

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

Application Number	3/16/0452/FUL
Proposal	Erection of 30 dwellings comprising of 7no. 2 bed dwellings, 9no. 3 bed dwellings and 14 no 4+ bed dwellings with associated access and landscaping
Location	Rye Street/Farnham Road, Bishop's Stortford, CM23 2HE
Applicant	FOL Limited
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

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

RECOMMENDATION

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

1.0 Summary

- 1.1 The application site is located within ASR4 (Area of Special Restraint) in the Local Plan. The wider ASR's have been granted planning permission for residential and other associated development (including schools, neighbourhood centres, employment provision) and infrastructure. Regard must be had to that background and the Council's position with regard to housing supply matters, in considering these proposals.
- 1.2 The development incorporates the provision of an appropriate mix, density and layout of development which responds positively to the development proposals and amended road layout which has been approved at the adjoining ASR5 site which is being developed by Countryside Properties. The development proposal incorporates the provision of an appropriate scale and design of development and provides appropriate access arrangements for vehicles. The scheme incorporates the provision of a new pedestrian foot and cycleway along Rye Street which will enable the potential of improvements to pedestrian movement between ASR5, the Town Centre and other public rights of way. The development proposal also responds positively to the plans which are being prepared by the County Council for a new school to the north of the site.

2.0 Site Description

- 2.1 The application site is located to the northeast of the settlement of Bishop's Stortford. The site forms an 'L' shape and comprises of an open, undeveloped parcel of land formed of loose scrub and some dense vegetation. To the south east of the site is Rye Street and to the north east of the site is Farnham Road. To the west and north west of the site are former allotments. To the south west of the site is a small watercourse known as Bourne brook.
- 2.2 The application site itself is reasonably level but is at a higher level above Rye Street and Farnham Road by approximately 2 metres. There is some informal planting to the boundaries of the site with Rye Street and Farnham Road.
- 2.3 The site was included as part of the ASR4 allocation in the East Herts Local Plan Second Review April 2007 for residential development. In the emerging District Plan the site is not specifically allocated, but is included within the built up area of the town and not as part of the surrounding green belt.

3.0 Background to Proposal

- 3.1 Planning permission has been granted for development at 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 application site does not form part the development approved under LPA reference 3/13/0804/FP.
- 3.2 Outline planning permission has been granted for development at ARS5 (to the north east of the site) for Countryside Properties under LPA reference 3/13/0886/OP. All matters were reserved as part of that outline planning application except for access. Planning permission was further granted, following consideration by the Development Management Committee on 12 October 2016, (LPA reference 3/16/1552/FUL) for some changes to the access arrangements. Further applications are also included on this agenda for reserved matters relating to ASR5 under LPA references 3/16/1251/REM and 3/16/1897/REM.
- 3.3 This application on this site was registered earlier in the year and there has been an ongoing period of discussion with the applicant and Countryside Properties, who are bringing forward development of ASR5 to ensure that interrelated matters are appropriately addressed. Officers

and the applicant for this site and ASR5 have sought to work proactively to ensure that there is consistency in the layout between the application site and ASR5. In this respect, the changes that have been approved to access ASR5 (as granted by the Council under LPA reference 3/16/1252/FUL) have prompted changes to the layout of the scheme at this application site. There has also been a reduction in the number of dwellings and an amendments to the access arrangement.

- 3.4 Members will recall from the Committee Report relating to LPA reference 3/16/1952/FUL (reported to 12 October Committee) that the County Council have been working to secure the provision of a primary school on the land to the west/ north west of this application site. That work is now at a more advanced stage (although not yet a formal proposal) and Officers have sought to work collaboratively with the County Council and the applicant of this application to ensure an appropriate relationship between the development proposals in this application and the school proposals.
- 3.5 The development at this site comprises of the erection of 30 dwellings comprising of 7no. 2 bed dwellings, 9no. 3 bed dwellings and 14 no 4+ bed dwellings. Of those units, 7no 2 bed units and 5no. 3 bed units are to be provided as affordable units, this amounts to 40% provision of affordable units.
- 3.6 Access to the development will be provided from Farnham Road and is accommodated by the reconfigured south east end of that road as approved under LPA reference 3/16/1952/FUL (and which was approved by Members at 12 October 2016 Committee meeting).

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007, the pre-submissions District Plan and the Bishop's Stortford Town Council Neighbourhood Plan Silver Leys and Meads (NP):

Key Issue	NPPF	Local Plan policy	NP	Pre-submission District Plan
Whether the development represents a sustainable form of development	Para 14, section 6	SD1, HSG3, 4, TR12, BIS8	HDP1, 2, GIP2, GIP3, GIP4, TP3, TP4	TRA1, TRA2, WAT5

Is there any harm as a result of the development such that it should not proceed	Section 6, 7, 8	SD1, TR2, TR7, TR12, ENV1, ENV2, ENV3, ENV16, ENV17, ENV21	HDP2, HDP3, HDP4, TP8	HOU1, HOU2, HOU3, DES2, DES3, DES4, TRA3, CFLR9, NE3
Mitigation of impact on services		IMP1	C1	DEL2

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. Consultation on the Plan is currently underway. 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 now taking place and the outcome of that is currently unknown.

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 relating to surface water discharge, gradient of the access road, the provision of a controlled pedestrian crossing, the provision of a footway to the front of the site and, the provision of a construction management plan.

The proposed layout is acceptable and appropriate visibility can be provided. The access arrangement has been developed by the changes to road layout associated with the adjoining ASR5 site. It is anticipated that speed limits along Farnham Road will likely be reviewed as part of the detailed highway works.

The provision of a footway on Rye Street at a minimum width of 2 metres is considered to be an essential part of the scheme to ensure

pedestrian access along Rye Street. Furthermore, the provision of a pedestrian crossing point is also necessary to ensure access from the north to south part of Rye Street as there is no footway is provided to the immediate south of the site at Bourne Brook.

The applicant has not supplied details regarding the trip generation of the development. However, the Highway Authorities own assessment is that the proposed development will not result in a significant increase in trips.

- 6.2 Lead Local Flood Authority comments that the normal range of information which would be submitted in respect of surface water drainage has not been submitted but no objection is raised subject to the provision of a planning condition requiring further, more detailed and technical work in respect of the proposed drainage strategy.
- 6.3 Environment Agency does not have comments to make on the application.
- 6.4 EHDC Engineering Advisor comments that the proposed development incorporates the provision of SuDS (sustainable drainage systems) in the forms of treatment ponds and there is a suggestion of permeable paving which will reduce flood risk. The provision of green roofs, rain water harvesting and bio-retention would further improve sustainability credentials of the development.
- 6.5 EHDC Housing Development Advisor provides comments in respect of the previous scheme (32 units). The development provides 13 affordable units comprising of 9 x 2 beds and 4 x 3 beds which is acceptable. The tenures should be 75% rent and 25% shared ownership.

The affordable units are proposed to be located in one cluster whereas for a development of this size, the Affordable Housing SPD identifies that affordable units should be pepper-potted on the site.

- 6.6 HCC Historic Environment Advisor comments that recent archaeological work has revealed archaeological landscape to the south, north and east of Rye Street/Farnham Road. To the east of the application site Saxon remains have been uncovered and to the north of the site remains dating to the early Neolithic through to the Saxon period have been found. The Historic Environment Unit consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological significance and the provision of a planning condition

requiring further archaeological work is considered to be necessary and reasonable in this case.

- 6.7 EHDC Landscape Advisor recommends approval and comments that the planning layout and latest landscape drawings are acceptable.
- 6.8 Herts Ecology comments that the site is unlikely to serve as a habitat for Great Crested Newts. With regard to the impact on bats, the proposed development should not impact on bat populations as the wider landscape offers other and better foraging opportunities. However, the land to the south west of the site, Bourne Brook, has the potential to act as a corridor connecting to the wider corridor of the River Stort valley. A planning condition is recommended requiring the erection of protective fencing adjacent to the Brook during the construction phase of the development.
- 6.9 HCC Development Services seek the following financial contributions:- primary education £100,920; Library service £5,525; youth service £1,628.
- 6.10 HCC Minerals and Waste refer the Council to the waste, recycling and sustainable construction and demolition policies in the County Council Waste Plan.
- 6.11 EHDC Environmental Health advises that the following planning conditions be attached with any permission:- construction hours of working; soil decontamination.
- 6.12 EHDC Environmental Services Team comment that each property should have sufficient space for three 240 litre waste and recycling bins and sufficient space for the refuse vehicle to collect the bins.
- 6.13 Herts Police Crime Prevention Advisor objects on the basis that the application has not properly considered how the development will address crime, disorder and the fear of crime.
- 6.14 Herts Fire and Rescue Service recommend the provision of fire hydrants.

7.0 Town/Parish Council Representations

- 7.1 Bishop's Stortford Council object to the proposed development in terms of the increase in traffic and congestion; access concerns; concerns over flooding and a concern that the development is contrary to policies ENV1 and TP1 of the East Herts Local Plan Second Review April 2007.

7.2 Farnham Parish Council object to the planning application on the basis of the increased traffic movements and harmful impact on pedestrian and vehicular traffic.

8.0 Summary of Other Representations

8.1 6 representations, including representations from CPRE (Campaign to Protect Rural England) the Parsonage Residents Association and the Chantry Community Association, raising concern with the development for the following reasons:-

- Over-development of the site;
- Poor level of amenity space and design and the development does not meet policies HPD1, 2 and 3 of the Neighbourhood Plan;
- Poor relationship of dwellings with street scene (Rye Street);
- Harmful flood risk impact;
- Insufficient width of pedestrian footway;
- Insufficient space for refuse;
- Harmful impact on wildlife and trees;
- Insufficient parking provision;
- Harmful impact in terms of crime and disorder.

8.2 Herts and Middlesex Wildlife Trust (HMWT) comment that the submitted ecological information and survey work is insufficient and the development does not demonstrate how it will achieve net gains in biodiversity.

9.0 Planning History

9.1 There is no recent and relevant planning history relating to this site.

10.0 Consideration of Relevant Issues

Sustainable Development

10.1 The site lies within ASR4 (Area of Special Restraint) in the East Herts Local Plan Second Review April 2007. The relevant policy context is BIS8 of that Local Plan which states that development within the Areas of Special Restraint will not be permitted, other than as would be allowed in the Green Belt, until such time as the land is shown to be needed for and proposed for development as a result of the review of the Local Plan.

- 10.2 However, with the publication of the National Planning Policy Framework (NPPF) the Council's current Local Plan is not considered to be up to date in respect of housing land supply, and the Council cannot demonstrate a five year supply of housing land. This means that planning applications for housing development must be determined instead in accordance with the NPPF's presumption in favour of "sustainable development", as defined by the NPPF itself, taken as a whole. That is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3 In light of the changes in circumstances brought about by the NPPF, outline planning permission was granted for most of ASR 3, ASR4 and SCA as part of the two applications for ASRs 1-4. The Council have also granted outline planning permission for development on ASR5.
- 10.4 The Neighbourhood Plan identifies the ASR's and SCA's (including this site) and sets out a policy approach to development in its housing and design policies. HDP1 sets out that residential development will be supported where it is found to be meeting the findings of the latest housing market assessment. The development should incorporate Garden City. Policy HDP2 refers to the setting and character of development, HDP3 to design standards and HDP4 to the mix of dwellings to be provided.
- 10.5 Given the position reached by the Council to grant planning permission for development of the ASR's and SCA and the position in respect of the Neighbourhood Plan and emerging District Plan, there can be no objection in principle to the development of this site. The site is considered to be a sustainable location for development. Planning permission has also been granted for other piecemeal development within ASR3 including 3 dwellings at the site known as Hulver/Wickham Cottage; 22 dwellings at Hoggates End and 3 dwellings at the site known as Cherry Lea which also adds further weight in support of the development proposals at this site.

Does the development result in any harm

- 10.6 There are three dimensions to sustainable development, economic, social and environmental. With regard to the economic dimension, the advantages of the proposed development rest solely on the construction of the residential dwellings. Whilst for a limited period only, the development involves the creation of employment in the construction on of dwellings which, is considered beneficial in the terms of the approach set out in the NPPF.

- 10.7 With regard to the social dimension, the development includes the provision of 30 dwellings which will have positive impact in addressing the Council's five year housing land supply deficit. Furthermore, the development includes the provision of 40% affordable dwellings. These are both matters which must weigh significantly in favour of the proposals.
- 10.8 Policy HSG3 of the current Local Plan requires the provision of up to 40% affordable housing on sites over 0.5Ha in size (the application site appears to be approximately 2.5Ha) within the main settlements which includes Bishop's Stortford. Provision is also supported by policy HDP4 of the NP and HOU3 of the emerging District Plan.
- 10.9 Section 6 of the NPPF deals with housing and para 50 sets out that LPA's should ensure a wide choice of homes and plan for a mix of housing which is based on current and future trends and the needs of different groups in the community. The Council's policy in respect of the tenure mix for any affordable housing is 75% social rent and 25% shared ownership. At present the mix of tenure to be provided here has not been established.
- 10.10 The pre-submission District Plan sets out how the Council wishes to consider housing mix - emerging policy HOU1 identifies that an appropriate mix of housing tenures, types and sizes will be expected taking account of the latest housing market assessment work and any additional up to date evidence. Such a policy requirement is reflected in the Neighbourhood Plan which requires an assessment that the mix of dwellings meets the identified need.
- 10.11 This is a new policy which sets out a new approach compared to the Local Plan and, as noted in section 5 above, there is a need to qualify the weight which can be attached to these policies. The policy approach as set out in the pre-submission District Plan is similar in context to that as set out in the draft District Plan which was the subject of public consultation. Accordingly, Officers consider that reasonable weight can be attached to it.
- 10.12 The Strategic Housing Market Assessment (SHMA) identifies a clear need for affordable housing with the majority of the need for two and three bed dwellings. 40% of affordable homes should be provided as 2 bed units, houses and flats, and 34% of affordable homes provided as 3 bed units. In these proposals, of the affordable units provided, 58% are two bed units and 42% are 3 bed units. In both cases, the proportion of the provision is out of step with the emerging policy requirements. This

is because there is no 1-bed provision on this site (19% requirement) and no 4+ bed provision as affordable homes (7% requirement). Some, but limited, negative weight is assigned to the proposals as a result.

- 10.13 For market housing the emerging policy requirements are 46% as 3 bed and 23% as 4 bed. The proposals comprise 22% as 3 bed and 78% as 4 bed. As above, the mix of development is not considered to be in line with the SHMA and this does therefore weigh against the development proposal but only to a limited degree.
- 10.14 With regard to the environmental dimension and sustainability, a requirement of the development of the wider ASR sites is the provision of improved bus and cycle links to the town centre. ASR4 will also include the development of a local centre, proposed to be located around the current Foxdells Farm site. The ability to create foot links to this location is currently unclear but there is the potential through the possible school site where it wraps around the south of this site.
- 10.15 As indicated, the County Council is exploring the provision of a new primary school either as part of that local centre, or on land immediately to the north west of this site. In addition, these proposals include the provision of a foot and cycle way to the Rye Street frontage (none currently exists) which will extend the cycle provision to be created within the ASR5 site. This will link as far as a controlled crossing to be provided to Rye Street to enable a safe crossing to the existing footway (only) on the eastern side. This will not provide a full link to wider locations such as Grange paddocks and the town centre, but there is clearly the potential for it to do so in the future.
- 10.16 As a result, when the wider elements of development come forward, the site will be well served by local facilities and have good links to other locations. It can be seen to operate well as a sustainable location for development.

Character and appearance

- 10.17 With regard to a consideration of density, there is no policy requirement in the current Local Plan to consider this matter. Policy HDP2 of the Neighbourhood Plan sets out that residential development should incorporate garden city principles and defines this with reference to the characteristics identified by the Town and Country Planning Association. These include that development should have generous green spaces linked to the wider countryside, well managed parks, gardens and tree lined streets and strong local cultural, recreational and shopping facilities in walkable neighbourhoods. Emerging policy HOU2

sets out that development should make efficient use of land and proposals are required to demonstrate how the density of development has been informed by the character of the area.

- 10.18 The proposed development has a density of 20.7 dwellings per hectare which is commensurate with that which was approved by the Council in respect of the outline planning permission relating to ASR5 where the approved parameters plan approved densities of between 20-45 dwellings per hectare.
- 10.19 As indicated, the land sits above the level of the Rye Street frontage. There is currently some limited frontage trees and intermittent hedging. The character of the site is currently that of an open rural site outside the built up area of Bishop's Stortford. There are currently open agricultural fields and meadow to the north, south and west and a sense of openness and rural character associated with the site.
- 10.20 In considering the development proposed at the site, whilst the Council must consider the proposal in its existing context, Officers are very mindful that the site is currently within ASR4 and is adjacent to other development sites, including ASR5 which have been granted outline planning permission for development. It is therefore material that, once implemented, the approved developments on the surrounding land will very clearly see a dramatic change in the landscape to the north and west of the site and the Council must therefore consider that change.
- 10.21 The layout and design of the proposed dwellings is considered to have a suburban character and third parties have raised concern in with the elevated position of the site to the road frontage and impact on the street scene. Whilst formal tree lined streets are not proposed, there is space for planting to be accommodated between the access road, Rye Street and the current line of Farnham Road (even where the gap is to be narrowed to accommodate the cycleway provision to the frontage). Land to the east of the site, beyond Rye Street, remains open and undeveloped as part of the green belt.
- 10.22 Residents will have access to the public open space created to the north as part of the ASR5 development. The development will result in a demonstrable change to the character of the site and surroundings and will not necessarily be fully commensurate with garden city principles. The treatment to the frontage in terms of landscaping will be very important and, it is considered that some formality is created through the submitted landscape proposals. It is considered that a strong approach to the new character to be created here is in keeping with the approach being adopted across the ASRs.

- 10.23 The proposed dwellings are set on good sized plots, are well spaced and have good sized gardens which are commensurate with the size of the dwellings. The overall layout is considered to be acceptable.
- 10.24 With regard to the elevation treatment of the proposed dwellings, a traditional approach of pitched roofs including some gables, dormer windows, chimneys bay windows and canopies over front doors is proposed. In terms of materials a mixture of materials including facing brickwork, hanging tiles are proposed. The overall elevational treatment is considered to be high quality and is complementary of the design and form of other development along Rye Street. The design overall is considered to be compatible with the NP garden city principles.
- 10.25 As noted above, the development has resulted in the omission of two dwellings from that originally submitted and the northern part of the site now forms a communal amenity space which is adjacent to the amenity space which was approved as part of the alternative access arrangements in respect of LPA reference 3/16/1252/FUL. The proposed landscaping juxtaposed with the approved landscape planting on the adjacent site will provide the ability to create a high quality entrance into the new development site(s) of this application site and ASR5.
- 10.26 As indicated, a detailed landscape design proposal has been submitted with this application which the Landscape Officer has reviewed and advises is acceptable. The plans submitted also show the provision of an appropriate mixture of hard and soft landscaping and boundary treatments. Some further amendment will be required to accommodate the need to enable the provision of future foot links to the south of the site and because of further amendments to the width of the cycleway to the Rye Street frontage.
- 10.27 The Herts Police Crime Prevention Advisor objects to the scheme on the basis that there has been no dialogue with regard to ensuring that the scheme can achieve secured by design status. This matter has been further explored with the Police Advisor and it is understood that a condition can be attached to the scheme to ensure that this is further explored. At this point some caution is expressed as it is understood that accreditation relates to the relationship between buildings, spaces and links, as well as building security measures. The layout will be fixed, of course, if permission is granted and therefore the lack of a dialogue and detailed consideration of the matter at this stage is assigned negative weight.

Travel and parking provision

- 10.28 As noted above, the development incorporates an access which will link directly onto the realigned Farnham Road which has been approved by Members under LPA reference 3/16/1252/FUL. The Highway Authority comments that such an access arrangement is acceptable in terms of highway safety and in terms of likely traffic flows.
- 10.29 With regard to parking matters, the proposed development incorporates the provision of some 79 parking spaces which exceeds existing and emerging parking standards. All open market houses are to be provided with garages and parking to the front of garages. The majority of parking for affordable units is in the form of communal parking to the front or side of dwellings. The appropriate mix of spaces are provided for the unit sizes across the site and the proposals therefore meet the policy requirements even if no discount is applied as is permitted in the emerging and is considered warranted in relation to this site given the associated transport sustainability measures.

Neighbour amenity

- 10.30 There are no nearby neighbouring residential dwellings which will be impacted by the residential development at this site.
- 10.31 Members will be aware of the work of the County Council in respect of testing the feasibility of the provision of a primary school to the west of the application site. That feasibility testing has taken these proposals into account. An appropriate relationship between the proposed development and the school to the west of the site is achievable.

Ecology

- 10.32 An objection has been submitted by the HMWT in respect of the level of information submitted with regard to ecology matters. Much of its concern is procedural in nature, referring to the status of the survey work and whether definitive steps are being taken with regard to the retention and creation of habitat. The Trust then refers to the process that the Council needs to follow in determining the matter and the policy background.
- 10.33 In its response, the Councils advisor, Herts Ecology notes that the site forms land which is a deselected Local Wildlife Site. It had been selected for reptile release, but was deselected as there had been no known management applied at the site. It is still recommended that a condition be applied requiring further survey work, as reptiles may still

be present. Herts Ecology note the findings of ecological assessments that there are no statutory or non-statutory protected sites that will be impacted on by the proposals.

- 10.34 Whilst the appraisal notes the potential for protected species, the response of Herts Ecology is as follows in relation to great crested newts, that is, it is considered unlikely that they will be found on this site as there are no suitable breeding habitats. It is considered that the brook to the south of the site does have the potential to act as a wildlife corridor and potential damage to the brook could significantly affect local populations of bats. Therefore a planning condition is recommended requiring the provision of temporary fencing on the southern boundary of the site with Bourne Brook to help protect against any potential impact on the wildlife corridor along the water course. The advisor also provides guidance with regard to the use of planting to encourage biodiversity within the corridor. With the conditions and additional survey work proposed, it is considered that the proposals are acceptable in terms of the impact on ecology.

Flood risk

- 10.35 The advice from the LLFA (Lead Local Flood Authority), is based on limited initial assessment of the site. However, it is considered that surface water drainage can be adequately directed and stored into attenuation ponds to the west of the site and discharged at a controlled and acceptable rate into the adjoining watercourse.
- 10.36 The LLFA have commented that there is limited information submitted in respect of the detailed design of the drainage system and recommend a condition requiring further information in respect of this issue. Officers understand that the drainage strategy incorporates appropriate provision within the attenuation ponds and opportunities for permeable hard surfacing to adequately deal with surface water levels however, the detailed matters of the strategy will be finalised once a planning permission is secured.
- 10.37 The development is considered to provide appropriate provision of sustainable drainage systems which will provide biodiversity and water quality enhancements. A planning condition is recommended requiring the submission of more detailed information in regard to surface water drainage matters which is necessary and reasonable in the interests of flood risk.

Funding to support services

- 10.38 As the proposal is for in 30 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements. Such a policy approach is reflected in policy CI of the Neighbourhood Plan and policy DEL2 in the pre-submission District Plan.
- 10.39 The County Council have set out a requirement for financial contributions towards primary education, libraries and youth in accordance with the HCC Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.40 With regards to other District Council contributions the Councils Planning Obligations SPD sets out a requirement for contributions towards open space provision (parks and gardens and amenity space), sports facilities for adults and play provision for children, community centres and recycling. However, a more bespoke approach was adopted in securing contributions for the wider Bishop's Stortford North development. Contributions are recommended in relation to Bishop's Stortford North community buildings and off-site sports contributions which are calculated on a pro rata basis in accordance with the Section 106 agreement for ASRs 1-4 and the SCA. This will be £909 and £1,363 per dwelling respectively. In addition, for recycling provision, this is calculated also on the basis of £72 per dwelling and for health care provision this is calculated as £621 per dwelling.
- 10.41 This approach generates a greater contribution for community buildings that would be achieved under the SPD approach and a lower total for sports, play and parks than the SPD would generate. Given the identified needs in relation to this site and the ability for residents who may live here to benefit from provision being made as part of the ASR sites, it is considered that this approach is an acceptable one. However, there are a range of contributions that are being sought in relation to the ASR developments, that are not being sought here because of the more modest scale of the development (for example, for allotments etc).

Other matters

- 10.42 Some concerns have been raised by a third party in respect of provision for refuse collection and the Environmental Services Team set out that provision for 3no 240 litre bins is required. The plans submitted indicate that all dwellings will have a side access to rear gardens where such refuse collection can be appropriately stored.
- 10.43 The comments from HCC Historic Environment Unit in respect of the impact on heritage assets of archaeological significance are noted. It is considered that it is necessary and reasonable to attach a planning condition relating to this matter.
- 10.44 The comments from the Environmental Health Officer are noted – it is necessary and reasonable to attach planning conditions relating to soil decontamination and construction hours of working.

11.0 Conclusion

- 11.1 The policy background with regard to the allocation of this site in the current Local Plan and the current position with regard to five year housing land supply matters means that very significant positive weight can be assigned to bringing forward this site for development. The site is considered to be sustainably located with walking and cycle provision being made to the existing and future amenities. The provision of 40% of the units as affordable units is also accorded substantial positive weight.
- 11.2 It is necessary to consider then whether any harm is caused as a result of the proposals and whether this is significant and demonstrable. In the report, harm has been identified with regard to the mix of units to be supplied at the site and because there has been no detailed assessment of the proposals in relation to ensuring that a crime free environment is created in the future. In both cases, it is considered that only limited harmful weight should be assigned to these matters. Overall, it remains the view that the benefits of the development outweigh any identified harm and therefore, permission should be forthcoming for the site.

Legal Agreement

- Provision of 40% affordable units (plots 13-24) with 75% provision of social rent and 25% shared ownership;

- Primary Education contribution of £100,920 towards the provision of a Primary School as part of Bishop's Stortford North;
- A contribution of £5,525 towards the children's section of Bishop's Stortford library;
- A contribution of £1,628 towards the Youth Connections IAG delivery room at Northgate Youth Centre;
- Community buildings contribution - £909 per dwelling (£27,270);
- Outdoor sports provision - £1,363 per dwelling (£40,890);
- General medical contribution - £621 per dwelling (£18,630);
- Recycling contribution – £72 per dwelling (£2,160);
- Provision of fire hydrants;
- Details of the management of any communal amenity areas ensuring that the management of any land which may be released from the realignment of Farnham Road and which is not otherwise subject to management, will be covered;
- Pedestrian access between the development site and Bourne Brook in between the proposed attenuation ponds to the south of the site shall be provided to ensure that links are investigated and created if possible in the future
- The provision of a puffin crossing to Rye Street

Conditions

1. Three year time limit (1T121)
2. Approved plans (2E102)
3. Programme of archaeological work (2E021)
4. Samples of materials (2E121)
5. Landscape implementation (4P131)/ and or further landscape details as may be required
6. Construction hours and working (6N071)

7. Prior to the commencement of the development reclamation of the site shall be carried out in accordance with document reference a) Phase 1 desktop study October 2015, unless otherwise agreed in writing by the Local Planning Authority. On completion of the reclamation works, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained.

8. Prior to the commencement of any development, details of a protective fence to be erected between the part of the site to be developed and the Bourne Brook to ensure that there is no harmful impact on ecological interests during the course of development, shall be submitted to and agreed in writing by the LPA. Once agreed, the fencing shall be erected as agreed prior to the commencement of any on site operations which may impact on ecological interests and shall be retained during the duration of the implementation of the development.

Reason: In the interests of protecting wildlife habitat and corridor along Bourne Brook in accordance with section 11 of the National Planning Policy Framework.

9. Wheel washing (3V25)
10. No development shall take place until a full detailed surface water drainage scheme for the site, based on attenuation and discharge into the Bourne Brook, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- a minimum storage volume of 1185 m³ to be provided on site with 60% of this as storage volume within permeable paving and the remainder in the proposed three attenuation ponds.

- a minimum 3 stage management treatment train prior to discharge to the Bourne Brook for all surface run-off from trafficked areas
- full detailed final drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (location, extent and depth shown on the proposed layout) and also engineering details of the design of the proposed pond and permeable pavements in line with The SuDS Manual (CIRIA C-753)
- a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

11. Any further ecological surveys (this is not the complete wording of this condition).
12. Requirement to assess the proposals in relation to crime prevention issues (this is not the complete wording of this condition).

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

KEY DATA**Residential Development**

Residential density	20.7 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	7
	3	9
	4+	14
Total		

Affordable Housing

Number of units	Percentage
12	40%

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	10.5
3	2.25	20.25
4+	3.00	42
Total required		72.75
Proposed provision		79

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	

2	2.00	14
3	2.50	22.5
4+	3.00	42
Total required		78.5
Accessibility reduction		
Resulting requirement		
Proposed provision		79