and a public footpath on the eastern edge following the Stort. It slopes from 70 AOD in the west to 65 AOD in the east.
- 1.5 A detailed survey of the quality of the agricultural land across the whole of the application site found that there are 2.8ha of grade 2 (very good quality), 16.4ha of grade 3a (good quality), 2.2ha of grade 3b (moderate quality) and 4.4ha of grade 4 (poor quality) agricultural land. The remaining 0.5ha is in other uses. (Grades 1 to 3a are collectively classified as 'best and most versatile' agricultural land).
- 1.6 The immediate surroundings are currently rural, including agricultural land and one or two other business uses to the north of the A120, open space next to the River Stort, two dwellings and former allotments on Farnham Road, and the Mountbatten restaurant and a dwelling on Hazelend Road.

## **2.0 Summary of the proposed development**

- 2.1 **Current Applications.** This planning application is one of four submitted in 2013 that relate to the land at Bishop's Stortford North. This hybrid application, in outline but with full details of Phase 1, has been submitted by Countryside Properties who have an option to purchase the land. They also made an outline application (3/13/0886/OP) for the whole site, with all matters apart from access reserved for later approval, but that application is in abeyance and may

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be withdrawn if this hybrid application is approved.

- 2.2 ASRs 1-4 and the SCA were the subject of two applications made by a consortium of house builders led by Bovis and Taylor Wimpey. Application 3/13/0075/OP was in outline, with all matters reserved apart from access, and it was granted planning permission on 30 January 2014, subject to conditions, the completion of a Section 106 agreement, and referral to the Secretary of State. The Consortium have not progressed that application since because they made a second application (3/13/0804/OP) that repeats the outline proposals but also includes full details of the first phase of development on ASRs 1-2. That application was considered by the Committee at its meeting on 30 April 2014 and was also approved. Since then Officers at EHDC and HCC have been negotiating two Section 106 agreements that secure social infrastructure and other mitigation, and these are being engrossed in March 2015. (Hereinafter this permission will be referred to as “the Consortium’s permission/proposals/development”).
- 2.3 It is anticipated that if Countryside Properties obtain planning permission they will commence development in 2015/16, possibly a little later than the first phase of the Consortium’s development on ASRs 1-2.
- 2.4 ASRs 1-4 and the SCA are separated from ASR 5 by Farnham Road, but together the applications represent a very large urban extension to Bishop’s Stortford, adding some 16% to the town’s population.<sup>1</sup> Both sets of applicants have recognized this and have cooperated together and with the Council in matters such as identifying cumulative environmental impacts, the modelling of traffic impact and its mitigation, and in the provision of new social infrastructure such as education and sports facilities. This co-operation is essential if Bishop’s Stortford North is to be a sustainable urban extension. However, stand alone applications have been made, and each must be considered also on its own merits.
- 2.5 This application has been accompanied by an Environmental Statement, a Transport Assessment and other supporting documentation which has been considered by consultees in submitting their responses.
- 2.6 The details of the proposals set out below take into account

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<sup>1</sup> Population = average household size of 2.4 (applicants’ estimate) x (max 2200 dwellings on ASRs 1-4 + 369 on ASR 5) = 6166. Therefore % growth = 6166 as a percentage of the existing population of the town of 38078 = 16.1%.

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amendments that have been made following the initial submission of the application in August 2013.

- 2.7 Firstly, in response to consultation, including the Town Council and County Council, the application was amended by plans and documents received on 28 November 2013. These provided for a reserve site of 1.2ha for a primary school which would be released if required by the County Council within an agreed timeframe; otherwise, the land would be used, as originally proposed, for housing and open space.
- 2.8 The amendments also reduced the housing numbers proposed on the site following detailed design work that showed there was less capacity than originally thought. This reduced the maximum number of dwellings applied for from 450 to 410, or 360 should the school be implemented.
- 2.9 As a result of negotiation regarding the contributions to be made to education in the light of a viability assessment of the development, and in the light of more detailed design work, a further set of amendments was received on 23 October 2014 confirming the proposal for a site for a one form of entry (fe) primary school (as opposed to it being a 'reserve' site), and a further reduction in the total number of dwellings proposed from 360 to 329. The detailed plans of the first phase of the development are unaffected by the amendments
- 2.10 As regards application 3/13/0886/OP, the outline application for the whole site, an amendment was made in November 2013 to introduce a reserve site for a 1fe primary school, and that remains today as only a reserve site in that application, but in October 2014 the number of dwellings was reduced to 369 without a school on site and 329 with a school on site.
- 2.11 The various changes were accompanied by amendments to the design and access statement, the environmental assessment, the master plan and parameters plan.
- 2.12 **Access.** Three points of vehicular access to ASR 5 are proposed, with the main access into the site be provided via a new roundabout at the junction of Rye Street, Hazelend Road and Michaels Road. Originally, it was proposed to include Farnham Road via a fifth arm, but that failed a safety audit and Farnham Road retains its existing priority junction with Rye Street 50 metres to the south of the new roundabout. Although Farnham Road will continue to be lightly trafficked, there will be more because both ASRs 4 and 5 will have access to it. It is therefore proposed that access from Farnham Road to Rye Street will be left turn

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- only. HCC carried out a safety audit and found this to be the best arrangement.
- 2.13 The proposed access onto Farnham Road would be a priority junction midway between the property “Partridges” and the proposed new access to ASR 4. It would serve up to 50 dwellings only in phase 2.
- 2.14 The third access would be a priority junction on Hazelend Road which would be used by a relatively small number of vehicles but would initially provide the construction access.
- 2.15 The approved access arrangements for the Consortium’s development include a new road running north-south from a new roundabout on the A120 to Rye Street, with a priority junction between 219 Rye Street and the Farnham Bourne bridge. This will afford occupiers of ASR 5 an alternative route to the A120, especially when travelling to and from the west. They will be accompanied by speed management measures.
- 2.16 The proposals would add a network of new footpaths and cycle ways within the site, linking into new and existing pathways on the open land on the east side of Hazelend Road, and to ASRs 1-4 on the west side of Farnham Road.
- 2.17 In order to encourage residents to use means of travel other than the private car, the existing 510 bus service, which runs along Hazelend Road, would be diverted through the site, entering via the access on Hazelend Road, and exiting via the new roundabout on Rye Street. This would provide a good service to the town centre. However, in order to provide connection to the town centre and the new neighbourhood centres in ASRs 1-4, including the new employment uses and the schools, it is proposed that in due course HCC will be able to divert the new bus service serving ASRs 1-4 into ASR 5.
- 2.18 **Homes.** This application is for up to 329 dwellings on ASR 5 as a whole, with the first of three phases comprising 130 dwellings. Overall, it would be at a relatively low average density of 30 dwellings per hectare (dph) on the 15ha development site (net developable 12ha, or 11ha with a school), and this is appropriate to an edge of town site. (Phase 1 would be 29 dph, and no parcel would be higher than 45 dph). The housing would be predominantly 3 and 4 bedroom family housing (50%), with 38% 1 and 2 bedroom houses and flats, and 12% 5-bedroom houses.
- 2.19 The applicants propose that 22.5% of the housing overall would be affordable (74 units), with 40% affordable in Phase 1 (52 units), none in Phase 2 and the balance of 22 units in Phase 3. It would comprise

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affordable rented and shared ownership in the ratio of 70:30. A review of viability and affordable housing towards the end of the first phase, secured by the Section 106 agreement, will enable the Council and the developers to adjust the affordable numbers and mix to reflect the adjusted viability appraisal and to meet changing needs in the community.

- 2.20 **Schools.** Regarding secondary education, the Consortium's planning permission makes provision, through the Section 106 agreement, for the County Council to be able to require the developers to make available a secondary school site in the Eastern Neighbourhood as an alternative to the County constructing a secondary school on their own land at Patmore Close, off Hadham Road. If the County calls for the site at BSN it will trigger a land swap with the Consortium, subject to this Council granting planning permission for residential development at Patmore Close. Three applications (3/14/2143-5/OP) for Patmore Close are currently under consideration. In addition, payments are required from both the Consortium and Countryside towards the build cost of the secondary school, whether at BSN or Patmore Close.
- 2.21 Regarding primary needs, as originally submitted, this application did not include a site for a school, the intention being that schools proposed for ASRs 1-4/SCA would have the capacity to serve families on ASR 5, subject to a financial contribution from Countryside towards meeting the cost of the land and buildings for the new schools. The Consortium's planning permission includes two primary school sites to meet the peak demand of 4fe from their development only. A single form of entry school would be located alongside the first phase Western Neighbourhood Centre on ASRs 1-2, and a school with two forms of entry would be located alongside the Eastern Neighbourhood Centre in Phase 2. The latter could be extended to three forms of entry if required by the County in order to also meet the demand from ASR5 should that be the preferred option, subject to agreeing terms for the additional land take. Both schools would include nursery provision.
- 2.22 However, it is clear that the first phase primary school on ASRs 1-2 will be unlikely to have the capacity, with one form of entry, to accommodate the early demand from ASRs 1-2 and from ASR 5, which will be built out over a similar period. Furthermore, children from ASR 5 would have a distance of 1.8km (as the crow flies) to travel to the school on ASR1-2, which would encourage the use of the car. Existing local primary schools are unlikely to have any spare capacity. It is also desirable that a neighbourhood of up to 329 homes has some community facilities on site to act as a social hub, and a primary school would fulfil that requirement.



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- 2.23 The application was therefore amended on 28 November 2013 to include the option of a 1fe primary school site should the County Council choose to exercise it, and amended again in October 2014 to change it from being an option and to confirm the provision of the school site. The school would be located on a 1.2ha site in the north east of ASR 5, and would reduce the maximum number of homes achievable to 329.
- 2.24 More recently further options have come forward in respect of primary education provision across the whole of BSN, and those options are discussed in section 8.3 below.
- 2.25 **Open space and sports facilities.** Altogether, the application includes approximately 10.0ha of informal public open space. There would be two circular areas and green links in ASR 5 that amount to about 4.0ha, and a riverside park of about 6.0ha, which will include a balancing pond. Apart from a “trim trail” in the area adjacent to the River Stort, and a children’s play area on the residential site, no active recreation facilities are included in the application. If a school is built on site it should have a hall sized to accommodate some indoor sports such as badminton and table tennis and be made available to the community for the purpose.
- 2.26 **Water management.** The situation of ASR 5 in a water Source Protection Zone above a chalk aquifer and the gradient of the site both serve to reduce the opportunity to follow current best practice in surface water drainage by creating storm capacity on the surface (SuDS - Sustainable Drainage Systems). However, the pipework drains to a balancing pond to be constructed in the open area next to the Stort, which will attenuate storm flows.
- 2.27 **Design and landscaping.** The topography of the site is a design challenge, with the main access road entering the site in a cutting, and buildings having to be carefully designed and sited to be harmonious. Informal open spaces and generous landscaping on the perimeter of the site and along green routes help to connect the development with the countryside beyond. The main open space affords long views over the town and countryside. The architecture of the houses includes a wide range of house types in broadly traditional styles with some modern features, and some village and other rural references.
- 2.28 **Timescale and phasing.** The development is likely to take six years to complete over three phases and in view of the timescale, the Section 106 agreement will make provision for a review of the viability

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assessment before occupation of the 100th dwelling.

### **3.0 Site history**

3.1 None.

### **4.0 Consultation responses**

4.1 The responses from statutory consultees and other organisations with specific interests are summarised in **Essential Reference Paper 'C1'**, covering:

- 1) Statutory and specialist consultees
- 2) Local interest groups, societies and faith groups
- 3) Residents associations and campaign groups
- 4) Local residents and businesses

4.2 The representations of Hertfordshire County Council in its role as the Highway Authority are set out in full in **Essential Reference Paper 'C2'** and their Development Team's response, covering education and other non-highways services, is set out in **Essential Reference Paper 'C3'**.

### **5.0 District, town and parish council representations**

5.1 Uttlesford District Council comments that their key consideration is the effect on the road network. They do not comment in detail on the transport assessment but leave that to the relevant Highway Authority.

5.2 Bishop's Stortford Town Council, at their meeting on 16 February 2015, objected to the application on the following grounds:

1. The proposed bus service, which involves diverting an existing route between Stansted Airport and Harlow, is unsatisfactory as it will make this route much less attractive to existing passengers, increasing the use of private cars instead of public transport.
2. With the exception of the unsatisfactory primary school, the proposed development relies for its facilities on ASRs1-4. These have not been approved and even if they are approved are not guaranteed to be built and certainly not guaranteed to be built in time to support the proposed development, in view particularly of the fact that it is proposed that the ASR1-4 development proceed West to East.

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3. The cumulative transport impact is severe taking into account the other developments on which the proposed development is dependent. The effect of this development alone on Rye Street and on the AQMA at Hockerill lights is a particular concern.
4. The layout of the access to Farnham Road is unsafe and likely to cause accidents having regard to the speed of vehicles on Michaels Road/Rye Street.
5. The application is premature having regard to policy BIS 8 of the Local Plan, the infrastructure issues outlined above, the current state of the emerging District and Neighbourhood Plan and the need to treat the ASRs as a single site.
6. The proposed development is damaging to wildlife and habitats and insufficient mitigation measures are proposed.

- 5.3 The Town Council stresses the importance of considering the following relevant Neighbourhood Plan (Silverleys and Meads) policies:

*TP1 Transport studies.* A sound traffic and congestion study is needed to ensure traffic and congestion is kept to a minimum.

*TP4 Pedestrian and Cycle routes.* Pedestrian and cycle routes should be established (improving and enhancing existing ones or, creating new ones). These routes should be established prior to residential occupancy.

*TR5 Buses.* A sufficient bus service must be provided.

*TR7 Cycling Parking.* The importance of secure and covered cycle parking.

*TR8 Residents' Parking.* The importance of secure and adequate residents' parking.

*EP2 and EP3 Schooling.* The importance of providing a flat, suitable, and sustainable site for the school as well as working closely with the Education Authority. Schools should be established prior to residential occupancy.

- 5.4 The Town Council also requests contributions towards the provision of allotments and burial space which would be in line with their recently adopted policy, and a contribution towards the creation and improvement of footpaths along the Stort as part of the implementation

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of their recently adopted master plan for Sworders Field.

- 5.5 Stansted Mountfitchet Parish Council objects to the planning application. The Council comments that the supporting data does not adequately demonstrate that the development will be sustainable in terms of the requirements of the residents or the impact on the town and surrounding area. The scale of development and expected number of new residents will result in a harmful impact on traffic congestion within the area and to local services, particularly education. The development will also result in the loss of agricultural land and threaten coalescence with Stansted Mountfitchet, Birchanger and Farnham. [These comments relate to applications for BSN as a whole.]
- 5.6 Farnham Parish Council objects to the planning application in terms of the impact on the infrastructure of Bishop's Stortford which struggles to meet existing demand. They are concerned in particular about schools and health, and the adverse impact on the town centre, including parking. The Council considers that Farnham Road is a narrow country lane and any increase in traffic will be a concern. HGV's are likely to experience problems exiting Farnham Road if the proposed new roundabout is constructed at the junction of Hazel End Road, St Michaels Road and Rye Street. Such a roundabout is likely to cause severe traffic disruption to Hazel End Road.
- 5.7 Little Hadham Parish Council objects to the planning application. The Council raises concerns in respect of additional traffic and pressure on the A120 and the Little Hadham traffic lights, and the need for a by-pass. Increased traffic will push vehicles onto the surrounding rural road network to the detriment of the villages and highway safety. Concern is leveled at the potential flood risk on Little Hadham and the inadequate levels of secondary education and healthcare. [These comments are on outline application 3/13/0886/OP for ASR5]

### **6.0 Other representations**

- 6.1 The applicants carried out pre-application consultation in Bishop's Stortford, including staffed exhibitions in 2012 and 2013. The outcomes are described in a Statement of Community Involvement submitted with the planning application. It summarises the comments made by the public and supplies brief replies. Much of the comment was critical of the BSN proposals as a whole, including the traffic impacts and the need for social infrastructure to support it. Others were in response to particular aspects of the Countryside proposals, and included the following, which Countryside say helped shape the development:

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- A need for bungalows to house the elderly
- An adverse traffic impact on Rye Street, Stansted Road, and local roads in the vicinity of the site
- A need for an evening and weekend bus service
- A need for pedestrian access to the neighbourhood centres in ASRs 1-4
- The preponderance of houses over flats is welcomed
- Green spaces and design comments
- Water management and potential flooding on Farnham Road
- Badger setts in the vicinity
- The extension to the country park and the balancing pond welcomed

6.2 Following registration in August 2013, the application was advertised by way of press notice, site notice and neighbour notification. Neighbours and others who commented on the application have also been notified about the amended plans and documents received in November 2013 and October 2014.

6.3 The various consultations on this application and its sister outline application attracted representations from 26 individuals, (allowing for consolidation where they submitted more than one representation).

6.4 The overriding concern of letters from individual Members of the public was the traffic impact of the proposed development, with special reference to Rye Street and the town centre. Otherwise respondents objected on the basis that the development would increase pressure on local social infrastructure, with health services frequently mentioned. There was also concern about the loss of agricultural land and the impact on biodiversity. **Essential Reference Paper 'C1'** includes more detail on the issues raised by the public.

## **7.0 Policy considerations**

### **7.1 The National Planning Policy Framework (NPPF)**

7.1.1 In law, those dealing with planning applications are required to have regard to the development plan, and any other material considerations.<sup>2</sup> Applications for planning permission must be determined in accordance with the development plan, unless other material considerations indicate otherwise.

7.1.2 The NPPF, which came into effect in March 2012, represents national

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<sup>2</sup> S.70(2) of the Town and Country Planning Act, 1990, as amended by S. 143(2) of the Localism Act, 2011.

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planning policy and is a material consideration in the determination of all planning applications. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development, (NPPF, paras.196-7). The NPPF replaced the majority of previous national policy documents. Although many similar policies are contained in the NPPF, the presumption in favour of sustainable development is at its heart. The impact this has in relation to these proposals is set out in the following paragraphs.

7.1.3 The East Herts Local Plan (2007), which comprises part of the development plan, ran to 2011, and therefore it is out of date. In these circumstances the NPPF says at para.14:

- *At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

7.1.4 This means that, with regard to bringing forward land for housing and housing supply issues, because the policies of the Local Plan are not consistent with the NPPF, the NPPF approach of enabling development must prevail, unless the adverse impacts of it demonstrably outweigh the benefits. The provision of housing has to be given significant weight as a benefit in this consideration. Indeed, a key requirement of the NPPF is to boost significantly the supply of land for housing.

7.1.5 Many policies in the Local Plan have been “saved”, with the approval of the Secretary of State, until replaced by the new District Plan. However, para.215 of the NPPF requires that only “due weight” is given to these policies in decision making, according to the degree of consistency between them and the Framework itself. This is as opposed to the “full weight” accorded to up to date local plans and the NPPF. So, whilst some weight can be assigned to the policies of the Local Plan that are consistent with the NPPF, as indicated, land supply policies are not amongst those. In relation to those issues the policy approach of the NPPF must prevail.

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- 7.1.6 Some of the saved policies give good guidance in determining this planning application, but there is a significant deficiency in respect of maintaining an adequate supply of land in the District suitable for housing, as set out in the following paragraph. As indicated, the NPPF says at para.47 that local planning authorities must identify and update annually a supply of specific deliverable and developable sites<sup>3</sup> sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land. The buffer is increased to 20% where there has been a record of persistent under delivery.
- 7.1.7 Feeding into the evidence base for the District Plan is the Authority Monitoring Report (AMR) 2013/14, published in December 2014, which sets out the latest housing supply position, taking into account BSN. It shows that the District cannot demonstrate a five year supply in accordance with para. 47 of the NPPF – depending upon the method of calculation, the supply is between 3.4 and 4.4 years.
- 7.1.8 It is important to note that the criteria against which these supply figures are based are untested. Giving consideration to the evidence base being brought forward through the District Plan formulation process indicates that a higher target figure is likely to be established, thereby requiring greater levels of supply.
- 7.1.9 In the circumstances of the lack of a 5 year supply of land, the NPPF says at para. 49:
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
- 7.1.10 The consequence of the change brought about by the NPPF is therefore that the Committee:
- a) must give due weight to saved local plan policies according to their degree of consistency with the Framework;
  - b) must consider the housing elements of the application in the

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<sup>3</sup> To be considered deliverable, the NPPF says that sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable. To be developable, they should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. (NPPF, footnotes to para 47).

- context of the presumption in favour of sustainable development;
- c) must give full weight to policies in the NPPF in determining whether the proposal is sustainable development; and
  - d) if it is sustainable development, they must approve the application.

## **7.2 East Herts planning policies since 2007**

7.2.1 In the East Herts Local Plan, Second Review (2007) the policies which address the principle of development at BSN are BIS1, BIS3 and BIS8. Only BIS8 is directly relevant to ASR 5:

*Within the Bishop's Stortford Areas of Special Restraint 3, 4 and 5, as defined on the Proposals Map, development will not be permitted, other than would be allowed in the Green Belt, until such time as the land so identified is shown to be needed for, and proposed for development, as a result of a review of this Plan.<sup>4</sup>*

7.2.2 In these policies the Local Plan differentiates between:

- ASRs 1-2, which may be brought forward after 2006, for a total of no more than 1448 dwellings, to satisfy local need and airport related need that cannot be accommodated on other allocated or windfall sites;
- ASRs 3-5 which should be brought forward only through a review of the plan when identified and needed for development; and
- The SCA where the status of the land will be reassessed through a review of the plan and in the event that a strategic planning need for the land is demonstrated.

7.2.3 Although saved, these policies are not up to date and the weight that can be assigned to them must be limited, because, as set out above, the Council does not have a five year supply of housing sites. The submission of the planning application, in the absence of a five year supply of housing sites, means that full weight must be given to the policies in the NPPF in making a determination.

7.2.4 It has not been possible to monitor the need for airport related dwellings separately from the general housing need. So, whilst it is not possible to determine if the previously identified airport need has been met, the picture regarding the need identified for the district as a whole is clear.

7.2.5 In 2008 reports were presented to the Local Development Framework Executive Panel (now the District Planning Executive Panel) that

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4 Note that green belt status was removed from the land when it was first identified for future development



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addressed the matter of the safeguarded sites in the context of the national policy requirement, which was in place at that time, to demonstrate a five year housing land supply. On the basis that East Herts had only a four year supply of land for housing in the period 2009/10–2013/14, the Council resolved to bring forward for development all the ASRs and the SCA. Officers were instructed to engage with interested parties and landowners with a view to bringing the land forward through the Local Development Framework (LDF) process so that development would begin immediately post 2011. Full Council ratified the decision on 08 December 2008.

- 7.2.6 The decision to include the land at BSN within the five year housing land supply has meant that, until 2014, the Council had been able to demonstrate an adequate housing land supply, and consequently there have been very few applications for housing on unallocated sites.
- 7.2.7 The Council commenced work on a Core Strategy under the prevailing planning policy regime of the Local Development Framework but subsequently switched to preparing the new style of local plan, required by the Localism Act, 2011. This will be known as the East Herts District Plan, and will replace the Local Plan, 2007. It will guide development in the period through to 2031. Currently, limited weight can be attached to the District Plan in determining the planning application for ASR 5, because the Plan is not sufficiently advanced, but the Committee can consider information in the Plan's growing evidence base.
- 7.2.8 The site selection process for the District Plan is contained within a Supporting Document which is being considered in stages by the Council. Acknowledging local plan policies BIS1 and BIS8 that require the SCA and ASRs 3-5 to be released for development only in the context of a review of the Local Plan, and without knowing when planning applications might be submitted, BSN was assessed along with a shortlist of other potential development sites across the District, with an assumption of 3,000 dwellings. The selection process is not yet complete, and for the reasons stated in preceding paragraphs, the Committee is reminded that it is not something they can give weight to. However, the site remains one which is considered suitable for development in the emerging District Plan.
- 7.2.9 As indicated above, the Council's AMR indicates that East Herts has a housing land supply which can be argued to be as low as 3.6 years for the period 2013/14 to 2017/18. This is on the basis of sites with planning permission, and Local Plan Allocations including the ASRs and SCA to the north of Bishop's Stortford. Whilst the greater supply figures are calculated if revised target and windfall allowances are used

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as a basis for calculation, it is the case that supply remains lower than the 5 year requirement.

7.2.10 The deterioration in the housing land supply position between the 2007/8 AMR and the 2011/12 AMR means that, even with the inclusion of the ASRs, which adds approximately 12 months to the housing land supply, (and no more because delivery at BSN will take place over a period longer than 5 years), East Herts Council cannot demonstrate a five year supply even when assessed against the current and more generous criteria.

7.2.11 From recent decisions by the Planning Inspectorate and Secretary of State it is known that considerable weight is given to the requirement for a five-year housing land supply. For example, the Secretary of State granted permission in 2012 for 1,200 dwellings at Gilden Way (Harlow District), at a safeguarded site with similar policy status to that of the ASRs at Bishop's Stortford North.<sup>5</sup>

7.2.12 The Secretary of State agreed with his Inspector that in the absence of a five year supply of housing land and with out of date local plan policies, the policies in the NPPF come into play, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. He acknowledges that housing delivery should be plan-led, but waiting for the emergence of the local plan would not accord with national policy. That decision has been followed by a number of others where the lack of supply of land for housing has been given weight sufficient to outweigh any reasons why permissions should not be forthcoming.

7.2.13 The following policies of the Local Plan are relevant to the consideration of these proposals, and will be addressed under the appropriate topic areas in section 8 of this report:

|      |                                       |
|------|---------------------------------------|
| SD1  | Making development more sustainable   |
| HSG4 | Affordable Housing                    |
| HSG6 | Lifetime homes                        |
| TR1  | Traffic reduction in new developments |
| TR2  | Access to new developments            |
| TR3  | Transport assessments                 |
| TR4  | Travel plans                          |
| TR12 | Cycle routes – new developments       |
| TR15 | Protection of equestrian routes       |

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5 (<https://www.gov.uk/planning-applications-called-in-decisions-and-recovered-appeals>)

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|       |   |
|-------|---|
| ENV1  | Design and environmental quality                          |
| ENV2  | Landscaping   |
| ENV11 | Protection of existing hedgerows and trees                |
| ENV14 | Local wildlife sites                                      |
| ENV16 | Protected species   |
| ENV17 | Wildlife habitats   |
| ENV18 | Water environment   |
| ENV19 | Development in areas liable to flood                      |
| ENV20 | Groundwater protection                                    |
| ENV21 | Surface water drainage                                    |
| ENV27 | Air Quality   |
| BH1   | Archaeology   |
| LRC3  | Recreational requirements in new residential developments |
| BIS7  | Reserve Secondary School site, Hadham Road                |
| BIS8  | Areas of Special Restraint 3, 4 and 5                     |
| BIS15 | East Herts Area Plan – Bishop’s Stortford                 |

7.2.14 Finally, whilst a draft version of the Council’s District Plan has now been published and has been subject to consultation, it is not at an advanced stage of preparation. The feedback to consultation has not been considered formally, but the level of housing development overall and the allocation of land for development in the Plan have been the subject of considerable response. Limited weight can therefore be attached to the District Plan.

### **7.3 Bishop’s Stortford Silverleys and Meads Neighbourhood Plan**

7.3.1 The application site also falls within *The Silverleys and Meads* Neighbourhood Plan (SMNP) area. The Committee will be aware that the Plan has been through independent examination and that the next steps were for the Town Council to make such modifications as appropriate in the light of the Examiner’s report and then put the Plan to a local referendum. That referendum will be on 19 March, just a few days after this Committee meeting. In the event of a “yes” vote the plan will be adopted by the District Council and become part of the development plan for East Herts.

7.3.2 The Examiner made some minor changes to the Plan but found it to be generally sound and able to proceed to a referendum. Officers are not aware of any major opposition to it, so there must be a strong likelihood that there will be a “yes” vote. Therefore, at this late stage in the process, the SMNP may be afforded considerable weight in the Committee’s consideration of planning applications within its area.

7.3.3 SMNP does not set out a different policy position in relation to the

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principle of development on ASR 5, but there are a number of detailed policy considerations to take into account. The following policies are considered to be applicable to this application and will be addressed in the relevant topic areas in section 8 of this report.

- 7.3.4 *HDP1 Residential development and redevelopment.* Supportive of housing development “as long as it is found to be meeting the findings of the latest Strategic Housing Market Assessment” (SHMA). The policy also requires that residential development proposals beyond the existing edge of the built-up area should be designed to incorporate the principles of Garden Cities.
- 7.3.5 *HDP2 Setting and character of buildings, streets and spaces.* Supportive of developments that can demonstrate high quality and empathy with their setting. Policy criteria that are relevant to this development are:
- a) *Building for Life 12* assessment;
  - b) materials in keeping with the predominant existing character in the neighbourhood plan area of pitched tiled roofs and brick;
  - c) innovative design;
  - d) buildings, streets and spaces relate well to their location and surroundings, particularly in prominent areas, such as...above the Stort Valley; and
  - e) the routes of existing roads and lanes are kept to provide continuity with the history and morphology of the local area
- 7.3.6 *HDP3 Design standards.* Applications must meet all of the following criteria unless they include a clear justification for not meeting the standard on the basis of specific circumstances or viability:
- a) internal space as set out in good practice guidance prepared by the Royal Institute of British Architects (RIBA) in its 2011 publication *The Case for Space: The Size of England’s New Homes*, or any guidance which explicitly supersedes it;
  - b) achieve a ‘green’ for criteria 12 of the Building for Life 12 code that deals with external storage and amenity space;
  - c) achieve Part 2 Secured by Design accreditation for the affordable housing because it is an RSL requirement, and meet the standard for the market housing by, for example, the use of in-plot CCTV;
  - d) the lighting standard as described in the Secured by Design publication *Lighting Against Crime*; and
  - e) Meet the Government target for new buildings to be carbon neutral, ideally ahead of the proposed date.

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#### 7.3.7 *HDP4 Dwelling mix strategy.*

- a) On schemes where there is a net gain of fifteen or more homes, developers are required to submit a Dwellings Mix Strategy based on the objectively identified needs within Bishop's Stortford. This must cover all needs including those for market, sheltered, supported and 'affordable' housing.
- b) On such schemes, affordable housing will be provided on-site.
- c) All schemes shall consider alternative types of purchase funding such as the various forms of shared equity for affordable housing and self-build for market housing.
- d) The Affordable Housing units should be integrated into the open market housing development using appropriate design methods, i.e. tenure blind.

#### 7.3.8 *HDP5 Adaptable housing.* At least 20% of homes shall be built to the 'Lifetime Homes' or an equivalent or superior standard.

#### 7.3.9 *HDP9 Archaeology.* Requires the archaeological investigation of sites.

#### 7.3.10 *GIP2 Improve areas for leisure.* Support for the improvement of green spaces: improved signage, seating, guided visits from primary schools, routes for regular walks, information boards, access for people with disabilities.

#### 7.3.11 *GIP3 Green space management.* Requires financial contributions to support initial costs and/or to transfer land to an appropriate body.

#### 7.3.12 *GIP4 Protect wildlife and increase biodiversity.*

- a) At Bishop's Stortford North, trees and hedgerows to be retained and biodiversity to be increased.
- b) Watercourses to be retained as part of any development with buffer zones and re-naturalisation.
- c) Protection of wildlife corridors.
- d) ...
- e) Incorporate new wildlife habitats (for example bat and bird boxes).

#### 7.3.13 *GIP5 Enhancement of footpaths and bridleways.* Requirements for the protection and improvement of footpaths and bridleways and the creation of new routes for footpaths and cycle ways.

#### 7.3.14 *GIP6 Improving/expanding allotments.* Requires either provision by the developer or Section 106 contributions.

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7.3.15 *TP1 Traffic congestion.* Requires a transport assessment and mitigation if journey times or congestion on designated routes exceed existing levels by 5% or such figure as may be determined by the Highway Authority, the mitigation to restore existing levels. Requires travel plans for new development.

7.3.16 *TP2 Improving air quality.* Where development leads to a 5% increase in congestion within an AQMA mitigation is required to bring predicted pollutants back to pre-development levels.

7.3.17 *TP3 Walkable neighbourhoods.* Desirable walking distances to community facilities; provision of direct pedestrian links.

[in this location it has to be accepted that the walking distances to shops and community facilities are currently greater than Dept. of Transport recommendations. However, in due course shops and services will be readily accessible in the BSN, The proposals include improvements for pedestrians and cyclists in the immediate vicinity of the site.]

7.3.18 *TP4 Pedestrian and cycle routes.* Enhancing the network of routes, including specific requirements between BSN and the town centre.

7.3.19 *TP5 Bus services.* Provision of regular services to the town centre.

7.3.20 *TP6 Transport Interchange.* Includes improving connections to the Interchange.

7.3.21 *TP8 Residential parking.* Car parking standards and design criteria.

[The policy refers to the maximum parking standards in the Council's SPD, but that has been superseded by NPPF policy, which requires more bespoke provision taking into account the characteristics of the area and the likely needs of residents and visitors. The proposed provision is good, including the parking courts for the affordable housing which are close by the properties and are overlooked by them.]

7.3.22 *TP10 Traffic speeds within new developments.* Traffic calming measures and 20mph streets required.

7.3.23 *EP1 School availability.* School places must be available in nearby or accessible locations.

7.3.24 *EP2 New secondary school.* Welcomed if accessible to BSN.

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7.3.25 *EP3 New primary schools.* Welcomed in the Plan Area, and to be available ahead of residential occupancy or before 25% occupancy.

7.3.26 *GP1 Accessible GP practices.* Financial contributions required to enable local provision, subject to development.

7.3.27 *SP1 Provision of additional outdoor sporting facilities.* Contributions towards accessible and inclusive new sports facilities

#### **7.4 Other relevant policy matters**

7.4.1 Members will recall that, in July 2013, the Council released a draft interim planning brief relating to BSN. Following case law elsewhere in the country, further advice had to be sought in relation to the status of the brief and it was established that the work and timescale that would be required to bring forward the document in a form that could be given weight was disproportionate. As a result, whilst the brief was helpful in focussing early ideas and thoughts in relation to development of the site, it has not been progressed beyond its initial form. It is therefore the case that no weight can be assigned to the interim planning brief in the determination of this application.

#### **7.5 Conclusion – the principle of development**

7.5.1 As indicated, in law, those dealing with planning applications are required to have regard to the development plan, and any other material considerations.<sup>6</sup> Applications for planning permission must be determined in accordance with the development plan, unless other material considerations indicate otherwise.

7.5.2 The starting point in this case, as in any, is therefore the development plan, and in this case policy BIS8. The policy permits the release of ASRs 3-5 only through a review of the Local Plan but the new Plan is not yet sufficiently advanced to be a material consideration in determining the application. This would, on the face of matters, suggest that the development proposed should not be permitted, because it is not in accordance with the development plan.

7.5.3 However, as noted above, NPPF para 49 provides that policies for the supply of housing, such as BIS 8, should not be considered up to date if the Council cannot demonstrate a five year housing land supply. No such level of supply can be demonstrated at this time.

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<sup>6</sup> S.70(2) of the Town and Country Planning Act, 1990, as amended by S. 143(2) of the Localism Act, 2011.

7.5.4 Development plan policies which are out of date within the meaning of the NPPF should not be treated as carrying more than very limited weight. This is the approach that has been supported by the Secretary of State in a number of housing appeals nationally. Moreover, where relevant development plan policies are out of date, the presumption in favour of sustainable development, contained in NPPF para 14, and referred to above, will apply. Therefore, unless it can be shown that either:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

planning permission should be granted on this site, notwithstanding the requirements of the development plan policies.

7.5.5 The Officers' view is that there are no specific policies in the NPPF that indicate that development here should be restricted. It is therefore considered that, unless it can be shown that the harm resulting from the proposals would significantly and demonstrably outweigh the benefits arising, which include the contribution to the overall supply of housing in the District, the principle of development at ASR 5 is acceptable. Current national policy is, in this case and for the reasons set out, considered to take precedence over the relevant development plan policies.

7.5.6 When considering whether or not there is significant and demonstrable harm arising from the proposals, Members will wish to have regard to other non-housing development plan policies. Members are reminded that those policies should, in accordance with NPPF 215, receive 'due weight' in accordance with their degree of consistency with current national policy. This means they will receive more or less weight depending on how closely they accord with those policies. Members are advised on the degree of weight Officers consider should attach to non-housing development plan policies as they arise in the remainder of the Report.

7.5.7 These conclusions on the matter of the principle of the development of ASR 5 are unaffected by policies in the Neighbourhood Plan, and the Draft District Plan is at too early a stage to carry any weight.

## **8.0 Considerations**



**8.1 Sustainable development and mitigation**

8.1.1 The Committee must be satisfied that the planning application meets the NPPF test of being “sustainable development”. The chapter in the NPPF headed “Achieving sustainable development” has the following section headings:

1. *Building a strong, competitive economy*
2. *Ensuring the vitality of town centres*
3. *Supporting a prosperous rural economy*
4. *Promoting sustainable transport*
5. *Supporting high quality communications infrastructure*
6. *Delivering a wide choice of high quality homes*
7. *Requiring good design*
8. *Promoting healthy communities*
9. *Protecting green belt land*
10. *Meeting the challenge of climate change, flooding and coastal change*
11. *Conserving and enhancing the natural environment*
12. *Conserving and enhancing the historic environment*
13. *Facilitating the sustainable use of minerals*

8.1.2 As a major housing site, ASR 5 will be shaped by most of these requirements, with the exception of 3, 5 and 13, which are not relevant because of the location and type of development which is being brought forward. This section of the report examines the benefits and impacts of the development proposals in the context of the NPPF requirements, taking into account the views and recommendations of statutory and other consultees, and the mitigation proposed. The issues are grouped under the following headings:

- Housing
- Social infrastructure
- Environment and design
- Highways and transportation

8.1.3 Potentially adverse effects of the development may be mitigated in three ways: amendments to the application to change the parameters of the development or design and specification; by the imposition of conditions on the planning permission regarding the use of the land and buildings; and by means of an agreement under Section 106 of the Town and Country Planning Act, 1990, known as a “planning obligation”. As indicated, the applicants have introduced a number of amendments to the application and they are referred to in the following

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paragraphs. Conditions are set out in **ESSENTIAL REFERENCE PAPER 'B'**, and are again referred to below as appropriate.

8.1.4 The heads of terms of a proposed Section 106 agreement are set out in **Essential Reference Paper 'A'**. The agreement provides a means of ensuring that sufficient social infrastructure is provided in a timely manner as the development progresses. It can secure suitable management arrangements for community facilities, and it can provide that mitigation takes place both within the application site and off-site.

8.1.5 However, in order to be a matter which can be taken into account as a reason for granting planning permission, a Section 106 agreement must comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 2010. It provides that:

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

8.1.6 Under Regulation 123 of the CIL Regulations, as amended in February 2014, there are limits upon the number of Section 106 contributions that may be pooled in order to provide infrastructure. Until 05 April, 2015, the number is unlimited, but after that the limit is five, with a count back to 06 April, 2010. This rule was introduced to prevent LPAs with a CIL in place double charging for the same piece of infrastructure, but the rule actually applies whether or not a CIL is in place.

8.1.7 The Government has clarified that the Regulations were not designed to restrict a Council's ability to deliver the infrastructure that is needed, and the practical consequence is that Section 106 obligations will need to be for specific items of infrastructure in the future. In other words, pooling more than five contributions under a general heading of "education" or "playing fields" will not be lawful but up to five contributions may be pooled for a specific school proposal or specific outdoor sports pitch, so long as it does not appear on any CIL infrastructure list.

8.1.8 The implication for the Committee's consideration of this application is that Section 106 contributions need to be more specific about how they will be used. So a contribution towards the cost of primary schooling should identify the particular school development that will serve the site; and instead of a contribution to off-site sports facilities in general,

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development at a particular sports club or clubs should be identified. There can then be up to five Section 106 contributions to the particular project.

- 8.1.9 A further constraint on the extent of the mitigation which can be secured is the ability of the development to generate funds that will cover the cost of the mitigation whilst at the same time meeting affordable housing and other policy requirements. The NPPF is very clear that these requirements should not be set at such a level that development would be unlikely to proceed. Para. 173 of the NPPF says:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

- 8.1.10 To be in a fully informed position in relation to the funding which should be available for mitigation, the Council has required the applicants to prepare a viability assessment, in accordance with industry standards and methodology. The assessment estimates the sales value of the development, from which is deducted the costs of undertaking the development, a reasonable return to the landowner, and the developers' return on investment. The assessment has been scrutinised and adjusted by consultants, Levvel, working for the Council. Their report is commercially confidential and not, therefore, in the public domain. However, the outcome is that, after taking into account the provision of affordable housing on site at the rate of 22.5%, the applicants' offer of £7.682m for the mitigation to be secured by the agreement is well founded.

- 8.1.11 The development is expected to take place over a period of about six years and it is proposed that the Section 106 agreement makes provision for a review of key variables in the viability assessment that are likely to change over that time, including in particular sales values and infrastructure and build costs. If such a review takes place towards the end of the first phase it would have the benefit of actual costs and sales values, and this might allow further financial contributions to areas agreed in advance such as affordable housing and health where the

current viability assessment is limiting the contributions to less than is necessary to meet policy requirements or mitigation costs in full, (**ESSENTIAL REFERENCE PAPER 'A'**, item 1). It has also been agreed that where there are underspends on Section 106 contributions they should initially be returned to a Section 106 Fund for redistribution to other areas that remain underfunded (**ESSENTIAL REFERENCE PAPER 'A'**, item 8).

## **8.2 Housing**

8.2.1 The application proposes up to 329 residential units in three phases, with 130 units in Phase 1. This is some 8% less than earlier expectations regarding the capacity of the site, but would make a substantial contribution towards the District's housing targets in circumstances where it is currently short of a 5-year supply.

8.2.2 Many local people are opposed in principle to the number of homes proposed for BSN as a whole, saying they would take the town beyond its "optimum" population by putting undue strain on social and highway infrastructure and by spoiling the character of the town. They say that Bishop's Stortford has seen a disproportionate amount of growth in the last twenty years compared to other parts of the District. Others acknowledge the need for more homes in the country and some welcome this growth in Bishop's Stortford, but only if the adverse impacts of the development are properly mitigated, and all the necessary social infrastructure is in place.

8.2.3 The NPPF includes at para. 50 the following guidance in respect of planning applications for housing development:

*To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *Identify the type, size, tenure and range of housing that is required in particular locations, reflecting local demand;*

8.2.4 Policy HSG3 of the 2007 Local Plan requires that up to 40% of the housing must be affordable, and the Council's New Affordable Homes Commissioning Brief (February 2012) requires that 75% should be

affordable rented and 25% intermediate<sup>7</sup>. This is based on the updated Housing Needs Survey published in 2005.

- 8.2.5 The Council requires this tenure mix of 75% affordable rented and 25% shared ownership to meet current needs, including the effects of the Welfare Reforms which have created an additional need for rented one-bedroom flats and two-bedroom houses as tenants downsize. Taking into account the need for contributions towards education, highways and other areas of mitigation, the applicants are proposing that affordable housing will need to be at a level of 22.5% across the three phases. That would realise 74 affordable homes over the life of the development, and leave a sum of £7.682m for other mitigation. The applicants originally proposed that Phase 1 would be 40% affordable, realising 52 affordable units in the first few years, with the balance of 22 coming in Phase 3, with none in Phase 2. Housing Services were unhappy with a break in the delivery of affordable homes throughout Phase 2, and the applicants have agreed that the amount and distribution of affordable housing should properly be agreed in the light of the proposed viability review and an affordable housing review prior to drawing up the reserved matters details for Phases 2 and 3.
- 8.2.6 SMNP Policy HDP1 *Residential development and redevelopment is* supportive of housing development “as long as it is found to be meeting the findings of the latest Strategic Housing Market Assessment” (SHMA). HDP4 *Dwelling mix strategy* goes on to require the developers to submit a Dwellings Mix Strategy based on the objectively identified needs within Bishop’s Stortford, including the need for market, sheltered, supported and ‘affordable’ housing.
- 8.2.7 The SHMA is a District-wide analysis that does not provide a separate analysis for Bishop’s Stortford. In the opinion of the Housing Service the profile of need in Bishop’s Stortford is unlikely to differ markedly from the findings of the SHMA for the District as a whole, and the requirement for the developers to provide a separate analysis for Bishop’s Stortford would be onerous in this case. Affordable Housing provided in Bishop’s Stortford will be available to applicants on the Council’s Housing Needs Register to apply for because it meets District housing needs. Applicants apply for affordable housing in the District via the Choice Based Letting System based on their eligible housing requirements. The Housing Register and Allocation Policy prioritises applicants with a local connection to East Herts.

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<sup>7</sup> Affordable rented means homes made available to tenants at up to a maximum of 80% of market rent. Intermediate housing is defined in the New Affordable Housing Commissioning Brief, 2012, as being properties at flexible levels allowing for subsequent 100% ownership.

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8.2.8 The Council's Strategic Housing Market Assessment carried out in March 2013, indicates that there should be a rebalancing of the market with a growing requirement in the District for shared ownership. Taking that into account, the applicants propose a tenure split of 70% affordable rented and 30% shared ownership across the whole development.

8.2.9 It will be possible to review the tenure split in phases 2 and 3 following the viability and affordable housing reviews towards the end of phase 1. It is also likely that, by that time, the policies which the Council will pursue with regard to tenure through the District Plan will have reached a stage where they can be relied upon to inform the review. Affordable housing needs and Government welfare policies change rapidly over time and such changes can also be taken into account in any review. It is therefore proposed that a review of the affordable housing takes place in parallel with, and is informed by, the viability review. This would feed into an Affordable Housing Delivery Plan to be approved in advance of each phase. These provisions would be secured by the Section 106 agreement (**ESSENTIAL REFERENCE PAPER 'A'**, items 1, 2 and 3).

8.2.10 As regards the sizes of affordable homes required, the Council has requested a mix that reflects current needs, which may be reviewed and revised during the life of the development. The applicants have agreed the following mix across the site as a whole:

|                      | %   |
|----------------------|-----|
| 1 bedroom flat/house | 35  |
| 2 bedroom flat/house | 40  |
| 3 bedroom house      | 20  |
| 4 bedroom house      | 05  |
|                      | 100 |

8.2.11 On Phase 1 the applicants have proposed the following mix:

|                 | %   |
|-----------------|-----|
| 1 bedroom flat  | 35  |
| 2 bedroom flat  | 15  |
| 2 bedroom house | 27  |
| 3 bedroom house | 17  |
| 4 bedroom house | 06  |
|                 | 100 |

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8.2.12 The Council does not need to be so prescriptive regarding the mix of market homes. The Council's Housing Strategy 2013-2016 states that there has been a predominance of flatted development in recent years and the SHMA indicates that there should be more of an emphasis on family homes. The applicants are proposing the following % mix of market housing on phase 1, which does include an emphasis on family housing:

|                   | %   |
|-------------------|-----|
| 2 bedroom flat    | 01  |
| 2 bedroom house   | 10  |
| 3 bedroom house   | 34  |
| 4 + bedroom house | 55  |
|                   | 100 |

8.2.13 Policy HSG6 of the Local Plan states that the Council will expect that in new residential developments 15% of all dwellings are constructed to 'Lifetime Homes' standards, and Policy HDP5 of the SMNP has increased the standard to 20%. This is so that a proportion of all homes available in the District will be accessible (both externally and internally) to occupiers with limited mobility (including visitors in wheelchairs) and will be capable of adaptation, without undue difficulty, for occupation by residents who are wheelchair users. The Government is currently undertaking a Housing Standards Review the outcome of which will change Lifetime Homes, putting accessibility and space standards into the Building Regulations. Meanwhile, the applicants have confirmed that a minimum of 30% of affordable homes and a minimum of 30% of market homes will meet the Lifetime Homes standard in full. Given the sloping nature of the site, some will meet all 16 criteria except 2 and 3, which relate to the gradient of the approach to the property.

8.2.14 The Council's District Plan Executive Panel considered a report<sup>8</sup> in November 2013 on older people's housing requirements. It referred to an All Party Parliamentary Group on Housing and Care For Older People, which identified the challenge posed by the UK's ageing population: the older population will grow from 10.1m to 16.7m by 2036 for the over 65s, and from 1.3m to 3.3m by 2033 for the over 85s. Already over half of NHS spending is on people over 65. Government policy is to sustain older people living at home for as long as possible with appropriate support.

8.2.15 The NPPF requires that planning applications should take into account

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<sup>8</sup> "London Commuter Belt (East) Sub Region: Older People's Housing Requirements 2013", Opinion Research Services, October 2013

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the housing needs of older people, and in the glossary defines older people as:

*People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialized housing for those with support or care needs.*

8.2.16 With a development of the size and scale of BSN, it would be remiss not to try and plan for the needs of an ageing population, and to strengthen the community by doing so, through excellent locational choices for older persons' housing and thoughtful urban design. The Section 106 agreement for the Consortium's share of BSN makes provision for elderly and mobility impaired housing close to the Eastern neighbourhood Centre, but ASR 5 is not sufficiently close to a neighbourhood centre to be a very convenient location for elderly people, and it is not therefore proposed to seek the provision of such accommodation on this occasion.

8.2.17 However, it is proposed that the Section 106 agreement includes a provision (**ESSENTIAL REFERENCE PAPER 'A'**, item 3) that requires reasonable endeavours on the part of the applicants to provide for wheelchair and other special needs in up to 5% of affordable homes *if requested* by the Council. Furthermore, they are to actively market throughout the life of the development wheelchair and special needs adaptation options, with cost recovery, for all suitable market housing so that people with those needs can *choose* to live there, (**ESSENTIAL REFERENCE PAPER 'A'**, item 4). Further guidance is in the Council's New Affordable Homes Commissioning Brief, 2012.

#### Conclusion on housing

8.2.18 The land at ASR 5 has been held in reserve for housing development for many years, and its release for the development of up to 329 homes would greatly assist in meeting the pressing need for more homes, and will offer a wide choice for local residents as well as newcomers, including those seeking a first purchase. Although the Council's policy targets of 40% affordable housing with 75% affordable rented cannot be met without reducing unacceptably the funding for social and highways infrastructure, 22.5% across all phases and a tenure mix of 70:30 is considered to be satisfactory in the circumstances and will make a significant contribution to addressing the affordable housing needs of Bishop's Stortford and the wider area.



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- 8.2.19 The applicants will provide the Council's preferred mix of affordable housing sizes in the first phase, and the market housing sets out to meet the needs of families in particular. Provision is made to meet special needs as they arise.
- 8.2.20 Finally, a review of affordable housing requirements will take place towards the end of phase 1, in parallel with a review of the viability of the development, and that offers the opportunity to ensure the development delivers housing in numbers and of a type that properly addresses local needs in the context of the then prevailing Government policy and funding regimes.
- 8.2.21 Given these characteristics of the proposals it is considered that significant weight must be given to the beneficial impact of the development with regard to national and local policy aspirations which seek to deliver housing.

### **8.3 Schools**

- 8.3.1 The public have much concern regarding the ability of schools in Bishop's Stortford to cope with the additional demand from BSN. In consultation in 2013 the number of comments to that effect was second only in number to concerns about the highway implications of the proposals, and there was linkage between the two with some correspondents noting that school traffic generated by BSN would add to morning peak congestion.

#### Pupil yield

- 8.3.2 The starting point for evaluating schools provision is the pupil yield that will be generated by this development and the capacity of the existing schools in the Bishop's Stortford school planning area to accommodate that additional yield. The County has considered in the first instance the cumulative impacts of ASRs 1–5 (i.e. both this application and that submitted by the Consortium for ASRs1-4/SCA) in order to ensure a comprehensive and efficient approach to the delivery of schools. Sites and contributions to the cost of provision can then be calculated on a pro rata basis according to the needs generated by each application.
- 8.3.3 The applicants have accepted the County's calculation of pupil yields from ASRs 1-5, shown as forms of entry (fe) equivalents:

*ASR 1 – 5 primary*

Peak = 5.0fe (peak over 3fe for 15 years and over 4fe for 9 years);

Long Term Average = 2.8fe

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*ASR 1 - 5 secondary*

Peak = 4.9fe (peak over 3fe for 16 years and over 4fe for 8 years);  
Long Term Average = 2.5fe

- 8.3.4 Excluding ASRs 1-4 produces the following figures for ASR 5 alone:

*ASR 5 primary*

Peak = 0.7fe      Long Term Average = 0.4fe

*ASR 5 secondary*

Peak = 0.7fe      Long Term Average = 0.4fe

- 8.3.5 HCC points out that the long term average may be an underestimate being based at that time, on 2001 census data and trends experienced elsewhere in the County of rising pupil yield may apply in future years to Bishop's Stortford. It appears appropriate then, whatever provision and solution is put in place, that there is sufficient flexibility to address peaks and changes in demand which may actually transpire. As a result, the Officers' view is that an appropriate solution is one which ensures adequate availability, but also ensures flexibility and does not prevent the exploration of other opportunities and options which may come along.

#### Capacity and requirements

- 8.3.6 HCC has also examined the capacity of existing schools to accommodate the pupil yield from BSN. Currently all primary schools are at or near capacity in Bishop's Stortford, and current forecasts suggest demand is likely to continue to rise. Therefore HCC expects primary education needs generated by the development of ASRs 1-5 and the SCA, as a whole, to be delivered as part of the development on site. Its preference is for sufficient land and funding for one 2fe and one 3 fe school. It would wish to avoid schools with a single form of entry on the basis that their long term sustainability may be uncertain, they are less efficient to run than 2 or more forms of entry and the educational opportunities are more constrained.
- 8.3.7 The picture with secondary schools is more complex due to their wider catchments and travel patterns, and the impact of parental choice. In considering a strategy for secondary education the County completed a property feasibility study of secondary schools to establish their potential to expand. It has concluded that while there is limited potential for some schools to expand this would be difficult to deliver for planning reasons and it is uncertain because HCC has no control over decisions

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made by the individual schools serving the area because they are each admitting authorities. Given this, HCC's preference is to seek sufficient land and funding for a 6fe school on site at BSN, either as a stand-alone secondary or as an all-through school. This would cater for both peak and longer term demand from BSN and provide some spare capacity for demand coming from elsewhere in the town.

#### Proposed primary school provision

- 8.3.8 An objective with regard to the creation of sustainable communities is that a primary school is provided within easy walking distance of the majority of residents. With that in mind the Consortium's applications include two primary school sites, (both with nurseries), next to the neighbourhood centres, and their Section 106 agreement will make provision for the payment and timing of financial contributions. Discussions with HCC, the Consortium and Countryside have brought about the following proposed approach.
- 8.3.9 The Consortium's planning permission and Section 106 agreement make provision for only a 1fe school in the Western Neighbourhood. Based on the original trajectory, it will need to be open by September 2016A second form of entry will then be needed from September 2017.
- 8.3.10 The Consortium's Section 106 agreement does make provision for a second school in the Eastern Neighbourhood with 2 forms of entry and the capacity to expand to 3fe, which would meet the peak pupil yield from the Consortium's development. They have not been prepared to give up further land to enable an additional form of entry to be built to meet the needs of ASR 5 and hence the proposal that ASR 5 should have a school of its own.8.3.10. The above would meet the overall anticipated peak demand from BSN as a whole by providing 1fe on ASRs 1-2, 3fe on ASRs 3-4 and 1fe on ASR 5. Based on current predictions and assumptions, 329 dwellings on ASR 5 would not generate enough pupils to fill 1fe yielding approx. 0.7fe, but it would avoid the need for children from ASR 5 to have to travel to the new school in the western neighbourhood, and provide ASR 5 with a community facility.
- 8.3.11 However, 1fe schools are not the County's preferred solution. They are less sustainable, less cost-effective than two or more forms of entry which also offer a better educational opportunity and are less vulnerable to fluctuations in demand. A revised approach to the distribution of primary forms of entry across BSN has therefore been agreed in principle with the developers.

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- 8.3.12 The Consortium have agreed in principle to change the site capacity of the proposed 1fe primary school in the Western Neighbourhood to 2fe, to reduce the Eastern Neighbourhood site to 2fe and to bring forward an application to vary their planning permission and related Section 106 agreement to that effect. The County is currently preparing a planning application for the western primary school on that basis. This 2fe school would provide adequate places for the Western neighbourhood and advance places to serve the early phases of the Eastern neighbourhood of the Consortium's scheme.
- 8.3.13 The distribution of forms of entry following a grant of a varied permission to the Consortium and permission for the ASR5 scheme would then be 2fe on ASRs1-2, 2fe on ASRs 3-4 and 1fe on ASR 5. As a further step, the County are actively looking for alternative solutions to enable the provision of a 3fe primary school that could serve the major part of the Eastern Neighborhood and ASR5, thereby achieving the 2fe and 3fe arrangement as originally sought. This gives the possibility of transferring the ASR 5 1fe to an off-site location where HCC may be better able to meet education objectives. In order to bring about that flexibility Countryside have agreed to provide their school site to the County on the basis that if a better solution can be found off-site within the necessary timescale to meet the pupil numbers, they will retain it and pay HCC its open market value for housing thereby providing funding towards acquisition and development (**ESSENTIAL REFERENCE PAPER 'A'**, item 6).
- 8.3.14 As a contribution towards the build costs of the primary school, whether as 1fe or as part of a 3 fe, Countryside's offer is the same at £2.45m. Whilst that would be 70% of the build cost as part of a 3 fe school, the County have pointed out it does not amount to 70% of the build cost of a 1fe school in the event an alternative configuration cannot be found. However, they recognise the constraint on Section 106 contributions of the viability of the development as negotiated between EHDC and Countryside and on that basis are willing to accept the payment in the context of the overall Section 106 contributions and other arrangements for ASR 5 (**ESSENTIAL REFERENCE PAPER 'A'**, item 12).
- 8.3.15 In the Officers' view this solution offers sufficient certainty that adequate provision will be made to meet the overall need for primary school places generated by both this site and the Consortium's site, taken together and alone. It also offers flexibility to cope with a range of different scenarios related to the speed at which both sites may be built. Appropriate triggers for decisions on schools contained within each Section 106 will ensure adequate lead-in time for schools to be

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constructed and places to be made available in a timely way as the number of children living in the new community grows.

#### Proposed secondary school provision

- 8.3.16 The Section 106 agreement for the Consortium development includes provision for the County to call for a site for a 6fe school although the playing fields sited in green belt on the north side of the A120 by-pass, accessed via a footbridge over the road would not be covered under this arrangement, falling outside of the Consortium's ownership. This Committee made comments on the County's planning application for the secondary school at its meeting on 04 February 2015.
- 8.3.17 The County has also made a planning application for residential development on its reserve school site at Patmore Close, which will be determined by this Committee later this year. The County and the Consortium are currently negotiating a property agreement whereby part of the Patmore Close site can be swapped for land at BSN in the event the planning application for housing is successful. By that means the Consortium would be able to make up the shortfall of housing at BSN caused by releasing their land for a secondary school.
- 8.3.18 As regards the build cost of the secondary school, the Consortium would contribute to the cost of 4fe and Countryside Properties have agreed a sum of £2.8m with County, which represents 70% of the £4.0m cost of building 1fe, which ties in with the pupil yield of 0.7fe from ASR 5. The 6<sup>th</sup> form of entry would be paid for by the County to meet needs arising from the existing population of the school planning area (**ESSENTIAL REFERENCE PAPER 'A'**, item 13).

#### Conclusion on schools

- 8.3.19 As regards primary, the options to either build a 1fe school on ASR 5 or convert the site into a resource towards alternative development of places which could form part of a larger provision (3fe) offers a flexible and sustainable solution.
- 8.3.20 Regarding secondary, it is considered that the package overall, for the whole of BSN, represents a satisfactory one in relation to education issues. Indeed, given the known constraints in the town in relation to secondary education provision this solution appears to represent a positive one with respect to accommodating wider demand. It also does not close off other options if ultimately they are favoured.

## 8.4 Other social and economic infrastructure

8.4.1 The NPPF says, at para. 70, that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (amongst others):

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

### Neighbourhood centres and employment

8.4.2 Other than the primary school, this application does not include provision for any social or economic infrastructure on site. However, one of two neighbourhood centres on ASRs 1-4, and the largest, is planned for the second phase of the Consortium's development, a walk of 700m or so of a central point on ASR 5. Footpath and cycle links are proposed, although the topography is undulating and the walk will not suit some more elderly residents and families with buggies. (A direct bus link from ASR 5, across Farnham Road and across Farnham Bourne to the neighbourhood centre has been ruled out because the topography would require the construction of an expensive and intrusive bridge).

8.4.3 It is a concern of the Town Council that the Eastern Neighbourhood Centre will not be completed in time to provide services to ASR 5. It is anticipated that the Centre would be built out from 2018-19 onwards and if ASR 5 starts on site in 2015, it is likely that it will be half completed by then. Although the details are yet to be negotiated, the centre should provide shopping, cafes, and a community centre, which will possibly be based at Foxdells. Countryside have offered a Section 106 contribution of £94,098 (**ESSENTIAL REFERENCE PAPER 'A'**, item 19) towards the cost of the community centre. It is likely that a health centre will now be developed in the neighbourhood centre to the west of Hoggate's Wood, in phase 1 of the Consortium development, 2km as the crow flies from the centre of ASR 5. Countryside have offered the NHS a sum of [£xxx to be confirmed] towards the cost of setting up the centre (**ESSENTIAL REFERENCE PAPER 'A'**, item 25). The Eastern Centre will also include a business park offering employment opportunities, from start up units to bigger units for

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established companies, making use of the excellent access to the M11 and Stansted Airport.

- 8.4.4 The BSN Consortium say that Countryside Properties' application includes inadequate contributions to infrastructure and that they have not offered cash to enlarge Consortium facilities as they had promised at the Planning Panel that considered all the BSN applications in 2013. They go on to point out that their Eastern Neighbourhood Centre will not be available to residents of ASR 5 for a number of years. Whilst Countryside may not have offered cash directly to the Consortium, they have agreed to Section 106 contributions to health, sports facilities, community centres and other facilities that complement provision made by the Consortium. The Eastern Neighbourhood Centre is likely to be commenced within the build out period of ASR 5 and will provide services at a suitable time. Residents of ASR 5 will help to make the neighbourhood centre, including the community centre, economically viable and successful as a focus of community activity.
- 8.4.5 Further on the subject of employment, the Council would wish to see the opportunity taken by the house builders at BSN to create a construction training scheme given the scale and diversity of the opportunity, and its expected 8-10 years on site. The Environmental Statement accompanying this application for ASR 5 estimates that there will be 70 employees on site on average in construction related work. The scheme would place unemployed people into training on construction projects, including administration, for a minimum of two years, subject to suitability and interview. Countryside Properties could join the Consortium's scheme or work independently. A condition requires the details of a scheme to be approved (**ESSENTIAL REFERENCE PAPER 'B'**, condition 20)
- 8.4.6 Conclusion on neighbourhood centres Although much of the detail is still to come, the proposals offer the prospect of neighbourhood centres that will offer integrated social infrastructure and economic land uses within walking and cycling distance of ASR 5. It is also desirable that there is a bus link from ASR 5 to the eastern neighbourhood to minimise recourse to the car. In this way the provision will meet NPPF requirements and in respect of these issues the proposals can be considered to represent sustainable development. The Council will need to work closely with the applicants and prospective developers of the commercial elements to ensure that the design and layout of the centres are of very high quality, they work effectively and encourage social and economic interaction. Their delivery is secured through the conditions and Section 106 agreement in the planning permission for ASRs 1-4.

Sport and leisure

8.4.7 At para. 73 the NPPF says:

*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.*

8.4.8 The Council's District wide "Open Space, Sport and Recreation SPD" was adopted in 2009, but was based on an assessment of needs that was undertaken in 2005 and is therefore somewhat out of date, which limits the weight that the Committee may give it. It suggests that outdoor playing pitches should be provided at a standard of 3.79 ha per 000 population. In the case of ASR 5 that would equate to 2.99 ha (based on a population of 790 persons (329 homes and average household size of 2.4). Sport England considers the standard to be out of date having assisted EHDC in the preparation of a "Playing Pitch Strategy" (2010) tailored to individual parts of the District. For the Bishop's Stortford area a standard of 1.31ha per 000 population is proposed for outdoor sports pitches. The Strategy forms part of the technical evidence base being used to inform the District Plan proposals and the standards set out in it will inform those incorporated in the Plan. Using that standard would require the provision of 1.03 ha for ASR 5. This is considered to be more proportionate to the size of the development. In addition, based on the requirements set out in the Council's Planning Obligations SPD, a financial contribution of would be required to assist with the revenue costs of open space maintenance but in this case the applicants have confirmed that they will establish and fund a management company for the purpose (**ESSENTIAL REFERENCE PAPER 'A'**, item 5).

8.4.9 Although there is good provision of space for passive recreation on the east side of Hazel End Road, amounting to 7.5ha, which exceeds the Council's standards, the application does not include any provision for formal sports pitches.

8.4.10 Sport England therefore objected to the application for the lack of adequate on-site pitches and they pointed out that Bishop's Stortford is an area where there is already pressure on the pitches that are available, a matter of concern for the Football Association, who are keen in particular to see the very successful Bishop's Stortford Football Trust have access to more and better pitches.



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- 8.4.11 Following discussion with clubs in the vicinity of the site, it is clear that there are good opportunities for the off-site provision of new facilities through Section 106 funding. This would have the advantage of offering BSN residents access to established clubs, with some of the opportunities nearby at Silverleys and Cricketfield Lane. This would be preferable to having new but small and remote facilities within BSN that are difficult to manage.
- 8.4.12 A financial contribution towards outdoor sports provision has been offered by the applicants based on a shortfall in provision of 1.03ha, using Sport England's cost estimates for laying out pitches and providing changing facilities. The figure is £485,265 and a contribution of [£xxx to be agreed] is suggested, taking into account the viability assessment, and the possibility of a top up payment following the viability review. These funds will be targeted to the provision of specific new facilities for the Rugby Club, Bishop's Stortford Sports Trust or the Bishop's Stortford Community Football Trust in the locality. The funds will be managed by the Council (**ESSENTIAL REFERENCE PAPER 'A'**, item 20)
- 8.4.13 Sport England also have a calculator for indoor sports provision, which indicates ASR5 might generate small increases in demand for a number of indoor sports, including swimming. The Council's own "East Herts Assessment of Sports Facilities" (2011) outlines the need for indoor sports facilities and includes a method for calculating developer contributions for different sports. However, in the absence of any specific policy requirement in respect of Bishop's Stortford a contribution from ASR 5 cannot be justified, the more so given the viability constraint.
- 8.4.14 Essential play provision is to be provided on site as part of the development, and a condition secures a local equipped area of play (LEAP) (**ESSENTIAL REFERENCE PAPER 'B'**, condition 7)
- 8.4.15 Conclusion on sport and leisure The proposals for ASR 5 again rely on ASRs 1-4 for the provision of some of the sport and leisure that will be required by the residents of ASR 5, underscoring the need for good connection between the ASRs. However, substantial sums for the off-site provision of facilities are in the draft Section 106 agreement, and the development does provide very good passive recreation space on site. It is considered this would meet the NPF test of sustainable development.

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#### Other services

8.4.16 Childcare – In addition to the nursery provision included in the new primary schools, HCC have agreed a contribution of £48,739, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 14), based on their Planning Obligations Toolkit (2008), towards the cost of facilities that would provide the following services:

- Early education and childcare
- Health services
- Training and employment services
- Information and advice
- Parenting classes
- Home visiting and outreach services

The services may be provided by the private, voluntary and independent sectors, working from a local children’s centre.

8.4.17 Youth services – Based on the Toolkit, HCC have agreed a sum of £19,051 (**ESSENTIAL REFERENCE PAPER ‘A’**, item 15), towards the cost of Youth Connexions, for 13-19 year olds, providing the following services:

- 14-19 Learner Entitlement
- Information, advice and guidance
- Targeted support for those not progressing well
- Positive activities / youth work
- Volunteering and community involvement

The main focus is on young people who are from disadvantaged or under-represented groups.

8.4.18 Library services - They contribute to the educational, economic, social, cultural and recreational well being of the community. The library service is provided from premises in the town centre and it is likely that the new development would increase the demands upon it. Based on the Toolkit, Countryside have offered £66,196 towards the improvement of library service in Bishop’s Stortford to serve ASR 5, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 16).

8.4.19 Allotments - The Town Council has requested a contribution towards plans for the provision of the allotments provided in ASRs 1-4 in the vicinity of the development and/or for the creation of usable allotment plots on existing allotment or other green sites in the vicinity of the development by means such as soil enrichment and clearance. Countryside have offered the sum of £22,431.22 (**ESSENTIAL REFERENCE PAPER ‘A’**, item 22).

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8.4.20 Burial space – The Town Council has requested a contribution towards the creation of additional burial spaces in the existing Bishop’s Stortford cemeteries by implementing measures to make efficient use of the space. They plan to reuse older burial space and/or remodel the existing cemetery to provide more spaces. Countryside have offered a contribution of £7,478.17, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 23).

8.4.21 Waste - HCC state that there will be additional demands on the Household Waste Recycling Centre (HWRC) at Woodside, which requires a new site for expansion. There are currently no plans in place and it is suggested that the request for funding is deferred to the viability review by which time there may be proposals in place. This is the approach adopted for ASRs 1-4, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 17).

8.4.22 In addition, the EHDC Planning Obligations SPD seeks provision to support recycling by meeting the cost of supplying bins to households on ASR 5, and a sum of £23,856 has been offered base on the EHDC SPD, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 18).

8.4.23 HCC also request the Section 106 agreement to require the developer to provide fire hydrants, which are not covered by Building Regulations or any other, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 7).

8.4.24 Conclusion on other services. The councils responsible for providing these services would argue that the contributions sought are proportionate and necessary to meet the test as to whether the development is sustainable. The NPPF does not provide guidance as to what level of provision is required to be made by developers, and relies on the process of viability assessment to identify what is affordable in the circumstances of each development. Generally, Section 106 is intended to be a contribution rather than a means of meeting the full costs of service provision. Therefore, the developers will be requested to meet the sums set out in the preceding paragraphs, but if they are not met the service providers may need to meet the shortfall, and consideration must be given as to whether the development is then sustainable in NPPF terms.

## 8.5 **Environment and design**

8.5.1 This section includes the following topics:

- sustainable building,
- landscaping, biodiversity and green infrastructure management,

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- water management,
- environment , and
- heritage and urban design

#### Sustainable building

- 8.5.2 There are six basic principles in designing for sustainable buildings: optimising the site (location, orientation), optimising energy use, conserving water, using sustainably sourced products and materials, enhancing indoor environmental quality (daylight, air quality), and optimising management and maintenance.
- 8.5.3 The voluntary Code for Sustainable Homes sets 6 levels, across 9 standards, for new homes, and many councils require that a specific Code level is achieved by new development. Levels 5 and 6 would require on-site generation, which is not always practical or cost effective. The Code has been criticised for being impractical in other areas as well, and this Council has no policy requiring adherence to any particular level.
- 8.5.4 The SMNP Policy HDP3 requirement that housing applications must meet the Government target for new buildings to be carbon neutral, ideally ahead of the proposed date, has to be considered in the light of the Government's Housing Standards Review. That proposes practical ways of rationalizing the current plethora of standards relating to matters such as renewable energy, water conservation, internal space standards and security. In March 2014 a Ministerial response to consultation on the Review said that with a new zero carbon homes standard coming into force from 2016, building on strengthened energy efficiency requirements in building regulations in 2010 and 2013, national standards have been catching up and overtaking local targets. In the future energy efficiency standards will be set through national building regulations. The Code will be scrapped.
- 8.5.5 Countryside Properties say that since 2009 they has been advocating a policy of minimising energy demand by using a fabric first approach, the aim being carbon reduction by passive measures. This approach is now included Part L of the Building Regulations. They say the advantages of reducing carbon emissions through passive measures include:
- efficiency embedded in the fabric means there is little or no maintenance or ongoing costs;

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- the efficiencies are guaranteed to be delivered and are not dependent on technology in the home, or uncertain or off-site renewable technologies; and
- the replacement of technologies over time is avoided;

8.5.6 In line with this ethos, they say they will reduce carbon emissions and meet the requirements of the Building Regulations through specifying a combination of:

- increased wall thickness;
- improved insulation in walls, floors and roofs;
- a high quality of construction to reduce air leakage and thermal bridging; and
- low u-value windows and doors.

8.5.7 As regards affordable housing, they will ensure that Code Level 3 is met in full, and they have also confirmed that the materials used in all their construction will be responsibly sourced. This includes ensuring that their suppliers have the necessary ISO14001 or FSC certification.

8.5.8 As indicated, the Code for Sustainable Homes covers a range of standards, including water conservation. Since Hertfordshire lies in an area of water shortage, the Council would wish to see new development achieve the Code levels 3 and 4 water conservation standard. This seeks to ensure that the occupiers of the new homes should be able to use an average of no more than 105 litres of water per person per day, as opposed to the current Building Regulations standard of 125 litres pppd. Compliance with this aspect of Code level 4 was encouraged by the EA in their first consultation response. The 105 litres standard is relatively cost-effective to achieve by the use of fittings in the home and does not depend upon the use of grey or recycled water. Countryside have confirmed they will achieve the standard by installing low flush WC's, restricting flow rates to taps and showers, installing lower capacity baths and implementing flow restrictors on the mains supply.

8.5.9 Conclusions regarding sustainable building. The development does little more than meet basic Building Regulation standards in respect of energy, although the fabric first approach is sound. Code 3 for affordable housing is not challenging. However, the commitment to water conservation is welcome, as is the policy of procuring materials from environmentally responsible sources.

Landscaping, biodiversity and green infrastructure management

8.5.10 The NPPF states in para 114 that LPAs should

*...set out a strategic approach in their Local Plans, planning positively for the creation, protection and enhancement and management of networks of biodiversity and green infrastructure...*

8.5.11 The East Herts Local Plan Second Review (2007) lists objectives on the value of open space both for the amenity of the community and to conserve the natural environment. Policy LRC 3 “Recreational Requirements in New Residential Developments” sets out open space provision requirements for a range of types of green space:

|                                      |                             |
|--------------------------------------|-----------------------------|
| Parks and public gardens             | 0.53 ha per 1000 population |
| Natural and semi-natural green space | 7.64 ha per 1000 population |
| Outdoor sports facilities            | 3.79 ha per 1000 population |
| Amenity green spaces                 | 0.55 ha per 1000 population |
| Provision for children/young people  | 0.20 ha per 1000 population |
| Allotments                           | 0.21 ha per 1000 population |
| Cemeteries and churchyards           | No standard set             |
| Green corridors                      | No standard set             |

8.5.12 The County Council has produced a countywide Strategic Green Infrastructure Plan, and this has been further informed by an East Herts Green Infrastructure report. The local document forms part of the suite of technical documents which are being produced to inform the production of the Council’s District Plan. The documents set out the aspiration to require and retain the development of a connected network of green infrastructure and ensure that existing assets are protected.

8.5.13 The development proposal includes 10.0 ha of green infrastructure, which at around 38% of the site goes well beyond policy requirements in quantitative terms. All residents will be within a 5 minute walk of a significant area of green space, in line with Natural England’s Accessible Green Space Standards (ANGSt). In evaluating the approach to GI the question is therefore less about the quantity of green space but its quality and whether the balance between public accessibility and protection of valuable environmental assets and habitats has been achieved. This assessment places importance on the views of consultees, and Natural England, the Herts Biological Records Centre and the Hertfordshire and Middlesex Wildlife Trust (HMWT) in particular. Natural England has provided general guidance on protecting and enhancing environmental assets and habitats and has

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no objections in principle. It relies on the HMWT for more detailed analysis of the application.

- 8.5.14 *Landscape and trees.* There are relatively few existing trees and hedges on the application site and the majority is on the boundaries. For the most part they will be retained, and the application represents an opportunity to improve the landscape with new tree and hedge planting, grasses and wildflower meadows. Because the site rises, it will be seen in distant views from the town and some points in the surrounding countryside, so it is important that new tree planting helps to blend the development into the surrounding rural landscape.
- 8.5.15 The application includes landscape strategy plans with indicative planting regimes. The strategy includes new large open spaces in phase 1, Hazel Rise Park and Hazel Green Park, which will be at the heart of the development. Hazel Green Park would be near the top of the site and would be planted suitably for recreation activities, and will include a formal play area and public seating. It connects with Hazel Rise Park, nearer the main road entrance to the site, which would be planted with longer grasses and more trees to provide a visual connection with the riverside meadow grassland.
- 8.5.16 “Green Streets” would be lined with large trees and open verges with swathes of native bulb planting. “Green Corridors” would provide pedestrian and visual links to the wider countryside and would be planted with flowering plants and long grasses to enhance biodiversity.
- 8.5.17 The strategy for the Riverside Park would include planting the margins of the balancing pond, and the creation of new stands of woodland and individual trees. A trim trail would incorporate exercise stations constructed from wood.
- 8.5.18 The Council’s Landscape Officer had some concerns about the lack of detail in some areas, including the access points and the parking courts where planting strips were impractical. Amended plans are now being prepared to his satisfaction, **ESSENTIAL REFERENCE PAPER ‘B’**, condition 11.
- 8.5.19 *Biodiversity.* Under the Natural Environment and Rural Communities (NERC) Act, 2006, and under part III of Government Circular 06/2005, local authorities have a legal duty to have regard for protected species and their habitats when considering planning applications. The NPPF at para. 109 says:

*The planning system should contribute to and enhance the natural and*

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*local environment by...minimising impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

- 8.5.20 A habitat survey was carried out for the applicants in 2010 and updated in July 2012. The key conclusions were that habitats on site, including arable land, trees, a dry ditch and hedgerows are of limited, negligible or low ecological interest. Grassland in the open area by the Stort is composed of common and widespread species. The Stort riverine swamp and carr (wet woodland and scrub) represent the habitats of most ecological value within the application site, considered of moderate ecological importance by the ecologist. However, the habitat is drying out and requires water levels to be raised in order to restore its quality. The carr woodland is in the floodplain, and no specific improvement works are currently proposed but the fact that the proposed attenuation pond will discharge controlled run-off into the existing (currently generally dry) ditch that drains through the carr woodland to the River Stort will assist in keeping soils in that area wetter than they currently are.
- 8.5.21 A variety of bird species were observed, some lizards near the Stort, and foraging bats, and there were signs of badgers living nearby. However, due to the low numbers of any one species, and limited diversity of habitats, the ecologist concludes the application site as a whole is of less than local ecological importance.
- 8.5.22 The London, Essex and Herts Amphibian and Reptile Trust object to the application on the basis that although the ecological survey of the application site showed only a small population of lizards, the former allotment land on the west side of Farnham Road is a site of County significance for the presence of slow worms and grass snakes. They are protected under the Wildlife and Countryside Act, 1981, and the proposed development at ASR 5 would make them susceptible to arson, collection, persecution and domestic cats. In response the applicants have said that the site was surveyed and recorded slow-worm and common lizard, although not in any great numbers. They consider the threat has been over-stated and that the development would be unlikely to cause such harm, a view that has been broadly endorsed by the Herts Biological Records Centre who say that the site is not of County significance. There is habitat improvement contained within the application which is likely to benefit common reptile populations, particularly the small numbers of common lizard recorded along the River Stort. The ES makes specific reference to measures to



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be implemented to enhance this area for reptiles, and it could be a suitable area to which any threatened populations could be moved in the future.

8.5.23 The application offers the opportunity to greatly improve the ecological value of the area by means of judicious planting and management of the green infrastructure. The ecologist makes a number of recommendations that have been endorsed by both Herts and Middlesex Wildlife Trust and the Herts Biological Records Centre. These entail:

- conserving and enhancing existing habitats, including hedgerows and habitat buffers around the development;
- planting native species in the open areas of the estate and ensuring areas of ecological value are connected; in the riverside area this should include linkage between the attenuation pond and other habitats for the benefit of bats and other species;
- habitat creation in the riverside park as a whole, and special attention to the margins of the balancing pond and the Stort corridor, including the carr woodlands and
- seeking opportunities to create space for wildlife in new buildings e.g. bird and bat boxes and green roofs and walls.

8.5.24 Therefore, a planning condition is proposed (**ESSENTIAL REFERENCE PAPER 'B'**, condition 8) requiring the submission for approval of a Green Infrastructure and Biodiversity Management Plan to include, inter alia, ecological enhancement and management, including a further survey to identify species, for the whole of the application site, aiming to maintain and improve biodiversity and connectivity through the site and with adjoining areas such as ASRs 1-4 and the Stort riverside.

8.5.25 *Management.* The applicants have agreed to prepare a Green Infrastructure and Biodiversity Management Plan (see above) which will be shaped by EHDC, HCC and the bodies that advise on ecological matters. The Plan will identify the management regime appropriate to each of the different ecological areas, including trees, hedges and watercourses and the attenuation pond, and the new planting that will take place. Management should include ongoing improvement of the local ecosystems, and the list of improvements in Policy GIP 2 of the SMNP should be taken into account, including way-marking, interpretation boards, seating and access for people with disabilities. Management of these resources needs to take into account the proximity and intensity of human activity in the surrounding development, ensuring that there are adequate buffers and

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management responses to that activity.

8.5.26 Countryside Properties have indicated that they will let a contract for the management of the green infrastructure, paid for by a charge to householders through an estate management company. There would be an option to involve local interest groups or charitable bodies such as BTCV in the more specialist ecological management and improvement work, or the management body that it is proposed to establish to manage open areas and facilities on ASRs 1-4. The management arrangements will need to be set out in the Section 106 agreement to ensure that they are effective and sustainable (**ESSENTIAL REFERENCE PAPER 'A'**).

8.5.27 *Conclusions regarding green infrastructure*, In contrast to ASRs 1-4 and the SCA, ASR 5 and the riverside are relatively uninteresting in terms of biodiversity, and the application therefore offers an opportunity to enrich it, with considerable benefit to the community. The applicants have taken on board some concerns regarding the landscaping of the residential development, which will be to a high standard. The Council will ensure that green infrastructure is well managed in the future, in accordance with ecological objectives, through approval of the green infrastructure management plan. The Chantry Residents Association's and individual residents' concerns about the impact of the development on biodiversity should be allayed by the foregoing and Members may be satisfied that the proposals represent sustainable development in these regards.

#### Water management

8.5.28 The NPPF requires local authorities to adopt proactive strategies to mitigate and adapt to climate change, taking account of flood risk and coastal change. It requires the application of the sequential test for flood risk when considering new development, and should prevent both new and existing developments from contributing to, or being put at unacceptable risk of, water pollution. It promotes the use of Sustainable Drainage Systems (SuDS). The NPPF is supported by a Technical Guidance document on flooding (2012).

8.5.29 The East Herts Local Plan (2007) contains saved policies relating to flooding and water management:

- ENV 18 concerns preserving and enhancing the water environment;
- ENV 19 prevents development in areas liable to flood that would increase flooding elsewhere or adversely affect people or property;

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- ENV 20 prevents contamination of ground water; and
- ENV 21 promotes Best Management Practices for surface water drainage.

8.5.30 *Engineering considerations.* EHDC's Engineering Officer has confirmed that the majority of the development site is in Flood Zone 1 (ie low risk), and there are no historic flood records associated with this site. The open area to the east of Hazelend Road is adjacent to the Stort Flood Zones, 2 and 3.

8.5.31 Development of the site will increase run-off, which will need to be mitigated. The proposed development will be designed to convey water to the River Stort via a balancing pond in the open parkland next to the river. To mitigate drainage impacts the development will incorporate SuDS techniques to attenuate surface water and regulate flows. These will be supplemented with pollution control measures. The Engineering Officer confirms that he would prefer a SUDs solution rather than pipes and tanks underground, but recognises that this is limited by topographical restrictions in Phase 1. In clarifying the proposals the applicants have agreed to install water butts in all rear gardens which will provide attenuation as well as having other benefits in reducing the use of potable water, although the storm water management system proposed does not include them in the calculations.

8.5.32 HCC's Flood Management Team commented that the developers of ASR 5 were likely to be caught by the implementation of the SuDS Approval Body (SAB)<sup>9</sup> which was due to be commenced from October 2014. However, the Government delayed implementation, largely because of concerns regarding the cost of the system, and last year consulted on alternative means of ensuring that SuDS are well designed and managed by using the planning system. On 18 December 2014 the Secretary of State issued a written statement saying:

*...we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development ...to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.*

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9 The Flood and Water Management Act required SAB approval of all new drainage systems to be obtained before construction can commence and that the proposed drainage system meets new National Standards for Sustainable Drainage, including design, construction, operation and maintenance of SuDS. If the National Standards for SuDS are met, then the SAB will be required to adopt and maintain the approved SuDS that serve more than one property.

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*Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.*

*To protect the public whilst avoiding excessive burdens on business, this policy will apply to all developments of 10 homes or more and to major commercial development. The Government will keep this under review, and consider the need to make adjustments where necessary. The current requirement in national policy that all new developments in areas at risk of flooding should give priority to the use of sustainable drainage systems will continue to apply.*

- 8.5.33 These changes will take effect from 6 April 2015. Neither, the HCC Team nor the Council's Engineering Officer are fully satisfied with the details of the proposed water management system. A condition therefore requires further details to be submitted (**ESSENTIAL REFERENCE PAPER 'B'**, CONDITION 22), and the Section 106 agreement will secure robust and ongoing management of the system (**ESSENTIAL REFERENCE PAPER 'A'**, item 5).
- 8.5.34 There have been a number of flooding incidents at Little Hadham and the concern of the Parish Council regarding additional flood risk as a result of the development is understandable. However, the Council's Engineer is not clear there is drainage linkage between Bishop's Stortford and Little Hadham because the topography does not tend to fall that way, particularly along the A120. He says a good quality SuDS system at BSN would in any event reduce risk within the development and surrounding areas.
- 8.5.35 As well as emphasising the importance of using SUDS solutions as much as possible, the EA's main concern has been to ensure that the proposed engineering solutions prevent any contamination of the public water supply that is abstracted from the chalk aquifer water abstraction area nearby. The chalk aquifer extends underneath the site, which lies in the inner Source Protection Zone (SPZ1), and they have suggested a suitable condition of planning permission (**ESSENTIAL REFERENCE PAPER 'B'**, condition xx). They also reinforced the impact that additional visitors from BSN to the Stort Valley would have.

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8.5.36 *Conclusions regarding water management.* The applicants have worked pro-actively with HCC, EA and EHDC to address technical concerns in relation to water management. A positive aspect of the approach taken is that the scheme benefits from the creation of additional open space by the Stort for water management purposes, benefiting play, passive recreation and the visual landscape. The developers are content to arrange management of the SuDS through a management company, which will need to be approved by the Council and appropriate conditions and Section 106 provisions are recommended (**ESSENTIAL REFERENCE PAPER 'A'**, item 5; ERP B, condition 22).

#### Air Quality

- 8.5.37 The applicants submitted an air quality assessment covering both construction and operational impacts of the proposed development. During construction releases of dust and coarse particles (PM<sub>10</sub>) will occur but, taking account of the prevailing winds and the proximity of neighbouring properties, through good site practice and suitable mitigation measures they say the impact will be negligible. **ESSENTIAL REFERENCE PAPER 'B'**, condition 19 requires a construction method statement plan to be submitted that will secure the measures required.
- 8.5.38 The Council's Environmental Protection Officer (EPO) has endorsed the dust mitigation measures and has also recommended conditions to mitigate noise emission from the site during the construction phase, to control hours of working, and to control lighting.
- 8.5.39 As regards operational impacts, the applicants' consultants have also determined that the development will result in a negligible impact on local nitrogen dioxide (NO<sub>2</sub>) and PM<sub>10</sub> concentrations, and neither will future occupants be exposed to poor air quality.
- 8.5.40 However, concerns about air quality have been raised by the public in relation to BSN as a whole, with frequent references to the streets that meet at the Hockerill lights, which is an existing Air Quality Management Area (AQMA). This has been declared due to risk of exceedence of NO<sub>2</sub> concentrations. Policy TP2 of the SMNP requires that where development leads to a 5% increase in congestion within an AQMA mitigation is required to bring predicted pollutants back to pre-development levels. The modelling of the traffic generated by ASR 5 alone suggests it will not lead to such an increase, but it is worth noting that it is currently difficult to predict change in air quality at the roadside because vehicle emissions are subject to continuing improvement through the application of higher standards to vehicle manufacturing.

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8.5.41 The Council's Environmental Protection Officer says that the reports provided to date from both sets of applicants regarding projected air quality and the effect that the developments will jointly have on the AQMA in Bishop's Stortford are inconclusive. It is therefore necessary to continue monitoring, including Rye Street, in order to consider whether another AQMA should be designated in due course.

8.5.42 The Environmental Protection Officer recommends that mitigation should be secured by Section 106 agreement to help fund further monitoring and to designate another AQMA if required, and that funding should be made available to undertake works in support of the Air Quality Action Plan, with reference to Smarter Choices, in order to encourage a switch to more sustainable forms of transport. The Section 106 heads of terms for ASRs 1-4 include a sum of £20,000 for air quality, which is considered adequate for the purpose.

8.5.43 *Conclusion on air quality.* Conditions are proposed that will enable the Council to control emissions from the site. Regarding the AQMA, it is not anticipated that ASR 5 alone will noticeably worsen the position, but monitoring will continue, with the addition of monitoring on Rye Street.

#### Heritage and urban design

8.5.44 *Archaeology.* Following desk based, aerial and geophysical assessment, trenching was carried out in September 2012. The applicants' archaeological evaluation report prepared by Oxford Archaeology East in May 2013 noted the following finds from the trenching on the west side of Hazel End Road:

- evidence of Neolithic flint working;
  - an Early Bronze Age boundary marker with ring ditch and central post;
  - Late Bronze Age/Early Iron Age ditches, fenceline and storage pits;
  - an undated trackway; and
  - Post Medieval quarrying.
- On the east side:
- A significant 6<sup>th</sup>-7<sup>th</sup> century pottery assemblage from a shallow feature in one trench indicates the possible presence of nearby [Anglo Saxon] settlement.

8.5.45 HCC's Senior Archaeologist considers that the applicants' Environmental Statement does not go far enough in its proposals for further on site investigation – she says the finds so far are sufficiently interesting to warrant detailed investigation across the whole site before each phase of the development is commenced, including open area

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investigation on parts of the site. Condition 13 in **ESSENTIAL REFERENCE PAPER 'B'** is therefore recommended.

8.5.46 The archaeological investigations at BSN are of more than local interest. The Senior Archaeologist says:

*The archaeological investigations carried out in relation to BSN have already produced a significant amount of archaeological evidence relating to occupation and land use of this area from the later prehistoric period (c.1600BC) through to the post-medieval period. More information will come from the detailed excavations of the area in the future, but it is already possible to start to reconstruct a picture of a particular piece of landscape that has been settled and exploited by humans from prehistoric times.*

8.5.47 She suggests there is potential for developing a popular archaeological narrative of the economic and social prehistory of the BSN site using the results of the excavations via various media including on-site displays, videos, open days, workshops, social media, lectures and a permanent museum exhibition. It may also be possible to incorporate some aspects of the prehistory and history of the site into the final development design (e.g. marking the location of some key or especially interesting sites and pathways that follow ancient routes). This would be under the auspices of the Rhodes Museum, and a sum of £75,000 has been identified in the Section 106 agreement for ASRs 1-4 to assist them to accommodate the collections and undertake the kind of activities suggested above. A pro-rata contribution from ASR 5, based on area, would be £9,000, to which the applicants are agreeable (**ESSENTIAL REFERENCE PAPER 'A'**, item 21)

8.5.48 *Urban design.* The scale of the proposed development and its sensitive landscape setting mean that the approach to its design and landscape treatment needs careful consideration. The importance of blending the development into the semi-rural setting on the edge of town was emphasised to the applicants, and an approach of bringing something of the countryside into the development through the detailed design, layout and landscaping.

8.5.49 In view of the significance of the site the developers of both ASR1-4 and ASR5 agreed to take their schemes to the Hertfordshire Design Review Panel, which considered the applications on 2 July 2013. A summary of its conclusions (in relation to this application) are:

- The principle of significant development in this location was accepted, if density and housing mix were appropriate and the key

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characteristics of the site respected. However it was felt that higher numbers of dwellings could be incorporated in some parts of the site.

- More work was needed to ensure the Garden City (ASRs 1-4) and Village Green (ASR 5) concepts were realized.
- The entrances to the development need further design work.
- The layout and design of routes should be improved to assist legibility, orientation and sense of place.
- The panel welcomed the retention of key landscape features but suggested the countryside should be 'brought in' to the development through further greening.

8.5.50 The applicants were able to take on board these comments as their design work progressed. In particular, the "village greens" in the form of Hazel Green Park and Hazel Rise Park, are prominent features in the heart of the development, with plenty of space for informal games and social activities, including a play area and seating areas. Elevations of some of the properties surrounding the greens were revised to create a more rural look. The landscaping proposals include areas for low maintenance grasses and wild flowers, plentiful hedge boundaries, and tree planting with indigenous species. The design of the properties themselves is varied and picks up design features in properties in the older parts of Bishop's Stortford, which the developers were asked to use as a reference point.

8.5.51 The Environmental Statement includes information about the impact of the development on longer distance views of ASR 5, and on views into the site from surrounding roads. As a simple replacement of open fields with housing, the proposal brings what is described as generally *large adverse* change, for example:

*Development, including the school, will be clearly visible along the extent of the A120 where it lies either level or slightly elevated above the site and will continue to stay visible until the height of the embankment obscures views.*

8.5.52 The change itself is largely unavoidable with this scale of development and the approach that is usually taken is to soften both short and long distance views with suitable open spaces, mounding and landscaping, so that, for example, from the A120:

*There will also be two breaks in the development created by linear green links of open space that will also be tree planted and will assist in visually breaking up the built form.*



8.5.53 There is also an argument that once the inevitability of change is accepted, a well-designed and landscaped scheme could be an asset to the town and its appearance, and that it does not need to be hidden.

8.5.54 *Conclusion on Heritage and Urban Design.* The number of archaeological finds so far is of great importance in helping to map and understand the succession of settlement in the Stort Valley and the applicants accept the need for thorough investigation of the site in advance of each development phase. As with ASRs1-4, they are prepared to help fund the storage of the finds through a Section 106 payment. As regards urban design, the applicants have responded to the Design Review Panel's comments, and the quality of the housing design and external areas is relatively high. In these respects the proposals represent sustainable development.

Overall conclusion on Environment and Design

8.5.55 Concern on the part of the public and special interest groups about the environmental impacts of the development has covered every aspect, but sufficient details have been submitted by the applicants to be satisfied that the environment will be protected. Likewise, the applicants have listened to concerns about design and submitted revised details that will produce a development of a high standard.

**8.6 Highways and transportation**

8.6.1 *Considerations* A development the size of BSN as a whole will have a considerable impact on the roads in and around the town, and on public transport. Concern about this impact was the issue most often mentioned in correspondence and petitions received from the public regarding all of the applications. Representations focus in particular upon additional cars driving to or through an already congested town centre at peak times, and extended queuing and congestion on Hadham Road and Rye Street which afford the most direct means of access to the town centre from BSN. Concerns are expressed regarding the functionality of the accesses onto Rye Street and Hadham Road. The already congested traffic light junction at Hockerill is frequently mentioned, including the impact of queuing traffic on air quality. The adequacy of car parking in the town centre is mentioned, and the limited capacity of public transport, including the rail services.

8.6.2 In terms of impact outside the town itself, there is comment upon the existing peak time queuing at the Stansted Road / A120 roundabout, and the additional queuing the development will create at the Little

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Hadham traffic light controlled junction on the A120.

- 8.6.3 As the Highway Authority, Hertfordshire County Council's formal response to the application is included, in full, at **Essential Reference Paper 'C1'**, and the following analysis will draw on it when looking in more detail at the key issues for ASR 5. In their reply HCC say they have generally considered the joint impact of both this application and applications 3/13/0075/OP and 3/13/0804/OP for 2200 homes at ASRs 1-4 and the SCA.
- 8.6.4 Members will recall that application 3/13/0075/OP was approved at the special meeting of the Committee on 30 January 2014. This followed a deferral at the special meeting on 05 December 2013 for the reason that Members wanted the matter of the proposed access to ASRs 1-2 from Hadham Road to be reconsidered in order to look for alternative options. Members discussed that and other traffic and transportation matters at length at both meetings and in the end were satisfied that the traffic implications of the development, including ASR 5, were acceptable taking into account the proposed mitigation.
- 8.6.5 In coming to that conclusion, they also took into account policy in the NPPF, including para. 32 which states:

*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 8.6.6 Before making a decision, the Committee listened to public representations regarding the meaning of "severity" and the degree to which it should be dependent on existing local traffic conditions, and they considered some suggested definitions in the Committee report. The report also suggested that the housing imperative in the NPPF is sufficiently strong that it is likely that the intention is that it should take

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priority over some local deterioration in the flow of traffic that is the consequence of development.

8.6.7 Following that decision, it remains for the Committee to assess the acceptability of the traffic and transportation impacts of the stand alone development of ASR 5, including the access to the site and public transport arrangements, and in addition the suitability of the developers' contribution to the overall mitigation of BSN traffic impact.

8.6.8 *Transportation policy* As well as the NPPF, HCC refer to two other policy documents that are material considerations since they are compatible with NPPF strategy: the Local Transport Plan 3 (LTP3) 2011-2031 and this council's Local Plan. LTP policy recognises that the design of new developments will have a major impact on the connectivity of development and the degree that sustainable modes can take the place of car journeys. The strategy places a strong emphasis on supporting sustainable modes and facilities attractive to bus movements, cycle and walking trips. This is reflected in Local Plan Policy TR1.

8.6.9 HCC also describe other policy documents which are relevant to transportation in and around Bishop's Stortford and which were endorsed by EHDC and therefore carry weight. The recommendations contained in them are in line with NPPF policy. They are:

- Eastern Herts Transport Plan, 2007; and
- Bishop's Stortford Transport Study, 2006 (prepared by Steer, Davies, Gleave);

8.6.10 The Eastern Herts Transport Plan suggested that the BSN transport strategy should be based on:

- New bus services connected with park and ride;
- Protection of the Rye Street corridor;
- A new junction on the A120; and
- Flagship walking and cycling schemes.

The studies emphasise that because of the historic nature of the town and its street network there is limited scope for significant engineering solutions in and around the town centre to enable traffic to flow better, and they focus on encouraging the use of more sustainable modes of transport, and seeking parking solutions outside the town centre.

8.6.11 HCC expect to recommence work on the Urban Transport Plan (UTP)

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for Bishop's Stortford and Sawbridgeworth when the consultation on preferred sites in the new District Plan has concluded. The UTP will bring forward specific projects and proposals to help the towns mitigate the expected growth in traffic from development in the long term, including BSN.

8.6.12 Traffic modelling The applicants' transport consultants, Mayer Brown, shared WSP's "Paramics" model developed for ASRs 1-4. It was used because the model is very detailed and, amongst other things, gives the following information:

- the routing of development traffic away from the site;
- changes in traffic flow, queue lengths and journey times on key routes and at key junctions; and
- driver behaviour and how they adapt to the prevailing road conditions, for example by the avoidance of congestion.

8.6.13 WSP also commissioned a run of the "Saturn" Harlow Stansted Gateway Transport Model (HSGTM) model. As a sub-regional model it provided less detailed information than the Paramics model, but across a wider area, including the town as a whole. The scope of all the modelling was agreed in advance by HCC, the Highways Agency and Essex County Council.

8.6.14 The starting point for the modelling is estimating trip generation from the new development, including trips that are internal to BSN. The consultants assumed a reduction in the number of trips by car on the basis that the developers will have a travel plan for new residents, as required by the NPPF, and will contribute to Smarter Choices, a town-wide campaign to encourage a shift from cars to more sustainable modes of travel. The applicants have made an allowance of 24% a.m. peak and 18% p.m. peak reductions for the travel planning but a conservative 3% for Smarter Choices (as against an expected reduction of 15% as stated in the applicants' transport assessment). Members will recall the Save Our Stortford objections to the level of these assumptions and the lack of any sensitivity testing, but the Highway Authority was satisfied that the assumptions were reasonable.

8.6.15 Modelling outputs The modelling shows how the network would be affected with the BSN development completed, and the proposed mitigation fully implemented, including the predicted modal shift from Smarter Choices and the travel plan. In summary, the modelling of BSN as a whole showed an increase in queuing and delays at a number of locations on routes into the town centre, and most

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particularly on Hadham Road-The Link-Hockerill, Stansted Road and Rye Street. Routes around the town on the A120 showed general improvement with the proposed mitigation in place, particularly at the Stansted Road roundabout, and at the M11 junction 8. Queuing at the Little Hadham traffic lights was worsened, and the Parish Council are concerned that there will be additional rat running as a consequence. The Saturn modelling of impacts across the town as a whole showed that, apart from the Hockerill lights junction, which is already at capacity, the impacts are generally slight, and where there are additional delays they are measured in seconds rather than minutes.

8.6.16 HCC's overall conclusions from the modelling of BSN as a whole are:

*The results of the Paramics micro simulation model, the Saturn Harlow-Stansted Gateway Transport Model (HSGTM) and the localised LINSIG models confirm in summary that:*

- *Mitigation measures along A120 results in nil detriment to the primary route network.*
- *Significant increases in traffic and congestion are anticipated on key routes into town and at key junctions. The mitigation of the impact of this additional traffic on the town is reliant on the achievement of modal shift through successful take up of the improved bus services and the successful application of travel planning and the Smarter Choices campaign.*

8.6.17 HCC's conclusions from Mayer Brown's modelling of the impact of ASR 5 alone, without any assumptions about the effect of travel planning, were, in summary, that the most significant impact in the AM peak is a 14% increase in traffic volume at the Stansted Road / Michaels Road junction. In the PM peak traffic at the proposed site access junction on Hazelend Road increases by 9% with the greatest increase in traffic volume (10%) occurring again at the Stansted Road / Michaels Road junction. They consider that the increase in traffic volumes identified will not introduce significant delays to the road network or result in any operational or safety issues.

8.6.18 There are, however, concerns about Rye Street where the existing conditions for users are unsatisfactory for a number of reasons. Modelling shows the two new access points, one into ASR 5 and one into ASR3, operate without causing congestion at peak times, but progress along Rye Street is inhibited by many accesses and side roads, narrow carriageways and footways, bus stops and parked cars, and a delay at the junction with Hadham Road that is increased by 4% in the a.m. and 7% in the p.m. The Rye Street Residents Action Group

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petition, and individual letters from residents of Rye Street, show great concern regarding the safety of both motorists and pedestrians in these circumstances. They say that no physical improvement works are proposed, apart from a new pedestrian crossing near the new junction.

8.6.19 In fact, Mayer Brown's transport assessment includes a detailed appraisal of the pedestrian route along Rye Street from ASR 5 to Northgate End, and a speed survey which found that speed limits are often exceeded. They say that the corridor has little scope for reallocation of space because the road is narrow and footways are narrow or absent. The applicants and HCC consider that a route strategy approach would be productive in identifying local improvements, following consultation with users of the route. It would be aimed at delivering better speed management and to develop the route's status as a bus friendly corridor, with high quality cycle and walking links into the town centre. Mayer Brown have set out a number of possible improvements:

- speed reduction through calming measures;
- side road junction treatment for pedestrians;
- creation of a 20mph zone;
- extending the 30mph zone northwards;
- strengthening the fragmented west side footway where possible;
- providing three new formal crossing locations, coordinated with bus stop locations, to reduce severance and improve safety;
- creation of a northern "gateway" to the town by means of a give way and single working; and
- new pedestrian and cycle paths

8.6.20 Access proposals Three points of vehicular access to ASR 5 are proposed and have been approved by HCC:

- The main access into the site would be provided via a new roundabout at the junction of Rye Street, Hazelend Road and Michaels Road. Originally, it was proposed to include Farnham Road via a fifth arm, but that failed a safety audit and Farnham Road retains its existing priority junction with Rye Street just to the south of the new roundabout. Although Farnham Road will continue to be lightly trafficked, there will be more because both ASRs 4 and 5 will have access to it. It is therefore proposed that access from Farnham Road to Rye Street will be left turn only, right turners having to use the new roundabout to travel south on Rye Street. HCC carried out a safety audit and found this to be the best arrangement.

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- The proposed access onto Farnham Road would be a priority junction midway between the property “Partridges” and the proposed new access to ASR 4. It would serve up to 50 dwellings only in phase 2, and a condition is proposed to ensure the detailed plans prevent access to the wider site (**ESSENTIAL REFERENCE PAPER ‘B’**, condition 34)
- The third access would be a priority junction on Hazelend Road which would be used by a limited number of vehicles and bus services, and it would provide construction access.

8.6.21 The approved access arrangements for ASRs 1-4 and the SCA include a new road running north-south from a new roundabout on the A120 to Rye Street, with a priority junction between 219 Rye Street and the Bourne Brook. This will afford occupiers of ASR 5 an alternative route to the A120, especially when travelling to and from the west.

8.6.22 The proposals would add a network of new footpaths and cycle ways within the site, linking into new and existing pathways on the open land on the east side of Hazelend Road, and to ASRs 1-4 on the west side of Farnham Road.

8.6.23 Mitigation measures In view of the limited opportunities to carry out physical improvements to the local roads and routes into the town centre, the applicants have followed advice in the NPPF to encourage the use of transport other than the motor car.

8.6.24 *Rye Street route strategy* The measures listed in para. 8.6.19 above have been roughly costed by HCC at £840,000, if they carry out the works, but a safety audit has not yet been undertaken. That sum has been included in the suggested heads of terms for Section 106/s.278 agreements, and it is possible that the final cost will be less if the works are carried out by the applicants, (**ESSENTIAL REFERENCE PAPER ‘A’**, item 9).

8.6.25 By completing all the works on Rye Street, which is also part of the ASRs 1-4 mitigation, Countryside Properties will avoid having to share in the costs of the other mitigation being carried out by the Consortium. This simplifies the contributions, although to cover a situation in which the development of ASR 5 does not proceed in advance of the opening of the Consortium’s proposed link road between the A120 and Rye Street, the Consortium’s Section 106 agreement includes provision for them to undertake the works in lieu of Countryside.

8.6.26 *Bus services* In order to encourage residents to travel by means other

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than private car the applicant is to provide a bus service between the development and the town centre and station. This would be by means of the diversion of the existing 510 service between Harlow and Stansted Airport, which currently runs every 20 minutes. The bus would enter the site at the access on Hazelend Road and egress via the main access roundabout junction, or as otherwise agreed with the bus operator and the Highway Authority.

8.6.27 If the frequency of the 510 service were to be reduced by the operator in the future the applicant has agreed to provide an alternative service to the town centre, with a minimum frequency of 30 minutes in the peak period, subject to the ability to operate the service with one vehicle. The service would be guaranteed for a period of 5 years from the point of occupation of 100th unit. The estimated cost of this service is £390,000 (**ESSENTIAL REFERENCE PAPER 'A'**, item 10).

8.6.28 The applicant has committed to ensuring all bus stops within their development are DDA compliant incorporating easy access kerbing with new bus shelters and ducting required to support the installation of real time information display screens. The same specification will be provided for the bus stops sited along Rye Street as part of the Rye Street improvements scheme.

8.6.29 Whilst these arrangements take care of the important matter of bus connection with the town centre and railway station, which is essential in helping to reduce the use of the car, especially in the peak hour, it does not address the issue of the remoteness of ASR 5 from *local* shops and services. The transport assessment shows that only one existing community facility, Grange Paddocks, is within 500m of the edge of ASR 5, and anything else, including shops and restaurants, is at least 1.4km away as the crow flies. The biggest group of essential services such as schools, health centre and shops is clustered close to the edge of a 2km radius from the site. Since it is the applicants' intention to start on site soon after planning permission is granted, this is a particular problem in the short term. In due course, the Consortium will build out new neighbourhood centres on ASR 1-2 and 3-4, and there will be schools and employment opportunities. However, whilst they may be within straight line walking distance of ASR 5, the topography and length of the walk will not suit many residents, who will be likely to drive in the absence of a connecting bus route.

8.6.30 It has therefore been proposed to the applicants and the County Council that the better solution, once the new bus service through ASRs 1-4 is operational, is to extend its route slightly by running it up Rye Street and into ASR 5. It is intended to be run at 15 minute



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intervals and will provide quick and direct connection with the new neighbourhood centres and the other new facilities, as well as the town centre and railway station. The draft Section 106 agreement therefore makes provision for Countryside Properties to switch their funding to the new bus service once it is operational (**ESSENTIAL REFERENCE PAPER 'A'**, item 10).

8.6.31 *Travel planning* Through the NPPF, travel planning is a national policy applicable to new development, requiring incentives to be put in place to meet measureable targets. The Section 106 includes a sum of £50,000 for a travel planning coordinator, (**ESSENTIAL REFERENCE PAPER 'A'**, item 10).

8.6.32 In support of the travel plan, residents would be encouraged to make use of the bus service, through the provision of initial free travel. This would take the form of the provision of travel vouchers to claim an initial 3 months free travel on the bus service, on the basis of 2 tickets per household. The applicant also proposes to allocate a budget of £5,000 per annum for marketing and other measures to help promote the bus service.

8.6.33 *Smarter Choices campaign* HCC have had success elsewhere in the County working with Sustrans on campaigns to persuade existing residents and businesses to swap to more sustainable modes of travel, and the cost of a campaign in Bishop's Stortford is being met from the Consortium's Section 106 agreement.

8.6.34 *Cycle and Pedestrian Facilities* The applicant has agreed to make a contribution of £30,000 towards the delivery of further improvements for cyclists and pedestrians aimed at providing improved connectivity to the town centre. (**ESSENTIAL REFERENCE PAPER 'A'**, item 11). This is in line with priority measures identified for the town in the Eastern Herts Transport Plan. The Town Council's request for a contribution towards the completion of a pedestrian and cycle pathway linking the Causeway at Hockerill Bridge to the existing pathway between Grange Paddocks and the Link Road Car Park, via the east side of the Stort in Sworders field, is relevant and complementary mitigation (**ESSENTIAL REFERENCE PAPER 'A'**, item 24).

#### Conclusion on highways and transportation

8.6.35 As regards the cumulative impact of ASRs 1-5, the highways impact of BSN is the overriding concern of the public. They perceive Bishop's Stortford to be congested at peak times already, and they identify a number of critical locations where delays will only increase with the new

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development, and safety may be compromised. They are critical of the modelling of BSN traffic and do not trust the outcomes, including the performance of the proposed new accesses into the site. They are sceptical about the reliance on mitigating the effects of BSN by encouraging modal shift from the private car to buses, walking and cycling through travel planning and campaigns. They suggest that later phases of the development should be held back if travel plan and Smarter Choices targets are not met.

8.6.36 The Highway Authority confirms that the impact of the BSN development on local roads will not be fully mitigated.

*The development and the mitigation measures proposed are in accordance with the transport policies set out in the NPPF, LTP3, East Herts Local Plan, East Herts Transport Plan and the Bishop's Stortford Transportation Study. The resulting traffic impact of the development taking into account the effects of the full package of mitigation measures will significantly add to congestion in the town but there is no indication that this will introduce significant operational or safety issues on the local highway network.*

8.6.37 This also confirms that whilst further congestion will arise, it will not prevent the network operating satisfactorily and safely. In the context of NPPF policy, where the test is whether *the residual cumulative impacts of development are severe*, there would be no justification for refusal of permission, or for limiting the later phases of development.

8.6.38 Whilst there is no one large scale traffic relief measure that will relieve congestion overnight on local roads, a substantial package of mitigation measures is proposed that includes traffic engineering and management schemes, improved public transport services and facilities, and measures to encourage the use of modes of travel other than the motor car. Further study of the options available will take place when the County Council recommences work on the Urban Transport Plan, and the public will be fully engaged on the exercise.

8.6.39 As regards ASR 5 as a stand alone development, the conclusion is that the traffic assessment demonstrates that it would have a limited traffic impact on both the primary or local road network. The proposed improvement of Rye Street is welcome, as is the contribution towards improved bus services and cycle routes, both of which benefit a wider public.

**9.0 Conclusion**

- 9.1 With regard to the principle of development, in the absence of up to date policies and a supply of housing land equivalent to 5 years demand, the policy requirements of the NPPF must prevail. Therefore, unless any harm caused by the implementation of the development significantly and demonstrably outweighs the benefits, the planning permission must be granted.
- 9.2 It is concluded that positive weight can be assigned to the proposals, or at worst they represent acceptable sustainable development, with regard to housing and education provision, access to neighbourhood and employment facilities, sport and leisure and with regard to environment and design matters.
- 9.3 Whilst it is accepted that the impact of the proposals on local roads is not fully mitigated, it is not considered to be severe. Therefore, in acknowledgement of the test set out in the NPPF, it is not concluded that the weight that can be assigned to this harmful impact outweighs the benefits of the proposals. Accordingly, it is recommended that planning permission is forthcoming.
- 9.4 Because of the detailed nature of the conditions and legal agreement associated with a development of this scale, delegated authority is sought to amend as may be necessary and appropriate, the details set out in **ESSENTIAL REFERENCE PAPERS 'A' and 'B'**. This would be exercised in consultation with the Chairman of this Committee and would be exercised on the basis that an acceptable form of development remains the outcome. The Chairman's agreement would be sought in all cases and, as part of that process, the Chairman would be asked to consider whether delegated authority should be exercised or the matter is one that should be referred back to the Committee.