

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 12 Oct 2016

Application Number	3/16/1252/FUL
Proposal	Amendment to approved access in outline permission 3/13/0886/OP to reconfigure the principal access to ASR5 from the junction of Rye Street and Hazel End Road, including revised roundabout design and alterations to Farnham Road, amendments to new junctions with Hazel End Road and Farnham Road
Location	Land between Farnham Road and Hazel End Road, Bishop's Stortford, CM23 1JJ
Applicant	Countryside Properties
Parish	Bishop's Stortford
Ward	Bishop's Stortford - Meads

Date of Registration of Application	1 June 2016
Target Determination Date	31 August 2016
Reason for Committee Report	Major planning application
Case Officer	Martin Plummer

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 These proposals are advanced to enable the local road system in the area of the site to support the operation of a 3 form entry primary school. This is a more optimal education provision solution to that which is currently secured in relation to the developments at Bishop's Stortford North. The proposals are assigned significant positive weight as a result.
- 1.2 The harmful impacts of the proposals are limited, with possible impact on delivery of residential development to the south of the site and further impact on the current visual character of the Hazelend Road area. As indicated, these impacts are assigned very limited harmful weight.
- 1.3 It is recommended that the proposals are supported as a result.

2.0 Site Description

- 2.1 The application relates to the Bishop's Stortford North (BSN) development. In the East Herts Local Plan (2007) BSN is divided into 6 areas: five have designations as Areas of Special Restraint (the ASRs), and one is a Special Countryside Area (SCA). The pre-submission version of the District Plan also designates BSN for development, under policy BISH3.
- 2.2 This planning application largely arises as a result of issues relating to the development of the BSN sites overall. The application site itself comprises the road between ASR4 and ASR5 (Farnham Road), a proportion of Rye Street, Michaels Road and Hazelend Road. The application site is shown on the attached OS plan.
- 2.3 The immediate surroundings are currently rural, including agricultural land and one or two 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.

3.0 Background to Proposal

- 3.1 Planning permission has been granted for development on ASRs 1-4 under LPA reference 3/13/0804/OP. That approved scheme was submitted by a consortium of house builders and has not, to date, been implemented. The Consortium's original planning approval made provision for a 1 form entry (FE) primary school in phase 1 (ASRs 1-2) and a 3FE school in a later phase (ASRs 3-4).
- 3.2 Subsequent to this permission, the County Council, in negotiation with the developer Consortium, has sought what is considered to be a better spread of education provision, with the first 1FE primary school being expanded to 2FE and the second 3FE primary school being reduced also to 2FE.
- 3.3 Outline planning permission has also been granted for development at ARS5 for Countryside Properties under LPA reference 3/13/0886/OP. That permission includes the provision of a further 1FE primary school within the ASR5 application site. The site for that 1FE school is 1.2ha in size and is located to the north of ASR5.
- 3.4 The County Council has continued to explore the provision of schooling in the way which best maximises management efficiency, educational opportunities and minimises build costs. Its preference is to avoid the

provision of new 1FE primary schools where possible. As a result, it has also explored the potential of expanding one of the 2FE schools to be provided as part of the ASR1-4 development site back to 3FE, but on a new location, on land not controlled by the Consortium.

- 3.5 There appears a reasonable prospect that this alternative and preferable educational provision solution will be achieved and the County is undertaking a detailed feasibility assessment of the now proposed site, on land immediately to the south of Farnham Road (shown as possible school site on the OS plan). This land is part of the ASR4 parcel within the 2007 Local Plan. It is not expressly included within the BSN allocation in the pre-submission District Plan.
- 3.6 This now proposed siting of a 3FE primary school requires changes to the road infrastructure and layout of Farnham Road, to those that were proposed and agreed through the ASR5 planning permission, to ensure it will operate satisfactorily if the education proposals do come to fruition. At the same time, more minor amendments to the separate Farnham Road and Hazelend Road T junction accesses are proposed to take into account more detailed consideration of their operation by the Highway Authority.
- 3.7 This application therefore seeks planning permission for changes only to these matters, namely, to the position and size of the roundabout with Hazelend Road, Rye Street, Farnham Road and Michaels Road; a new alignment of Farnham Road at its south eastern end to link it to the access road into the ASR5 site (with the associated closure of the residual part of Farnham Road); changes to the new road junctions from Farnham Road and Hazelend Road creating access to ASR5 and the provision of pedestrian islands within the road.
- 3.8 As a result of further discussion between Officers, the applicant and the representatives of the County Council, in relation to the schooling provision, further amendments to this application will be forthcoming. These are being advanced to ensure that the width of Farnham Road is appropriate to enable the operation of the proposed school and to ensure they can be achieved on land within the control of either the applicant or the County Council, if it acquires the proposed school site. These further amendments are minor in nature, affecting the Farnham Road alignment and width over a small part of its length. They also require some modest consequential changes within the layout of the ASR5 housing site which will come forward as a subsequent reserved matter application. Officers will update Members on the latest position with regard to this matter at the Committee.

3.9 Finally, there is a further parcel of land which is being promoted for residential development to the south of Farnham Road and immediately west of Rye Street (identified as Site A on the OS plan). Again, this comprises part of ASR4 within the Local Plan 2007, but is not specifically allocated in the pre-submission District Plan. A planning application has been submitted for this proposed development and is yet to be determined. There is a potential impact on the delivery of this site as a result of these proposals and further details are set out below.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the pre-submission District Plan:

Key Issue	NPPF	Local Plan policy	District Plan Pre-Submission Version
Impact of the proposals on the ability to ensure the delivery of infrastructure and other residential development proposals	Core planning principles	IMP1	BISH3
Impact on highway safety and capacity	Section 4	TR2	TRA2
Impact on character and appearance of street scene and surroundings	Section 7	ENV1, ENV2, ENV12	DES1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is yet to take place and the outcome of that is currently unknown.

5.2 As indicated above, land at BSN remains as an allocation for residential development in the pre-submission District Plan.

6.0 Summary of Consultee Responses

6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission subject to planning conditions. Its detailed comments as follows:

Principal site access (new junction with Rye Street, Farnham Road and Michaels Road) - The Highway Authority is content with the arrangement of this new access and the underlying reasons meriting a change to the design. The revised traffic modelling of the junction is acceptable.

Hazelend Road T junction access – The changes to this junction incorporate a change to the speed limit; visibility splays of 4.5 metres x 160 metres and a new island to the north of the junction. To achieve the visibility splays, the application incorporates regarding of the embankment to the north of Hazel End Road and the Highway Authority recommend the inclusion of planning conditions relating to this and any further landscape planting (to ensure provision and future proofing of the visibility splay).

Farnham Road T junction access – The arrangements for this access are satisfactory.

6.2 HCC Historic Environment Advisor comments that an archaeology condition was attached to the outline planning permission (3/13/0886/OP) and if that condition does not apply to this permission then it is recommended that the condition be replicated as part of this permission also.

7.0 Town Council Representations

7.1 Bishop's Stortford Town Council raises no objection to the application.

7.2 Farnham Parish Council objects to the application for the following reasons:-

- The changes to Farnham Road will cause increased traffic and waiting times at the new roundabout;
- There is insufficient turning space on the proposed roundabout and new junction with Farnham Road for HGV's;
- Parking restrictions along Farnham Road, where the new school is proposed should be provided to reduce potential congestion.

8.0 Summary of Other Representations

8.1 No other representations have been received

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/13/0886/OUT	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, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works	Approved with conditions and subject to a S106	01.06.2016
3/13/1501/OP	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, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service	Refused Appeal withdrawn	20.03.2015

	infrastructure works (no matters reserved for Phase 1 (130 dwellings), all matters reserved except for access for Phase 2 onwards – amended scheme		
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10.0 Consideration of Relevant Issues

10.1 The principle of development at ASR5 has been established through the grant of outline planning permission under LPA reference 3/13/0886/OP. As indicated, this application seeks to enable the implementation of alternative access arrangements to those approved under LPA reference 3/13/0886/OP and the relevant issues to consider are therefore limited, but important.

Impact on the ability to enable supporting infrastructure and other development proposals

10.2 As set out in the background above, the main driver for these proposals has been a desire to seek to enable the provision of a new 3FE primary school on the 'possible school site'. So, in relation to the main roundabout access, the changes (including the realignment of Farnham Road) are required to enable the junction to support the operation of the proposed school, if it comes to fruition. Significant positive weight must be given to this enabling aspect of the proposals.

10.3 Also as indicated above, further amendments to the road alignment in the vicinity of the roundabout junction, including changes to the width and alignment of Farnham Road, are to be forthcoming to ensure that the detailed specification of the road is appropriate to support the operation of the school.

10.4 In addition to the school, there are current proposals for further residential development on site A. This application (3/16/0452/FUL) proposes the development of 32 houses. This site comprised part of ASR4 in the East Herts Local Plan 2007 and is not specifically allocated in the pre-submission District Plan. Whilst not allocated, there appears no fundamental issue in principal as to why the site should not come forward for development.

10.5 The revised access application, by virtue of the realignment of Farnham Road, has the potential to affect the ability to access Site A (or to access it in a way that does not require some of the land controlled by

the ASR5 applicant). It is currently uncertain to what degree the road access reconfiguration does compromise the ability to bring Site A forward for residential development. The applicants for the revised access application indicate that there remains an ability to create a further access onto Farnham Road between its new curved alignment and the proposed school access. The representatives acting on behalf of the County Council informally have also indicated that this appears possible, but the residential applicants of Site A themselves have not commented. Some negative weight is assigned as a result of this uncertainty, but this is moderated significantly as the delivery of a school, which maximises educational quality and efficiency, is considered preferable to the delivery of a further, but limited, number of residential properties.

Highway safety and capacity

- 10.6 Having regard to the advice received from HCC, the proposed amended access arrangements with Rye Street, Farnham Road, Michaels Road and the new development site are considered to provide appropriate access arrangements for vehicular, cycle and pedestrian access. The new road layout will not, in Officers opinion, result in significant or demonstrable harm to highway or pedestrian safety and there will be no significant or harmful congestion as a result of this change to the road layout.
- 10.7 The other changes to access arrangements to the Farnham Road and Hazelend Road T junctions are similarly considered to be acceptable in terms of highway safety and capacity.

Character and appearance

- 10.8 The proposed main access and junction arrangement with Rye Street, Farnham Road, Michaels Road and the development site will result in the introduction of a roundabout and change to the character of the roads here from one of rural routes on the periphery of the town to a more engineered and conspicuous highway arrangement. However, permission has already been granted for a largely similar scheme, with the introduction of a roundabout, as part of the initial permission relating to ASR5.
- 10.9 Now proposed is the closure and removal of the part of Farnham Road which will become redundant (about 85m in length). The proposals set out treatment to the location of what will become the former road and the land to the north, between it and the new site access road. This includes soft landscaping treatment and the provision of replacement

foot links. This will help to soften the new access arrangements and, it is considered, will provide a softer solution to that previously agreed under the initial outline application.

- 10.10 With regard to the proposed T junction arrangements to Hazelend Road, the requirements for visibility splays will result in a need to reprofile the embankment to the north and south of the new entrance. It is not clear from the plans and information available, the extent of the changes to the embankment, but there will nonetheless be some changes to the profile and contours of that street frontage, including the removal of some landscape features. Replacement provision can be sought through the use of planning conditions and as part of the reserved matters application relating to that part of the site in due course. Prior to the establishment of new landscaping, there is some resulting harm to the visual character of the road in that area but, in the context of the character change which take place as a result of the development overall, minimal harmful weight is assigned to this matter. No significant change, over and above the permission already granted in relation to the new T junction to Farnham Road, is anticipated.

Other matters

- 10.11 The comments from HCC Historic Environment Unit are noted – this is a new full application and therefore previous conditions would not apply. It is therefore necessary to attach further planning conditions relating to archaeology which replicates the archaeological condition attached to the outline planning permission.
- 10.12 As indicated, these proposals represent a new full application. They do not constitute a reserved matter application following the earlier outline permission. None of the conditions or legal agreement requirements assigned to the outline application will be triggered therefore, as a result of granting permission in this case, or the implementation of it. However, it enables only the implementation of new accesses, including the revised road arrangements, and no further development beyond that. The Council remains in control therefore, able to ensure that conditions and legal agreement obligations are complied with, if and when the outline application is subsequently implemented through reserved matters applications.
- 10.13 The applicant indicates that they desire to achieve the early implementation of residential development on the ASR5 site and therefore this application route, rather than an amendment to the outline permission, which would require amendment to supporting application documentation and further legal agreement work, is their preference.

Officers are not minded to indicate a concern in relation to this approach, given the policy endorsement of the site and the overall emerging approach of the pre-submission District Plan to secure housing delivery. An informative will be added to the permission however ensure that the position with regard to development conditions and legal agreement obligations remains clear.

11.0 Conclusion

- 11.1 Outline planning permission has been granted for development on ASR5. All matters were reserved as part of the development proposal, apart from access arrangements. The outline permission enables the provision of a 1FE primary school to provide appropriate education capacity associated with the development.
- 11.2 An alternative arrangement is now being progressed by the County Council to enable the provision of a school with greater educational potential and management efficiency, namely a 3FE primary school, on land outside the ASR5 site. This is the preferred approach of the County Council. The provision of a school, as now proposed, has resulted in the need for changes to the junction arrangements between the development site, Rye Street, Farnham Road, Hazelend Road and Michaels Road. Other changes are proposed to the previously approved T junction accesses between the development site and Hazelend Road following more detailed consideration of their operation.
- 11.3 Significant weight can be given to the proposals, given their ability to support and enable enhanced education provision. The proposed arrangements are considered to be acceptable in terms of the impact on highway safety and traffic movements. Impact on the character and appearance of the street scene will be variable, with an improvement in the vicinity of the main roundabout junction and some potential harm in the vicinity of the Hazelend Road junction.
- 11.4 Some harmful weight is assigned, albeit marginal, is also applied in relation to the potential impact of the proposals relating to the delivery of further residential development to the south of the site at Site A.
- 11.5 Overall, it is considered that the balance is significantly in favour of the proposals and therefore Officers recommend that planning permission is granted subject to conditions.

Conditions/Reasons for Refusal

- 1. Three year time limit (1T121)

2. Approved plans (2E103)
3. Prior to the commencement of use of the new roundabout access at the junction of Hazelend Road/ Rye Street and Michaels Road, as hereby approved, is brought into use, hard and soft landscape design proposals for the area of land which comprises the current route of Farnham Road which becomes redundant and between that and the access road from the new roundabout junction into the ASR5 site, as generally depicted in drawing 950.12 B, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include hard surface treatment, planting plans, written specification, schedule of plants (noting species, planting sizes, numbers and densities) and the timescale for implementation. Once approved, the treatment shall be implemented in accordance with the agreed timescale and shall subsequently be retained.

Reason

In the interests of the appearance of the development in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and to ensure highway safety.

4. Prior to commencement of any development relating to the new T junction access to Hazelend Road, as shown on approved drawing E3321/731J and E3321/615/J, details of earthworks (to create visibility splays) as shown on the aforementioned drawings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of the resultant embankment, including levels and contours. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the appearance of the development in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and highway safety.

5. Prior to the commencement of the development of the new T junction access to Hazelend Road, details of the removal of existing trees, hedging and other landscaping and the subsequent provision of new hard and soft landscaping to be provided in the vicinity of the new junction, including planting plans, written specification, schedule of plants (noting species, planting sizes, numbers and densities) and the timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. Once approved, any new

landscaping shall be implemented in accordance with the agreed timescale.

Reason

In the interests of the appearance of the development in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and highway safety.

6. All hard and soft landscape works shall be carried out in accordance with the details approved under conditions 3 and 5. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and national guidance in section 7 of the National Planning Policy Framework.

7. Details of the arrangements to be implemented to secure the subsequent maintenance of and landscaped spaces provided as part of the development.
8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007, policy HA3 of the pre-submission East Herts District Plan and the NPPF.

9. Construction management plan (3V26)
10. Action in respect of unsuspected contamination (2E33)
11. Operation of plant and machinery (EN05)

Informatives

- 1 This permission enables the construction of new and realigned road junctions to Farnham Road and Hazelend Road to enable the development of land at ASR5, Bishop's Stortford for residential and other purposes. Planning permission for the development of site ASR5 has been granted under Local Planning Authority ref 3/13/0886/OP dated 1 June 2016. The commencement of development under this permission (3/16/1252/FUL) does not represent the commencement of development of permission 3/13/0886/OP and the conditions applied to that permission and the associated legal obligation agreement do not come into force as a result. However, in order to enable any further development of the ASR5 site beyond the access arrangements hereby granted planning permission there will be a requirement for either the approval of reserved matters applications following permission 3/13/0886/OP or new freestanding full planning permissions. In those circumstances, the conditions applied to 3/13/0886/OP and the associated legal planning obligation agreement will come into force, or will be replaced by similar arrangements, which the Local Planning Authority will seek to enforce in full.
- 2 Ground water source protection (28GP)
- 3 Approval for works to the highway (06FC)

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 and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.