

### Application 3/13/1501/OP

#### Consultation responses

##### **1.0 Introduction**

1.1 The application was registered on 27 August 2013 and was subsequently advertised in the press and on site as both a major application and a departure from the development plan, in accordance with The Town and Country Planning (Development Management Procedure)(England) Order 2012 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. All consultees, including the public, were asked to respond by 10 October 2013.

1.2 This appendix provides a summary of the consultation responses received and is divided into the following four categories:-

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

The verbatim responses of HCC Highways and Development Services are set out in ERPs C2 and C3 respectively.

1.3 In November 2013, an amendment was made to the application to reduce the maximum number of dwellings from 450 to 410, and a reserve site for a 1fe primary school was introduced (if the school were to be developed the number of dwellings was estimated to fall to 360).

1.4 Further amendments were received in October 2014 to formally amend the application to include a site for a 1fe primary school (as opposed to it being a 'reserve' site), and as a consequence to further reduce the total number of dwellings proposed to 329. On both occasions all consultees, including residents who had replied to

earlier consultation, were reconsulted. In cases where consultees therefore sent in more than one response they have been consolidated in the following summaries of their views.

## **2.0 Statutory and specialist consultees**

- 2.1 The Highways Agency has no objection but points out the J.8 of the M11 is near capacity and they have requested a cumulative impact assessment in the context of the Uttlesford Local Plan given that a number of small developments could be problematic and require mitigation. [The s.106 agreement for ASRs 1-4/SCA includes a small scheme of mitigation at J.8 to ease the situation].
- 2.2 The Environment Agency comments that the application is acceptable subject to conditions which relate to the submission of further details. Such details relate to the design of the attenuation pond; a landscape management plan; a scheme to dispose of foul drainage and sewage pipe work specifications and a detailed surface water drainage scheme for the site. They also give advice regarding the balancing pond and landscaping to protect the wildlife associated with the meadow areas.
- 2.3 Hertfordshire Fire Protection comment that access for fire appliances and water supplies are satisfactory and they will provide more detailed comments at Building Regulations stage.
- 2.4 The Hertfordshire Constabulary Crime Prevention Design Advisor requests that a condition is imposed to require that the development achieves Secured by Design accreditation, which has been instrumental in reducing the number of burglaries in Hertfordshire.
- 2.5 The Council's Housing Development and Strategy Manager notes that the application is proposing 22.5% affordable housing on the entire site, below the Council's target of 40%, but she recognises the scheme has been subject to a viability review.
- 2.6 She agrees the Phase 1 scheme details showing 130 homes of which 40% would be affordable (52 units) and of a mix that meets the needs of applicants on the Housing Needs Register. She notes that in the original planning application the applicants proposed a tenure split of 50% rent and 50% shared ownership but that they have updated their position and now propose a split of 70% rent and 30% shared ownership on the site, which is acceptable since it is close to the Council's position of 75% rent and 25% shared ownership. This

location of the rental and shared ownership units is yet to be agreed with the applicant.

- 2.7 Currently, the scheme proposes no affordable housing in Phase 2 and the remainder of the 22 affordable units would be in Phase 3. This is not a position that the Housing Team can support. Currently, Phase 1 is set at 22% due to the viability review and it would be normal in these major schemes to trigger a viability review for both Phase 2 and Phase 3. This would avoid Phase 2 not making a contribution to the affordable housing requirement.
- 2.8 It is understood that up to 5% of the affordable units will be of the Wheelchair Standard which is welcomed.
- 2.9 The Environmental Health Officer advises that any planning permission should include planning conditions relating to construction management and hours of working and soil decontamination.
- 2.10 The Council's Engineers comment that the site is mostly within flood zone 1 and outside of zone 2 and 3, although the southern/eastern field is adjacent to the River Stort. There are no historic flood incidents recorded for the site. The land slopes in some areas but not excessively therefore many above ground SuDS can be incorporated into the site layout. The design principles, used in conjunction with the broad SuDS philosophy of the Flood Risk Assessment, will ensure that the site has the resilience to provide flood risk reduction at the site itself and to surrounding areas.
- 2.11 Natural England do not object on the basis that the application does not pose any likely or significant risk to features of the natural environment.
- 2.12 HCC Ecology refer to the applicants' survey report which found that the area for housing had low ecological value, with more diversity on the eastern area next to the Stort. The main area of interest is the riverine swamp and carr (woodland and scrub) but water levels need to be raised in order to preserve it. They also ask that the applicants' ecologists' recommendations are secured by condition:
- New ponds should include native aquatic planting.
  - Bird and bat boxes to be deployed across the site post development.
  - Street and security lighting should not be deployed on the eastern side of the site.

- If development is delayed by two years all species surveys should be repeated.

- 2.13 Herts and Middlesex Wildlife Trust (HMWT) comment that sufficient survey information has been submitted in relation to the impact on protected species and other ecological features. The survey found no evidence of otters, water vole or white clawed crayfish so impacts on these species can be ruled out. No badger setts or bat roosts were found although there are records in the area of these species. The bird survey recorded a variety of bird species within the site. However, due to the low numbers of any one species, and limited diversity of habitats, it is concluded that the site as a whole is of less than ecological importance.
- 2.14 HMWT are satisfied that the mitigation measures set out within the application will compensate for harm to ecological interests and, subject to long term positive management and enhancements of habitats the development may achieve a net biodiversity gain. Such measures should be addressed at the early design and planning stage and secured through condition and/or legal agreement. HMWT have given very detailed advice to the applicants regarding planting and management of the sites to have the best effect.
- 2.15 Herts Biological Records Centre (HBRC) comment that ecological surveys for a range of species were carried out and the main area of interest is the riverine swamp and carr (woodland scrub). However, the habitat is drying out and requires water levels to be increased to maintain the habitat. HBRC agree with the recommendations in the submitted ecological report and recommend that such matters are addressed through a planning condition.
- 2.16 London, Essex and Herts Amphibian and Reptile Trust object 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.
- 2.17 The Council's Planning Policy Team's comments have been incorporated into section 7.0 *Policy considerations* of the main report to Committee.

- 2.18 The County Council Historic Environment Unit say that several areas of the site have been identified by the archaeological evaluation carried out in 2012 as having archaeological potential, including evidence of activity from the Early Neolithic through to the Anglo-Saxon period. The Environmental statement submitted with the application proposes to mitigate the impact of the development by implementing a programme of archaeological excavation prior to construction.
- 2.19 The County Archaeologist comments that given the relatively high significance of the archaeological remains so far discovered, there is a risk that further archaeological investigations will reveal additional remains of comparable and even greater significance. Should planning permission be granted, further archaeological evaluation will be required.
- 2.20 English Heritage recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conversation advice.
- 2.21 Thames Water has no objection with regard to sewerage infrastructure so long as proposed improvements are implemented by the applicants. They provide further comment and informatives to the effect that it is the applicant's responsibility to ensure proper provision for drainage to ground, water courses or a suitable sewer; storm water flows to be attenuated or regulated into the receiving public network through on or off site storage; connections are not permitted for the removal of ground water; and where the applicant proposes to discharge to a public sewer, consent from Thames Water will be required.
- 2.22 Affinity Water comment that the site is located within the groundwater Source Protection Zone of North Stortford pumping station. Therefore the construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices. [The Environment Agency has recommended relevant conditions].
- 2.23 National Grid have apparatus in the vicinity of the site and prior to any works being carried out, the contractor should contact National Grid to ensure that no apparatus is affected by the works.
- 2.24 Sport England say that since the site does not form part of or constitute a playing field as defined in the Town and Planning (Development Management Procedure) (England) Order 2010, they

consider the consultation to be non-statutory. They refer to various calculators regarding the demand for outdoor and indoor sports that will be generated by the development, including the Council's SPD (2009) and Playing Pitch Strategy (2010).

- 2.25 The latter recommends a standard of 1.31ha per 1000 population and on the basis of 329 homes and 2.4 persons per home that would give rise to a need for 1.03ha for outdoor sports pitches, plus provision for courts and greens and indoor facilities. Sport England note that the proposal does not incorporate any formal sports provision or a specific financial contribution towards off-site provision and they therefore raise objection on the basis that it would place additional pressure on existing facilities which sports governing bodies say are already deficient relative to current needs.
- 2.26 It is considered that providing isolated playing fields in new developments is not desirable from a management perspective and therefore to address the objection the scope for off-site solutions in the town, including artificial grass pitches, is discussed alongside the views of sports governing bodies. The principle of a financial contribution being secured through a planning obligation in lieu of direct onsite provision would then be acceptable.
- 2.27 The Council's Landscape Officer has negotiated various amendments to the landscaping of the accesses into the site and to the parking courts and now has no objection to the proposals.
- 2.28 Network Rail comment that the proposed development is likely to generate an increase in the number of pedestrian movements over Cannons Mil Lane level crossing. No enhancements other than closure or bridging are possible as the crossing already has miniature stop lights and audible warning.
- 2.29 Hertfordshire County Council is of the opinion that the bridge needs to be ramped but site constraints have precluded a ramped design being developed. Network Rail are nevertheless considering a bridge at this crossing and the developer could be asked to contribute towards the cost.
- 2.30 Essex County Council Mineral Planning Authority has no comments to make in respect of the application.
- 2.31 NHS East and North Herts Clinical Commissioning Group sent their first comments on the ASR5 applications on 20 November 2014. They have consulted general practice in Bishop's Stortford and

emphasise that primary care facilities in Bishop's Stortford are under strain as are support services such as district nursing. Their five year Primary Care Strategy will seek to improve the quality and accessibility of care for local people, partly by integrating services such as community and primary care services.

- 2.32 They are working with the NHS England (Herts and S. Midlands) Area Team responsible for commissioning primary care and premises in Bishop's Stortford will be an early project. They now have a policy in respect of CIL and s.106 contributions to such initiatives.
- 2.33 NHS England (Herts and S. Midlands) Area Team objects to the suggestion in the Environmental Statement that because surgeries are accepting new patient registrations the development will have no significant effects on health care - even when surgeries are significantly constrained NHS England would not wish an individual patient to be denied access to their nearest GP surgery so patients lists are therefore only closed in exceptional circumstances.
- 2.34 They say that ASR 5 will result in circa 790 new registrations for primary care and a table has been supplied showing that all local surgeries are significantly constrained, apart from the two in the town centre where there are access difficulties – many of their patients use their satellite centres which are therefore under considerable pressure. 'Constrained' means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. A practice in this situation would usually need to be re-configured, extended or even relocated to absorb a significant number of new registrations.
- 2.35 There is a proposal to build a new centre at BSN and a s.106 contribution is sought to contribute to the cost. The population and construction cost based formula suggests a sum of £621 per dwelling, which amounts to £204,373.

### **3.0 Local interest groups, societies and faith groups**

- 3.1 CPRE (Campaign to Protect Rural England) has significant reservations about the proposed development. They accept that the site is one of the Areas of Special Restriction (ASR5) identified in the East Herts Local Plan. However, given that similar applications have now been submitted for ASRs 1-4, with a potential total of 2,600 dwellings, it is CPRE's view that the impacts on social and transport infrastructure would be substantial and that the necessary work to establish and cater for those impacts has not been fully carried out.

- 3.2 CPRE comment that the application is being made and considered in advance of the Council's emerging District Plan and, if approved, would pre-empt decision making, through that Plan, on the distribution and phasing of development in East Herts generally and Bishop's Stortford in particular. They offer an example of an appeal decision where the absence of a five year supply of housing was insufficient justification in itself to allow a housing development.
- 3.3 CPRE note that unlike ASRs 1-4, ASR 5 will not have direct access to the by-pass which will put pressure on the surrounding highways and they do not consider the emphasis on travel by bus will provide adequate mitigation.
- 3.4 Regarding the revised plans, CPRE welcome the addition of a school to the development and note the reduction in housing numbers but their objections remain in place.
- 3.5 Bishop's Stortford Rugby Club has no objection in principle but note the lack of any additional facilities playing rugby. The proposed development close to the Rugby Club, with the additional numbers of players it will generate is a cause for concern and will place added pressure on the Club which it may not be able to accommodate. A s.106 contribution is therefore sought.
- 3.6 Bishop's Stortford Community Football Club say that with over 900 playing members, including two teams of disabled players, they are the largest club of its kind in the UK. They have a pressing need for additional pitches locally and seek support from section 106 contributions towards sports provision.
- 3.7 The Ramblers Association comment that an existing Public Right of Way (PROW) runs through the proposed 'Riverside Park', and its rural character must be retained. The provision of a green corridor around existing public rights of way as proposed by the applicant is welcomed. However, the proposal to make PROWs and other paths accessible to cyclists is unacceptable as this will degrade the use for walkers and has safety implications. Cycle paths should be separate.
- 3.8 They make other detailed observations on the various footpath routes and how they link together and cross Rye Street. They note that as things stand the link from ASR5 to ASRs 3-4 involves walking for a distance on Farnham Road, which is undesirable.
- 3.9 Bishop's Stortford Congregation of Jehovah's Witnesses say that the Congregation has for over 10 years been searching for suitable land



on which to build a new meeting hall, and they attach a statement of their proposals for a new Kingdom Hall. However, they note that the statement of community involvement submitted with the application says there is no provision within ASR5 for education, a medical centre, shopping or community facilities; a range of local facilities will be provided within ASRs 1-4 but those developers are not making provision for organisations like the Congregation that require exclusive use of their own premises. They therefore object to the application because there is inadequate provision for community facilities.

- 3.10 Wiccan and Pagan ceremonies such as watching the sun rise from and set into a natural environment, especially at the summer and winter solstices, are performed and observed in the rural area that is to be developed as BSN. The correspondent says they require woodland open for public use but not adjacent to housing, and with unspoiled rural surroundings. There is no other suitable area of land in Bishop's Stortford where such rituals can be conducted.

#### **4.0 Residents associations and campaign groups**

- 4.1 Bishop's Stortford Civic Federation objects to the proposals for ASR5 piggybacking on the social infrastructure in ASRs1-4 and not being sustainable in itself; if it were commenced now it would be beyond the built up area of the town, with poor transport links. The only direct connection to ASR1-4 will be for pedestrians, leading to unnecessary car trips to access the services at ASRs1-4. If the planning of ASR5 had been integrated with ASRs 1-4 as originally proposed they would have a more suitable internal layout. They note HCC Highways' comment that they would question how sustainable ASR5 is if it is freestanding, and the Federation say it should be the last ASR to be developed rather than starting at the same time as ASRs 1-2.
- 4.2 The Federation suggests that the amount of peak traffic on the new roundabout on Rye Street might be enough to reject the application on highways grounds. They say that Bishop's Stortford has absorbed 40% of the District's growth over the last 20 years, with more to come, putting great strain on local infrastructure, and that other towns in the District should contribute more to meeting the five year housing supply.
- 4.3 Chantry Community Association represents 1600 households. They object in principle to the development, quoting the NPPF at para 32: *development should be refused if the residual cumulative impacts of development would be severe*. They say there will be an overdevelopment of Bishop's Stortford in combination with ASRs1-4,

Patmore Close and the Causeway developments. They say the applicants are cynical because they are not working together and focussing on local needs and the pre-application consultation was poor. They note the inclusion of a school on the site, but say it is not compliant with HCC education policy. They object to the loss of good agricultural land.

- 4.4 In respect of housing they are not meeting local housing need by helping young people get on the housing ladder. Traffic is a major concern and they quote EHDC's consultants 8 years ago saying the *issues and constraints presented by the existing highway network in Bishop's Stortford are so significant ...that development should not go forward without the current problems being resolved*, but that nothing changed except that traffic increased. They have particular concern regarding the capacity of Rye Street and the safety of cyclists and pedestrians, and they suggest a new crossing point on Michael's Road. Reliance on travel planning is unrealistic. They support the comments of the Ramblers on paths and cycleways.
- 4.5 The Association is concerned about the impact of development on biodiversity, but the balancing pond in the parkland adjacent to the Stort is welcomed. Three and four storey dwellings are unacceptable on rising land. Overall, they would wish to see resources mitigate traffic, health and schools impact in preference to sports and social facilities.
- 4.6 Save Our Stortford (SOS) was a vehicle created by the Civic Federation that was established to actively oppose both the Consortium's and Countryside's applications for the development of BSN. The main focus was the traffic impacts, the methodology used to model them and the quality of the proposed mitigation. ASRs 1-4 and the SCA and ASR 5 were modelled together in order to assess the full impact of the development. However, following the approval by Committee of the Consortium's applications SOS was disbanded.
- 4.7 SOS's representations are therefore now superseded by the Federation's own responses to the applications for ASR 5, which are summarised in paras. 4.1 and 4.2 above.
- 4.8 The Rye Street Residents Action Group petition that was considered in determining the applications for ASRs 1-4 and the SCA should be mentioned here because ASR 5 has a particular impact on Rye Street, from which it gains access. The petitioners were greatly concerned about the safety of both motorists and pedestrians on a route that is already difficult to use owing to its configuration, made worse by parked cars, and the number of side roads and accesses.

They noted at the time that no physical improvement works were proposed, apart from a new pedestrian crossing near the new junction with the A120-Rye Street link.

## **5.0 Local residents and businesses**

- 5.1 Where individuals wrote several times as a result of re-consultation following the receipt of amendments to the application, their comments have been consolidated. This gives a total of 26 consolidated replies, including those submitted in respect of the sister outline application (3/13/0886/OP).
- 5.2 This is a low number compared to the number of objections to the applications for the development of ASRs 1-4 and the SCA. However, many of those earlier objections were considering the ASRs as a whole and therefore included the impact of ASR5, particularly in respect of traffic, which gave rise to the greatest concern. Indeed, the PARAMICS traffic modelling that was submitted with the Consortium's applications included the effects of ASR5. Now that the Consortium's applications have been determined, it remains to consider ASR5 as a standalone development, and hence the smaller number of consultation responses.
- 5.3 Principle of development. Correspondents write of Bishop's Stortford having suffered disproportionate growth compared to other places in the District, leading to pressure on local infrastructure. The growth brings more in-migration and it does not benefit local people. Brownfield land in the District should be used in preference to losing good agricultural land, with the permanent loss of countryside and wildlife. With the secondary school proposals there is erosion of the green belt, and it could lead to merging with other towns nearby. One respondent says that ASR 5 should not be approved until the true impact of the development of ASRs 1-2 has been evaluated.
- 5.4 The BSN Consortium, [who now benefit from planning permission for ASRs 1-4 and the SCA], 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.
- 5.5 Highways and transportation. The most frequently stated objection is the impact of the development on traffic flows, including construction

traffic, with an emphasis on Rye Street, which is described as “diabolical - a congested street already, offering a poor environment for pedestrians and cyclists, with some houses having no footway between them and the carriageway. It is suggested that the footways on Rye Street should be made continuous. There is fear that ASR 5 will bring greater congestion and safety issues on other local roads designed 150 years ago and unable to accommodate the traffic today. One resident objects to the adverse impact on Hadham Grove residents of the proposed new roundabout on Hadham Road.

- 5.6 County Councillor Barfoot has suggested that the later phases of BSN development should be withheld if traffic monitoring shows adverse effects in the early phases.
- 5.7 Inadequate parking facilities means families will use their cars to access the town centre from ASR 5, and the attractiveness of the town centre as a destination will be adversely affected. There are inadequate safe and continuous cycle routes and footpaths and the proposed buses will be too infrequent to reduce car use. The applicants’ travel planning proposals are considered to be unrealistic.
- 5.8 Further afield, respondents say the impact of the development on the A120 and Little Hadham cross roads has been underestimated, with peak time queueing back to the Tesco roundabout. The proposed by-pass only serves to move the problem to Standon.
- 5.9 Education was the second most frequently mentioned concern of residents who responded to consultation on the Consortium applications, but although still mentioned in relation to ASR 5 it is much less so because people are familiar with the proposals for both primary and secondary schools at BSN.
- 5.10 Primary care health facilities are frequently mentioned as an area where there is under provision and pressure on the services will increase as there is currently no firm proposal to improve them.
- 5.11 Housing. There is concern that more housing is proposed than is necessary to meet local needs, leading to in-migration and pressure on services. Whilst one respondent says that 30% of the housing should be affordable, another says that a high percentage of social housing will lead to social tensions and crime, including vandalism. Another says that bungalows should be provided for the for the elderly.

5.12 Environment. That the development will have an adverse impact biodiversity is often mentioned, there being a cumulative impact with the other ASRs. Slow worms are noted as being present in ASR4, next to ASR 5, and there are bats in the locality. A resident of Rye Street suggests a wildlife corridor is required at the rear of Rye St properties. A resident says that the proposed open space and landscaping must not be compromised. One resident is concerned that the development could lead to the depletion of aquifers and to damaging discharges of sewage into the Stort. On environmental grounds a Much Hadham resident wishes to see no repeat of waste from the development being deposited at much Hadham Golf Club.