

## DEVELOPMENT MANAGEMENT COMMITTEE – 8 MARCH 2017

<b>Application Number</b>	3/14/2143/OP and 3/14/2145/OP
<b>Proposals</b>	3/14/2143/OP – Residential development (247 dwellings) alterations to Patmore Close, internal access and parking, landscaping, open space and related works (application A).  3/14/2145/OP – Residential development (84 dwellings) alterations to Patmore Close, internal access and parking, landscaping, open space and related works (application C).
<b>Location</b>	Land to the south of Hadham Road, Bishop's Stortford
<b>Applicant</b>	Hertfordshire County Council
<b>Parish</b>	Bishop's Stortford
<b>Ward</b>	Bishop's Stortford Silverleys

<b>Date of Registration of Application</b>	Both 28 November 2014
<b>Target Determination Date</b>	Both extension of time agreed to 31 October 2016
<b>Reason for Committee Report</b>	Major Applications
<b>Case Officer</b>	Stephen Tapper

### **RECOMMENDATION**

That, had the Council been in a position to determine these planning applications, it would have **GRANTED** planning permission for both applications, subject to an appropriate range of conditions and the completion of legal agreements under Section 106 of the Town and Country Planning Act to ensure appropriate infrastructure matters were addressed.

#### **1.0 Summary**

1.1 A decision on these planning applications cannot now be made. They have been the subject of appeals on the basis of non-determination. It is still necessary for the committee to consider the proposals and the issues raised by them and to reach a view on what its position is in relation to them, so that this can be submitted to the appeal inquiry which is now considering the appeals.

1.2 There are two application proposals, both in relation to the land at Hadham Road in Bishop's Stortford. The smaller site, for 84 homes, is contained within the larger site, for 247 homes, such that 247 homes is the maximum number of new homes delivered, even if both schemes

were to be permitted. In addition, a further application (Application B, details below) for 163 new homes has already been granted consent. This application site is also contained within the area of Application A. Effectively then, the net additional gain of new homes would be 84 units.

- 1.3 The main issues relevant for Members in the consideration of these proposals are their impact in relation to housing supply, the delivery of educational infrastructure and on the provision of land for sporting purposes. Full details are set out in the report.

## **2.0 Site Description**

- 2.1 The application sites are located on the north-western side of Bishop's Stortford, to the south of the A1250 Hadham Road. On the opposite side of Hadham Road are the Silver Leys sports grounds and the private access road to Wickham Hall. Patmore Close also serves the Bishop's Stortford Fire and Ambulance Station and 12 terraced houses occupied by fire fighters, all owned by the County Council.
- 2.2 The land is quite flat with only a slight gradient towards the south. It comprises two open fields (northern and western), currently fallow, but formerly in agricultural use (arable) together with an area of adjacent verge on the western side of Patmore Close. The northern field has a frontage to Hadham Road to the north and Patmore Close to the north-east. A belt of mature pine and other trees and shrubs fronts Hadham Road, with a field access gate to the road at the western end of the frontage. A field drainage ditch, that is dry throughout a large part of the year, runs within the hedgerows that subdivides the fields.
- 2.3 To the North West, the land adjoins houses on Hadham Road and Grove Park, off Hadham Grove. For the most part they are screened by trees, as is most of the modern housing that overlooks the eastern boundary and a small section of the southern boundary. To the east, between the site boundary and the modern housing, is a tree lined private track that formerly led to a small farm known as Marshbarns, which adjoined the site, but which has since been redeveloped for housing.
- 2.4 The southern boundary also adjoins an area of unmanaged woodland (Skelleys Wood) which contains a number of informal paths used by the public, though no right of way. The woodland comprises mainly Hawthorn, Field Maple, Ash and Sycamore. Most boundaries are

marked by a mixture of post and wire, chain link and close boarded fences, walls, banks, trees and hedges.

- 2.5 No public footpaths or other rights of way cross the site, although a public footpath (Bishop's Stortford footpath 17) immediately adjoins the southern boundary of the western field and the woodland, and, as indicated, there are informal pathways through the woodland. An 8 inch water main that originates from a reservoir located on the northern side of Hadham Road runs through the land, and thence into the adjacent residential area. The verge on the western side of Patmore Close contains foul and surface water manholes.
- 2.6 The frontage to Patmore Close is open, being defined by a post and wire fence, and is separated from the roadway by a wide grass verge, except at the southern end of the close where a turning head immediately adjoins the site. The verge (0.13 hectares) is also in County Council ownership and contains an area of car parking (11 spaces) used by the adjacent emergency services facility. Patmore Close is an adopted highway currently serving the Fire and Ambulance Station, the retained Fire Station houses and the northern field.
- 2.7 Application A (3/14/2143/OP) comprises all of the undeveloped land save for the land which comprises the woodland. It includes both the northern and western fields. Application C (3/14/2145/OP) comprises only the western field, still part of the overall Application A site, but separate by a hedge line and lying immediately to the south of Grove Park. It would be accessed (if it proceeded in isolation) by a route from Patmore Close created through the northern field. On its western and southern boundaries, the Application C site abuts the car parking area associated with the Tesco supermarket and further residential development at Crozier Avenue and Anglesey Close at Bishop's Park.
- 2.8 There is no Application B before Members for consideration here. This application comprised only the northern field. It was considered and approved by the Council at a meeting of the Development Management Committee of 16 September 2015.

### **3.0 Background to Proposal**

- 3.1 The land is owned by the County Council. It was acquired by the Council in the 1960s in anticipation of the need to expand secondary schooling in the town.

- 3.2 When the proposals for development of the land at Bishop's Stortford North (BSN) came forward, the County Council pursued the option of a land swap arrangement with the Bishop's Stortford North Consortium (the Consortium), to enable the development of a school on a site within that area. Planning permission has now been granted for the development of a secondary school on that site.
- 3.3 In order to enable that arrangement, three applications for planning permission were submitted relating to this site. One of them, as indicated, encompassed the whole of the site (3/14/2143/OP, application A). The second, (3/14/2144/OP, application B) proposed development on part of the overall area, and that part necessary to enable the land swap arrangement to be supported. The third, (3/14/2145/OP application C) comprised the remainder of the site.
- 3.4 As set out above, Application B has been considered and determined by the Committee, at its meeting of 16 September 2015. The report submitted to the committee in relation to that application is attached as **Essential Reference Paper 'A'**. A Section 106 agreement was subsequently concluded and planning permission was issued on 24 March 2016.
- 3.5 After that decision, consideration of the two outstanding applications, A and C, was held in abeyance by mutual agreement between the applicant and the Council, pending further progress in relation to the delivery of development at the BSN site.
- 3.6 The Council's emerging pre-submission District Plan was published in September 2016 and made available for consultation for the six week period, 3 November to 14 December 2016. In the pre-submission Plan, the application C site and the area of the woodland to the south of application A has been identified as land for open space, sport and recreation use, under policy CFLR1.
- 3.7 This represents a change from the identification of the land in the current Local Plan and the draft District Plan (published in 2014). In both documents the land was identified (in full in relation to the application sites and including about half of the woodland area) as a reserve secondary school site. That is, land which was reserved for residential development only if sufficient additional secondary school capacity was provided elsewhere in the town. (2007 Local Plan policy BIS7, draft District Plan Policy BISH5). The change between the current Local Plan, the draft and pre-submission District Plan stages has concerned the County Council and has led it to submit the appeals in relation to the non-determination of these outstanding applications.

- 3.8 Both sets of proposals are in outline form with all matters reserved, except for access arrangements. Illustrative material has been submitted setting out how the land could be developed and providing some parameters in relation to development which could come forward.
- 3.9 In the case of these applications then, the Council is not now in a position to make a decision on them. It is necessary that they are considered by the Committee however, for the Council to establish its position and so that it can submit a case to the Planning Inspectorate, which will be running the appeal. It is currently anticipated that the appeal will be determined through the public inquiry process with a provisional date of commencement of 27 June 2017.

#### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016, the adopted East Herts Local Plan 2007 and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan (NP):

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan policy</b>	<b>NP</b>
Housing delivery	Section 6	HSG3, HSG4, HSG6, BIS2, BIS7	DPS3, BISH1 BISH3 BISH4 HOU3	HDP1, HDP3, HDP5, HDP6
Delivery of education facilities for the Bishop's Stortford North area	Section 8	SD1 BIS7	INT1 DPS4 BISH3, BISH4 CFLR7 CFLR10 DEL1 DEL2	EP1, EP2, EP3
Open space, sport and recreation allocation in District Plan	Para 74	LRC1, LRC11	BISH4, BISH12, CFLR1 CFLR8 CFLR9	HDP7, SP1

Other issues that impact on the sustainability of the development proposals	Para 11 – 14, 17, section 1, 7, 8, 10, 11	SD2, ENV1, ENV2, ENV3, ENV11, ENV16, ENV17, ENV18, ENV21 ENV25	INT1, HOU1, HOU2, HOU6, HOU7, HOU8, DES1, DES2, DES3, DES4, CFLR3, HA3, NE2, NE3, NE4, HA3, CC1, CC2, WAT1, WAT3, WAT4, WAT5, WAT6, EQ1, EQ2 DEL2	HDP4, HDP9, C1, GIP3, GIP4, GIP5, HP1,
Access and traffic generation	Section 4	TR1, TR2, TR3, TR4, TR12	TRA1, TRA2 CFLR9	TP1, TP3, TP4, TP5

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 has recently been completed. 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 the detail of the responses to the consultation is yet to be considered.

5.2 The County Council has made submissions as landowner, during the consultation in relation to the pre-submission District Plan in late 2016. It objects to the allocation of the western part of the site as land for open space, sport and recreation use under policy CFLR1.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority – The Highway Authority has assessed the proposals and submitted Transport Assessment for the whole of the Reserve Site (Application A), which would have the greatest impact. It has no objections in principle, subject to conditions and the planning permission including mitigation in a Section 106 agreement, including the improvement of bus stops on Hadham Road, improvements for pedestrians and cyclists and travel planning initiatives. A s.278 agreement would be required in order to install a traffic island that will assist pedestrians cross Hadham Road to the bus stop on its north side.
- 6.2 Access: It is noted that in line with national trends traffic had reduced locally in recent years – traffic surveys taken in June 2014 showed in particular a reduction in the majority of traffic movements since 2008 at the Patmore Close/Hadham Road junction. The development of up to 250 dwellings would generate 142 a.m. and 155 p.m. peak hour trips, which is well within the capacity of the existing junction, subject to extending the footway on the west side.
- 6.3 Off-site highway impact: The Transport Assessment and Addendum show that the housing development should not have a significant impact on the operation of other junctions, but there will be additional queuing and therefore travel planning initiatives are required to encourage modal shift away from the car to bus, cycling and walking.
- 6.4 Estate layout and parking: These will be assessed at reserved matters stage but it is flagged up that there will be limits to the amount of highway adoption and that other arrangements may be necessary for unadopted streets.
- 6.5 Accessibility: There are two bus stops within 400m, which is considered to be an easily walkable distance, but there are no shops or other services within that distance, Bishop's Park being at least 800m (via Hadham Road) and the town centre 1.3 miles. It is therefore essential to seek mitigation in the form of improvements for cyclists and pedestrians so that shops and services are more easily and safely accessed without recourse to the car.

- 6.6 Travel Plan: This is seen as essential to encourage the use of non-car modes of travel and the initiatives set out in the Transport Assessment are supported, including free bus passes for new residents for one month, car sharing and comprehensive travel information on a website. Targets and monitoring should be over a fifteen year period.
- 6.7 Environment Agency – Believe that the proposals will meet the NPPF requirements if a condition is applied requiring a detailed surface water drainage scheme based on the submitted flood risk assessment. The Agency also asks the Council to consider water conservation measures in view of the site falling into an area of serious water shortage and provides advice to the applicant in relation to the information to be provided in response to the condition proposed.
- 6.8 EHDC Engineering Advisor – The site is situated in flood zone 1, away from overland water flows and there is no history of flooding. The site is suitable for managing surface water by SuDS (Sustainable Drainage System) on the surface, and they have been incorporated in the indicative plans, but more could be done. The Council would be willing to discuss the option of adopting the SuDS.
- 6.9 Thames Water – no objections in principle and advice offered regarding the design of surface water and foul drainage.
- 6.10 Sport England (SE) – Object to the proposals as a statutory consultee due to the impact of the proposal on playing fields. SE also object as a non-statutory consultee due the lack of certainty and detail as to how the proposals will meet the community sports facility needs of the residential development.
- 6.11 SE identifies that the site forms part of or constitutes a playing field and indicates that it will oppose the granting of planning permission for any development that will lead to the loss of all or part of a playing field unless a range of five exceptions apply. SE has considered the proposals against these exceptions and confirms that they do not accord with any of them, or with the requirements set out in para 74 of the NPPF or policy LRC1 of the 2007 Local Plan.
- 6.12 It notes that it is the western field that was used as a playing field, by the Bishop's Stortford Rugby Football Club, commencing informally in the 1990s, with a formal licence first given in 2000. This was renewed annually, with the last licence expiring in 2008. The Club stopped using the site in March 2010. Whilst not currently in use as a playing field, the proposals are considered in the same way, as development would



result in permanent loss of fields and as there is no evidence that the sporting use could not be physically reinstated at present.

- 6.13 It is noted that playing field provision will be made as a result of the secondary school at the Bishop's Stortford North site. Whilst the school playing fields offer the potential to adequately replace the fields lost, a key issue which affects acceptability is its location. SE does not consider that replacement provision at the new school site represents a suitable location due to the distance and separation from the main club site. Given this, if the Council is minded to grant planning permission, it is a requirement that the case is referred to the Secretary of State. It is however considered that there is potential to address SE concerns through the provision of funding through a Section 106 agreement to enhance facilities at the Rugby Club site to help facilitate the bringing back together of the clubs activities at the site. The club have suggested ways in which the funding could be utilised.
- 6.14 As a non-statutory consultee, it is noted that the proposed development makes no on site provision although the development will generate additional demand. It is noted that the applicant suggests a financial contribution be made to facilities elsewhere however SE currently objects as the contribution is only proposed to cover outdoor sport and its extent has not been confirmed.
- 6.15 EHDC Landscape Advisor – No objection in principle to the proposed development, including the removal of some trees and hedges, but there are opportunities to improve the landscaping by integrating it with and extending the SuDS. Proposals for the improvement and management of Skelleys Wood to the south of the site should be included because, as secondary woodland, it is capable of being a well-used amenity for local residents, the ecology being less sensitive than in ancient woodland, and it will be an attractive feature of the landscaping of the development.
- 6.16 Hertfordshire Ecology – Skelleys Wood is an Ecosite of interest and would be affected by the proposals. It is noted that the submitted Ecological Impact Assessment says it is unlikely that there would be bat roosts, but a roost assessment is required to support that. Otherwise happy with the submitted assessment, subject to conditions. The area of application C is an area of improved reseeded grass but with areas of neutral semi – improved grassland around its margins. This will be lost as a result of the development.

- 6.17 EHDC Environmental Health Advisor – No objections subject to conditions regarding further land contamination investigation and, especially in view of the proximity of existing residential properties, construction hours of working, any piling operations that may be necessary.
- 6.18 Herts Police Crime prevention Advisor – Concern that parking areas adjacent to Patmore Close should benefit from natural surveillance from overlooking properties. The Advisor states that his other concern, that noise from the emergency sirens should be mitigated has already been addressed. The design team should seek to obtain Secured by Design accreditation.
- 6.19 HCC Historic Environment Advisor – The site is within an Area of Archaeological Significance, and investigation was carried out on site in 2008 in connection with earlier planning applications. It revealed remains from the Late Bronze Age, Late Iron Age and Romano-British. In combination with finds to the north at BSN, good evidence is emerging of the succession of historic settlement in the Stort Valley, and a condition is recommended to ensure that further investigation is undertaken prior to the commencement of any development on the site. It is possible that some finds might have to be preserved in situ, with implications for the layout of the development.
- 6.20 Natural England – No objections and advises that the proposals are unlikely to affect any statutorily protected sites or landscapes. Natural England advises due diligence regarding any protected species and that the developers follow their standing advice and good practice regarding the enhancement of green infrastructure, biodiversity and landscape, including an area of Priority Habitat (broad leaved woodland adjacent to the application site).
- 6.21 Herts and Middlesex Wildlife Trust – The Trust objects to the overall development on the basis that there would be losses of trees, hedgerows and other habitats that are neither quantified nor adequately compensated for. The absence of a proactive approach to biodiversity is contrary to Local Plan policies ENV 11 and 17. Most of the loss is in relation to the site of Application C, and further negotiation will take place in that regard. The consultation response goes on to suggest various form of mitigation that should be considered.
- 6.22 East and North Herts Clinical Commissioning Group – The development will impact on services that are already stretched in Bishop's Stortford. The CCG is in the final stages of creating a five year strategy and premises in Bishop's Stortford will be an early project, offering

opportunities for service integration. Accordingly, they would seek a Section 106 financial contribution towards the provision of premises.

- 6.23 NHS Hertfordshire – The Premises Team are concerned about the impact of additional demand for primary health services in this area, and say that the nearest health centre at Bishop’s Park is “significantly constrained” i.e. working over capacity and in need of reconfiguration or extension. They show that all the other centres in the town are under a great deal of pressure, and make a case for a Section 106 contribution towards the creation of additional capacity in the locality of the site. This would amount to £621 per dwelling or £153,409 in total in relation to application A (3/14/2143/OP) or £53,406 in relation to application C (3/14/2145/OP).

## **7.0 Town Council Representations**

- 7.1 At its meeting of 27 July 2015 the Town Council’s Planning and Development Committee resolved that it objected to all the three applications relating to the site on the basis of the following issues:

- No infrastructure to support this development.
- Smarter Choices are limited. Residents prefer to use their cars to travel around Town. More finance needed to support this initiative.
- Development is premature and all other infrastructure issues must be solved prior to commencement of building works.
- Transport and train services need improving prior to commencement of building works.
- Emergency access is not suitable. Concerns were raised that the emergency services will not be able to access emergencies within their allocated time of 4 minutes. The Committee would like to see a dedicated entrance on Hadham Road for emergency services only.
- Virtually 500 homes.
- Concerns were raised by the Committee for the access off Hadham Road as it is currently a busy road and this will inevitably cause extra congestion especially from the development on ASR 5.

## **8.0 Summary of Other Representations**

- 8.1 In total nine different representations were received from residents in relation to application A (and Application B). Some people replied only to A, apparently on the basis that their points applied equally to B and/or C. However, B and C are different in kind and location and in their environmental impacts.

- 8.2 Also included below are representations from Bishop's Stortford Rugby Club and the Bishop's Stortford Civic Federation.
- 8.3 Taking account of the eight representations and the questionnaires returned after the public exhibitions, the following matters were raised:
1. *Land use*
    - The loss of another green field and trees used by wildlife, for children's play and walkers. Badgers and green woodpeckers have been observed.
    - A "betrayal" by the Council in selling a reserve school site for the profit from private houses.
    - Supportive if the new school at BSN has sufficient capacity to meet demand at BSN and the town, including that from the Patmore Close site itself.
    - The site may be required for another primary school.
    - Residential development preferred by some to a school on the site; others think the site is the better one for a secondary school.
    - Preference that the site is used for school playing fields or a hospital.
    - Flood risk in the south east of the site.
    - Insufficient social infrastructure in the town to cope with the additional development.
    - If permission is granted for housing a safeguard is required that the new secondary school at BSN will actually be built.
  2. *Highways and transportation*
    - The volume of traffic from up to 247 dwellings will interfere with emergency services using the same access; they should have their own access on to Hadham Road.
    - The former farm access alongside the eastern boundary should be incorporated into the site and used as the access to Hadham Road.
    - Made worse by BSN traffic and roundabouts, traffic will struggle to exit onto Hadham Road at peak times.
    - If granted permission, the development should have to take place after BSN to reduce construction traffic, noise, etc.
    - Practical constraints in bus capacity and routes and the pavement width at local stops limit the benefits of offering a free bus pass to new residents
    - Many children will need to cross Hadham Road to walk to school; crossing near Pye Gardens needs review because the pavement terminates.

- In combination with overhanging trees and hedges, the narrow width of the footways on Hadham Road makes it a hazardous pedestrian route and cycle way for children; and the road is badly lit at night.
- The narrow carriageway makes it difficult for two large vehicles to pass and to overtake cyclists safely.
- Inadequate provision for cyclists on and off-street.
- Bells Hill roundabout is a major constraint and traffic can back up to the Hockerill lights.
- Residents will need to drive to health facilities and shops because of limited local capacity.
- Many of the households will require two off-street parking spaces.
- Adverse impact on town centre parking.

### 3. *Design and environment*

- Object to loss of outlook from surrounding properties.
- No objection so long as the woodland to the south and trees around the site are retained and protected, the boundary trees providing screening and separation of housing areas.
- Single storey properties with gardens are required for elderly people
- An overdevelopment leading to unnecessary loss of mature trees and hedgerows which are irreplaceable.
- Density unacceptably higher than surrounding property and designs out of keeping; inadequate amenity space per dwelling.
- Insufficient space for informal sports
- Objection to 3-storey flats, especially if overlook existing properties.
- Supportive if dwellings have front and rear gardens and off-street parking.
- An EA consent to drain a domestic sewage treatment plant to a ditch within the site must be taken into account.

8.4 *BS Rugby Club* – Whilst not objecting to the principle of the development, the Club has 1600 members and expects additional demand from the new development in the town. They used to have the facility of playing on the fields at Patmore Close but lost it and now use the College's facilities. Financial support is urgently required to help relocate Swifts FC who occupy part of Silver Leys, which would enable the Rugby Club to create more pitches near the clubhouse to help meet demand and consolidate their activities on the site.

8.5 *Bishop's Stortford Civic Federation* – The Federation is opposed to the release of the Reserve Site for residential development because it considers that the County have underestimated the demand for school

places. They say the County have not taken sufficient account of further growth proposed in the Draft District Plan and of cross area flows. They are also concerned the development would create congestion on Hadham Road, especially during the period before the proposed new access into BSN from the A120 is brought into use.

8.6 **Essential Reference Paper ‘B’** sets out both the summary and original versions of the Federation’s objections, with the County Council’s responses alongside.

## 9.0 **Planning History**

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

Ref	Proposal	Decision	Date
3/10/1009/OP	Residential development – up to 165 dwellings	Appeal dismissed	4 Oct 2010
3/08/1115/OP	Residential development – up to 250 dwellings	withdrawn	3 Dec 2008
3/08/1116/OP	Residential development – up to 165 dwellings	withdrawn	3 Dec 2008
3/14/2144/OP	Residential development – 163 dwellings (Application B)	Granted	24 Mar 2016

## 10.0 **Consideration of Relevant Issues**

### Housing Delivery

- 10.1 The policies of the current Local Plan (BIS7) indicate that the land is reserved for residential development (for 250 dwellings) as a phase II site and will only be released for development if sufficient additional secondary school capacity is provided elsewhere in the town. The land was not identified as having a purpose at that stage for the delivery of sports or open space uses.
- 10.2 In the pre-submission District Plan, emerging policy BISH4 indicates that the land will only be released for residential development if sufficient additional secondary school capacity is provided at BSN. In the event that the site does come forward for residential development, 163 new homes are proposed on a site which comprises the Application A area, (thereby also containing the Application C area) and the woodland to the south.

- 10.3 Amongst a range of other detailed matters relating to the provision of utilities and infrastructure, the policy also sets out that development will enable the retention and enhancement of the outdoor playing pitches on the western parcel of the site (or western field) and the retention and provision of connection to the woodland to the south, Skelleys Wood.
- 10.4 In the NP, policy HDP1 supports new residential development as long as it is found to be meeting the needs of the latest Strategic Housing Market Assessment (SHMA). Policy HDP3 sets design standards, HDP4 requiring an appropriate dwelling mix, HDP5, adaptable housing and HDP6, sheltered and supported housing.
- 10.5 The NPPF sets out that, at its heart, is a presumption in favour of sustainable development. For decision making this means that, where the development plan is absent, silent or the relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.6 In relation to the national planning background then, the Councils policies which define housing land supply are currently out of date. The Council has acknowledged that it is in a position where it is currently unable to demonstrate supply of land sufficient to enable the development of 5 years worth of housing. Whilst the policies set out in the pre-submission District Plan seek to do so when they are adopted, and they are now at a more advanced stage of preparation, they remain subject to objection. Therefore the weight that can be given to them has to be moderated and, in line with the requirements of the NPPF, it remains necessary to consider whether the harm which may be caused by the development here is significant and demonstrable, such that the proposals do not represent a sustainable form of development.
- 10.7 In relation to the NP policies, the latest SHMA work undertaken is that which underpins the pre-submission District Plan. The SHMA sets out the need which is evident across the Councils area and results in the emerging policies in the pre-submission Plan, setting out the need to provide for 16,390 new homes in the District up to 2033 (policy DPS1).
- 10.8 The other NP policies relate to more detailed matters (as do other policies in the pre-submission District Plan). As these proposals are in outline form, with all matters reserved except for access, it is necessary to be satisfied that there is no insurmountable reason to believe that the policy requirements could not be met, rather to consider their requirements in full at this stage. Given the submitted illustrative material, which sets out a conventional form of residential development,

there is considered to be no basis for believing that detailed requirements for residential development could not be met in this case.

- 10.9 The proposals represent the delivery of 247 homes on the larger site (application A), Permission has already been granted for 163 dwellings on the northern field part of that site (Application B). In effect then, the larger application site would deliver an additional 84 units. This is equivalent to the proposals for application site C.
- 10.10 This does represent housing delivery of some significance at this point in time when the Council is unable to demonstrate adequate delivery rates. Some significant positive weight should be assigned to this matter.
- 10.11 In addition, in relation to the provision of affordable housing, the proposals will deliver 40% affordable housing on the Application C site. The Application B permission was granted with an affordable housing provision of 30.4%, mirroring the permissions granted at BSN. It is proposed to replicate that position again now, such that the part of Application C, equivalent to the Application B site (the northern field) would deliver affordable housing at 30.4%. It would be delivered at 40% on the balance of the Application A site (the western field) and on the Application C site.
- 10.12 In total then, permissions at this combined site have the ability to deliver 83 affordable housing units as a minimum, and possibly more, subject to viability review ( $163 \times 30.4\% + 84 \times 40\%$ ). This is a significant quantum of delivery of affordable housing units and must be given positive weight.
- 10.13 It remains necessary to consider the issue of the release of the site, given that it is reserved in policy terms for the delivery of necessary secondary school capacity on the site. This issue was canvassed when Application B was considered, and is set out at para 9.1 onwards of the report that dealt with that application (included in ERP A).
- 10.14 In summary, it was determined that the provision of secondary school provision at the BSN site did represent a more appropriate and optimal form of education provision than on the application sites and that appropriate safeguards could be put in place (through conditions and the now completed legal agreements) to ensure that residential development of the application sites would not take place until there was sufficient certainty that a secondary school would be delivered. Planning permission has now been granted for the delivery of a secondary school on that site.



10.15 As that position has been reached in relation to the Application B site area (comprising the majority of Application A site) and as there have been no further submissions since the time of that decision to indicate that the arrangements are not either the most optimal or cannot be implemented, it is considered that there can be no sustainable case to now not releasing the rest of the allocated site on the same basis. The comments of the Civic Federation were also weighed in the balance in relation to this issue when Application B was considered. As indicated, commentary on the specific points is set out in ERP A. There can be no harm then, in relation to this matter, to which weight can be applied.

#### Delivery of Education Facilities

- 10.16 The satisfactory provision of appropriate education facilities is clearly a key element of infrastructure provision for the town. The NPPF sets out that the presumption in favour of sustainable development is at its heart. When considering healthy communities, the NPPF states that planning policies and decisions should plan positively for the provision of community facilities.
- 10.17 Policy SD1 of the 2007 Local Plan requires all developments of 15 new homes or more to show how they will create healthy, socially integrated communities. As indicated, policy BIS7 set out that the Local Plan allocation is reserved for residential development and would only be released if sufficient additional secondary school capacity is provided elsewhere in the town. The policy also sets out that the site is expected to make provision of significant areas of open space/ recreation.
- 10.18 Emerging District Plan policy INT1 states that the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.
- 10.19 Policy DPS4 sets out that the Council will use planning obligations to secure direct provision or financial contributions toward infrastructure necessary to support the District Plan.
- 10.20 The Bishop's Stortford policies (BISH1 and BISH4) indicate that development of between 0 and 163 homes will be permitted on the allocated site, contingent on the provision of a secondary school site at BSN. Policy CFLR7 supports the provision of adequate and appropriately located community facilities and CFLR10 sets out that development that creates a potential increase in demand for education

will be required to make appropriate provision for it. Proposals for the creation of new or extended educational facilities should, amongst other matters, be in an accessible location served by a choice of travel options.

- 10.21 Lastly, District Plan policies DEL1 and DEL2 are relevant setting out that the District Council will work in partnership with providers of infrastructure and services to facilitate their timely provision and that it will use planning obligations to secure provision.
- 10.22 NP policies EP1, EP2 and EP3 relate to education provision. These set out that new development will only be acceptable if school places are available for children generated by the development, that an easily accessible secondary school at BSN is supported and that proposals for new primary schools will be welcomed. Policy CP1 sets out that, where policies require that contributions are made to community infrastructure through development this will be through the planning obligation process.
- 10.23 Against this background, information has been provided by the applicant in relation to the delivery of schools in the town. Considering primary schooling, the development at BSN generates a need for 5 forms of entry (FE) provision. The permissions granted for the ASR1-4 part of BSN currently support the provision of sites for one 1FE primary school site and for one 2FE primary school site, which has the ability to expand to 3FE of provision. At ASR5, there is permission for a further 1FE site, delivering the total land to deliver the 5FE required.
- 10.24 In relation to secondary provision and as indicated, the historical approach to ensuring that sufficient capacity could be provided, was to deliver a new secondary school on the application sites. The County Council acquired the land for this purpose. It is understood that the Application A site is sufficient in extent to deliver a school with 6FE capacity. However, initial access feasibility work undertaken by HCC indicates that improvements to Hadham Road would be required and that privately owned land would need to be acquired, possibly by the use of compulsory purchase powers.
- 10.25 The demand now anticipated in the town is for additional capacity up to 8FE. 5FE of this would be generated by the development of the BSN site with the remaining 3FE demand arising as a result of developments elsewhere and throughout the town. This application site on its own then would not be sufficient to support the delivery of all the secondary schooling to meet the current and future needs of the town. Neither, in the view of the County Council, would it be an optimal site, not being

located as well as it could be in relation to the demand generated at BSN (the primary area of additional demand) and by virtue of access to it being created direct from the Hadham Road.

- 10.26 Given this, the County Council pursued with the Consortium, an arrangement whereby land swaps would be undertaken which enable the County Council to gain control of land within the BSN site where a secondary school could be delivered. This has seen it enter into an agreement with the Consortium that an area of land at the application site (equivalent to Application B site) would be transferred to the Consortium, in return for the transfer of an equivalent area of land within the BSN site to the County Council. The land on which the secondary school would be delivered then is immediately to the south of the A120 by-pass road. The County Council has also arranged to acquire further land to the north of the by-pass, on which the school playing fields will be located to be linked to the main school buildings by a direct foot bridge link over the A120 road. By this mechanism, the County Council will have control over adequate land such that a secondary school of up to 8FE can be delivered.
- 10.27 The County Council has also considered proposals for and granted planning permission for a secondary school of 6FE in the first instance on this site (application 3/2037-14), the decision being dated 19 June 2015.
- 10.28 The other matter which has a significant impact on the ability to deliver the necessary educational facilities is the funding arrangements. Partial funding for the delivery of the schools has also been secured through the permissions granted for development at the BSN development. At its Cabinet meeting of 22 Sept 2014, the County Council first considered the costs of delivery for the provision of 6FE secondary provision and 4FE primary provision. With the realisation of the value of the application sites in full, this was considered to generate a limited surplus for the County.
- 10.29 The County Council considered this matter again at its most recent Enterprise, Education and Skills Cabinet Panel of 25 Jan 2017 and Cabinet on 20 Feb 2017. The figures presented there, following the conclusion of detailed feasibility and valuation work associated with the land swap arrangement between the County Council and the Consortium now indicate that significant costs will remain to be met even following the income from the sale of the entirety of the application sites. It will be necessary for the County Council to meet this remaining need from basic need grant allocations.

- 10.30 The HCC Panel resolved that the net proceeds of the sale from the land at the application sites should be used to support the capital funding of primary and secondary schools to be developed to serve the BSN area.
- 10.31 In the absence of permissions to develop the whole of the application sites for residential development, which then allow the County Council to realise the value of these sites, it will be in a position where it will need to generate significant funds from another source. It sets out that there is no clear alternative source for the generation of these funds and the ability to deliver the optimum pattern of school provision in the absence of the funding must be in some considerable doubt.
- 10.32 There is a statutory duty on the County Council to ensure that sufficient places are available for education purposes and it will no doubt strive to ensure that its duty is met. However, in the absence of the ability to deliver the optimum education arrangement, it is likely that provision will be made at sub-optimal locations probably distant from the site. This alternative outcome, in the absence of development at the site, must be assigned some considerable harm, being poor in terms of the provision of the necessary infrastructure for the new residents. Conversely then the development is assigned significant positive weight in terms of the support that it can provide to ensure more optimal education provision.

#### Open Space, Sports and Recreation

- 10.33 In relation to sports provision, para 74 of the NPPF sets out that existing open space, including playing fields, should not be built on unless an assessment shows the land to be surplus to requirements, the loss would be replaced by equivalent or better provision in a suitable location or, the development proposed is for alternative sports and recreational provision.
- 10.34 Local Plan policy LRC1 sets out that proposals which will result in the loss of outdoor sports facilities will be refused unless suitable alternative proposals are provided on site or in the locality which are at least equivalent in terms of their quality, quantity and accessibility or it can be demonstrated that the facility is no longer needed. Policy LRC11 takes a similar approach in relation to community facilities generally.
- 10.35 As indicated, emerging District Plan policy BISH4 sets out that the whole site will only be released for residential development if sufficient additional secondary school capacity is provided within the BSN. In the event that occurs, the policy sets out that the development is expected to retain and enhance the outdoor playing pitches in the western parcel

of the site. Policy BISH12 sets out that opportunities to provide new outdoor sports facilities in the town will be supported.

- 10.36 Policy CFLR1 states that new residential developments are expected to provide outdoor sport and recreation facilities to provide for the needs arising from the development. Policy CFLR8 refers to proposals that result in the loss of land for public and community use and that such proposals will be refused unless there has been an assessment of ongoing need and alternative provision. Policy CFLR9 supports health and wellbeing promotion generally.
- 10.37 The NP has a similar policy, HDP7 which states that proposals which result in the loss of community facilities will not be supported unless an assessment similar to that set out above has been undertaken.
- 10.38 Sport England assisted the Council in the preparation of a “Playing Pitch Strategy” (2010) tailored to individual parts of the District. For the Bishop’s Stortford area a standard of 1.31ha per 1000 population is proposed for outdoor sports pitches. The Strategy forms part of the technical evidence base being used to inform the District Plan proposals and the standards set out in it will inform those incorporated in the Plan. Using this standard would require the provision of 6.63 ha of sports provision land associated with the development at BSN.
- 10.39 Only 2.42Ha of formal sports pitch provision will actually be made however, at Hoggates Park. Therefore existing deficiencies in the area will be exacerbated by both the BSN development and additional development at this site (that on the Application C site, over and above Application B site).
- 10.40 The allocation of the western field at the site for open space, sport and recreation use was in response to this matter therefore, seeking to ensure more provision was secured in the area.
- 10.41 In their original submissions, the applicant sets out that the use of the western field by the Rugby Club has been for a temporary and limited period. The field has not been used for this purpose now for some 7 years (by March 2017) and therefore it does not currently contribute toward outdoor playing pitch provision in the town. It sets out that there are a large number of existing playing fields and pitches in the vicinity of the site and that additional pitches are to be provided as part of the BSN development.
- 10.42 It also refers to the proposed secondary school to be secured at the BSN site. This will include a significant area of new school playing

fields which, it says, will be available for community use, referring to the condition applied to the planning permission which requires a community use agreement to be formulated.

- 10.43 Further consideration has also been given to this matter by the applicant, the Council and Sport England subsequent to the submission of these applications and in association with the determination of Application B. Meetings were also held between the parties involved. This proposed arrangements by which the impact of the loss of the sports pitch could be mitigated, and which is referred to further below. Whilst these arrangements were applied to Application B, which would not actually result in the loss of the western field, it was intended to be part of an approach that would subsequently be applied more widely across all the applications.
- 10.44 The approach is as follows. In dealing with Application B, the Council secured a funding contribution of £240,425 (£1,475 per dwelling) to be used toward an enhanced sports hall provision at the secondary school site at BSN. This enhancement would be over and above the sports hall required for the schools purposes and would provide a new facility that would be available to both existing and new residents in the town. At February 2015, the cost of this enhanced provision was estimated at £300,000. At the same ratio of funding, the additional development of 84 new homes on Application A site would generate a further £123,900 for this purpose (and therefore over the total £300k required).
- 10.45 Whilst this is considered to mitigate for the lack of provision of facilities to meet new demands that are generated by this development, it does not necessarily offset, or offset in full the loss of the former playing pitch. In the dialogue subsequent to the submission of the applications, Sport England suggested that a contribution of £168,000 toward the improvement of facilities of the Rugby Club would be appropriate.
- 10.46 No contribution of funding to the Rugby Club was specifically sought as part of Application B, the consideration at that time being that there is potential for the facilities of the Rugby Club to be enhanced through the funding that will be secured as part of the BSN development. Whilst development there has not proceeded in accordance with the anticipated timescale, the potential for funding to be secured in that way is still available.
- 10.47 For its part, the applicant indicates that, in addition to the enhanced sports hall facility at the new secondary school, it would also provide enhanced playing field provision (to the north of the A120) that would be available for public use. In its original submission, Sport England

discounts this, the new provision not being provided in a suitable location to mitigate that lost.

- 10.48 The applicant sets out that, regardless of replacement provision, the land at the site is not available for sport and recreational use, that use only previously being allowed by agreement and that the agreement was terminated 7 years ago. Given its ongoing financial needs, it cannot foresee a position where the land would be made available again for sporting use, without it being acquired by another organisation with that purpose in mind and at a value which reflected the potential alternative (residential) use of the site.
- 10.49 Its view, in relation to Application B, is that the funding secured was partially to offset the lack of provision of facilities to meet new demand and partially to mitigate for the loss of the playing field on the Application C site. Of the funding secured through the development of the land overall (and partially through Application B), £200k was to be assigned to the enhanced sports hall facility at the new school and £168k (on the basis of an assessment by SE) was to be assigned to the Rugby Club to mitigate the loss of the playing field.
- 10.50 The position of Sport England in relation to the potential for the reuse of the western field as a playing field is acknowledged. It sets out that, whilst the active use of the site ceased some time ago, there is no physical impediment to it being reinstated and that the alternative residential use now being proposed should be judged against its policy criteria, which lead it to object to the proposals.
- 10.51 When initially commenting on the proposals in 2014, Sport England set out that, because the playing field use had been in place within a period of 5 years prior to the application, if the Council were minded to approve to proposals, it would be necessary to refer the matter to the Secretary of State) because its objection would assume a statutory basis.
- 10.52 There is now some uncertainty in relation to the basis on which the Sport England objection remains. The relevant secondary legislation, on which the statutory basis of the representation is made, refers to a time period of five years between the last use of a playing field and the date on which an application is made. Whilst the relevant time period applied when the applications were made (November 2014), so within 5 years of the last sporting use in March 2010, that period has now been exceeded. Further advice will be sought as to whether there remains a statutory basis of any objection on behalf of Sport England and whether any decision would require referral to the Secretary of State.

Regardless of the outcome of this matter, the Council can proceed to give a view on matters now, as it is not reaching a decision on the applications.

- 10.53 If an assessment is made against the relevant Local Plan and emerging District Plan policies, the proposals are considered to have some failings in this respect. Additional sport and recreational facilities are needed as a result of the development. It is considered that the approach taken to this, in relation to Application B, is also appropriate here. So, securing further funding toward the enhancement of sports hall provision at the new secondary school, will be appropriate and adequate to address the emerging need.
- 10.54 Enhanced playing field provision at the school is also additional to that which would have been secured through the BSN development. This represents some mitigation, but it is not suitably located such that the provision represents an acceptable alternative community facility to that permanently lost as a result of this development.
- 10.55 It remains appropriate for the planning authority to take a wider view of this matter, given the significant additional development planned for the locality at BSN. Through that development, funding is to be secured which will enable the Council to support a range of sports investments. At the time of decision in relation to those proposals this was considered an acceptable arrangement to address additional demand which would be generated for rugby, football and a range of other sports. Given that these proposals (in combination with Application B) will generate funds in excess of those required for the additional sports hall provision, which can be put toward wider provision and given the provision which can ultimately be secured as a result of the BSN development, it is considered that the harm caused by these proposals is adequately mitigated.
- 10.56 On that basis and because the ability to deliver any sporting use again at the site appears limited no harmful weight is applied in relation to this matter.

#### Transport Impact

- 10.57 Members will be aware of the relevant policy background in the NPPF. This sets out that unless the residual cumulative impact of development following any mitigating action is severe, then development should not be prevented.



- 10.58 Policies TR1 and 2 of the current Local Plan are relevant, requiring the development to incorporate measures to ensure that alternative transport options to vehicle use are available to the users of the site. TR2 requires that an assessment is made of the impact of the proposals against the relevant highway standards. Policies TR3 and 4 set out the need for a transport assessment and travel plan in conjunction with the development.
- 10.59 Policy TR12 sets out that the design of new development should include coherent, safe, direct, convenient, comfortable and attractive routes and facilities for pedestrians and cyclists to encourage their use.
- 10.60 In the emerging District Plan policy TRA1 addresses sustainable transport, seeking to ensure that a range of sustainable transport options are available to occupants. TRA2 addresses the need for safe and suitable highway access. Policy CFLR9 seeks to ensure that all development is designed to maximise the impact it can make in promoting healthy communities, providing the necessary infrastructure to encourage physical activity and health including safe well promoted walking and cycling routes.
- 10.61 In the NP policies TP1 addresses traffic congestion and the output from transport modelling. Policy TP3 seeks to ensure that new development forms walkable neighbourhoods referring to the inter-relationship between new development and facilities. Policy TP4 sets out that all significant development must deliver an appropriate package of pedestrian and cycle improvements, creating routes that encourage walking and cycling.
- 10.62 The impact of traffic on local roads and the town centre was the biggest concern raised by the public in consultation on the BSN planning applications and it is unsurprising that it remained an issue in consultation on the application sites. However, modelling that was undertaken in relation to BSN has informed the applicants' consultants and the Highway Authority in considering these applications. Mitigation measures in relation to BSN which will assist the site proposals include improvements to the A120/A1250 Hadham Road junction; the provision of bus services operating on Hadham Road and the implementation of a wider Smarter Choices campaign targeted to reduce background traffic levels. It is also proposed to provide a new access point at the Hadham Road/Hadham Grove junction, approximately 250m west of the Patmore Close/Hadham Road junction.
- 10.63 Modelling confirms that with BSN and its mitigation in place the Patmore Close junction with Hadham Road will operate well within its

design capacity, subject to an extension to the footway on the west side. The consultants' model results show that the largest queue occurs in the right turn movement from Patmore Close in the a.m. peak, with a maximum delay of 29 seconds.

- 10.64 The Highway Authority requested that the consultants carry out additional modelling to see the impact of the Patmore Close development on the proposed Hadham Road/Hadham Grove roundabout and it was shown to operate well below capacity. Modelling of the impact on the Hadham Road/A120 roundabout was also found to be minimal.
- 10.65 Likewise, additional surveys carried out at the Hadham Road/Dane Park mini roundabout showed that the impact of the proposed development at this junction would be an additional 99 vehicles in the a.m. peak and 106 vehicles in the p.m. peak, an increase of 3.8% and 4.86% respectively, which is not considered to be severe because there is minimal queueing at the present time.
- 10.66 One of the issues raised by the Civic Federation (and this Committee in commenting on the planning application for the secondary school at BSN) is the impact on traffic on Hadham Road of the 6FE secondary school operating in the BSN site without the proposed A120 roundabout in place to serve the Eastern Neighbourhood in which it is located and therefore taking its access solely from Hadham Road. The County commissioned additional modelling to show the impact on Hadham Road and it showed that in the worst case scenario journey times would increase by less than 30 seconds on the A120 routes, and less than 60 seconds on the Hadham Road routes.
- 10.67 Such additional journey times may be noticeable, but are far from being severe and unacceptable, the more so because they would be for a temporary period. It is not, therefore, necessary to follow the Civic Federation's suggestion of attaching a condition to any permission for these application sites preventing development until 2021 or the completion of the BSN access roundabout on the A120, whichever is the later.
- 10.68 Estate layout and parking. This is an outline planning application and the Highway Authority will ensure that if it is approved the reserved matters applications will properly reflect current highways and parking standards, and the various comments of the public on such matters will be relevant then. The Highway Authority has stated that they will not adopt all of the roads in the new development and that *it is becoming increasingly common that developers operate a management company*

*to administer and maintain common areas not taken over by public bodies. This approach has been adopted in other parts of the county and is usually secured by planning condition and/or obligation. This will therefore be an issue for negotiation at reserved matters stage.*

- 10.69 Accessibility. The transport assessment includes a table of distances of the site from the nearest shops and facilities, many of which are in the town centre, 1.5km or more away. However, it is not entirely accurate because the Bishop's Park centre includes a health centre and community facilities as well as a large supermarket, and they are approximately only 0.8km away. In due course there will also be a local centre in the Western Neighbourhood of BSN which will be walkable along the Wickham Hall access drive, which will become a bridleway.
- 10.70 The Transport Assessment Addendum includes photographic surveys of the footways along Hadham Road towards destinations east and west of Patmore Close. It concludes that they are all consistent and safe, but that does not quite accord with the experience of some representations that say the narrowness of the footways in parts makes them uncomfortable to use. Likewise, they say that cycling on Hadham Road is an unpleasant experience in heavy traffic.
- 10.71 In the interests of improving sustainable means of access to these facilities and the town centre the Highway Authority is seeking Section 106 contributions to upgrade the two nearest bus stops on Hadham Road, and improvements to footways, footpaths and cycleways s.278 agreement will secure a pedestrian refuge in Hadham Road to assist crossing to the bus stop on the northern side of the road.
- 10.72 Travel Planning. Transportation policy at all levels, including the NPPF, require travel planning with the occupiers of new development to encourage sustainable means of travel and reduce reliance on the car. The Transport Assessment includes proposals for Patmore Close that are based on the consultants' experience of implementing successful schemes elsewhere. In the Transport Assessment Addendum they provide details of the Travel Plan that would include a Travel Pack for all new residents with plans of local walking and cycling routes, and all properties will benefit from secure cycle storage facilities.
- 10.73 Residents will be offered access to a free bus travel scheme, providing up to two people per household free travel by bus for a year. This will encourage the use of buses from the outset and create a culture of sustainable travel. As well as the two regular bus routes on Hadham Road, residents will also benefit from the proposed new circular route through BSN which exits towards the town centre along Hadham Road.

10.74 Given the adjacent public footpath to the south of the site and the adjacent car parking area associated with the Bishop's Park retail and services area, there is a clear ability to create foot and cycle links that encourage sustainable travel modes to be used to access those services. A foot and cycle access is proposed to the Hadham Road at the western edge of the site where it fronts onto that road. Foot links are also to be created to the Burghley Avenue (and on to Bishop's Park) via the footpath at the south of the site. It appears that there is an additional opportunity to create direct cycle links to the Bishops Park area also, either by direct links to the car parking area, or by upgrading the status of the foot links. This warrants further exploration.

10.75 The Highway Authority seeks Section 106 contributions towards the cost of the travel plan and requires monitoring against targets over a fifteen year period.

10.76 Overall in relation to highway and transport matters, it is considered that the proposals will operate acceptably and this weighs neutrally in the balance of considerations.

Other issues relevant to the sustainability of development on the site

10.77 Detailed housing policy matters: Whilst the proposals are in outline form, it is appropriate to consider whether a permission, in the form sought, would compromise the more detailed policy aspirations of the planning authority in relation to housing. The NPPF supports the delivery of a wide choice of high quality homes. Local plan policy ENV1 is relevant requiring good quality development.

10.78 Emerging District Plan policy HOU1 sets out requirements in relation to the type and mix of units, HOU2, housing density. Policies HOU 6, 7 and 8 deal with the need to deliver specialist housing, adaptable and accessible homes and homes for the self build market. Policies DES3 and DES4 relate to the quality of design and ensuring that development is acceptable in relation to crime and security matters. Policies CC1 and CC2 relate to detailed matters concerned with the energy efficiency of new development.

10.79 In the NP policies HDP3, HDP4, HDP5 and HDP6 are all relevant, referring to the need to ensure appropriate design standards, an appropriate dwelling mix, adaptable housing and specialist housing.

10.80 Given the illustrative material submitted, setting out one form that development at the site could take, it is considered that these

aspirations would not be compromised, if permission came forward in this case.

- 10.81 The material shows the ability to accommodate a mix of housing types and at densities appropriate to the character of the area. The more detailed matters, for example in relation to adaptable homes, could be assessed if detailed proposals for the site came forward.
- 10.82 Archaeology: The NPPF requires that the archaeological interest of sites is assessed, replicated by policies BH1, BH2 and BH3 in the current Local Plan. Emerging District Plan policy HA3 requires that the impact of development proposals on areas of archaeology interest is properly assessed. NP policy HDP9 is also relevant.
- 10.83 Because the land has already been the subject of investigation in relation to the applications in 2008 it is known that there are good remains from the Late Bronze Age, Late Iron Age and Romano-British periods. It would be necessary to conduct further investigation on site before any development is commenced. This can be ensured by a suitable condition.
- 10.84 Landscaping and Ecology: Again, there are requirements, set out in the NPPF, that the impact of development on these matters is assessed. Current Local Plan policy ENV1 is relevant here, requiring development to reflect local distinctiveness. Policy ENV2 specifically relates to landscape impacts. The impact of development on protected species and wildlife is addressed in policies ENV16 and ENV17. Emerging District Plan policy DES1 relates to the impact of development on the landscape of the district. Policy DES2, the impact on particular landscape features. Policies NE2, 3 and 4 are concerned with the impact of development on nature conservation, wildlife species and the provision of green infrastructure. In the NP, policy GIP4 seeks to ensure that wildlife is protected and biodiversity increased.
- 10.85 The application sites are not subject to any statutory nature conservation designations, but an updated Ecological Impact Assessment was undertaken for Application B to assess the impact of the proposed residential development on any ecology and nature conservation interest on the site. This assessment included a number of surveys for wildlife habitats, badgers and badger setts, hedgehogs, harvest mouse, breeding birds, reptiles and bats. The majority of the land which comprises the sites is of limited ecological interest, but there is the area of large trees on the northern and eastern margins, and the sites adjoin Skelleys Wood to the south. Herts and Middlesex Wildlife Trust object to the lack of quantification of the loss of habitat, and

emphasise that the NPPF is not only about conserving the best habitats. Para. 9 states:

*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

*Moving from a net loss of biodiversity to achieving net gains for nature.*

- 10.86 Broad-leaved woodland is the subject of an action plan for its conservation within the Hertfordshire Biodiversity Action Plan and as such is a valued ecological resource. The arboricultural report submitted with the applications includes detailed recommendations for managing the trees on the margins of the site and a Green Infrastructure and Biodiversity Management Plan (which can be secured by condition) needs to include proposals for ongoing management of the trees, including replacement, in view of their age and condition in the interests of amenity and safety.
- 10.87 Skelleys Wood was originally an orchard. It was considered it would be necessary to build on the orchard in order to accommodate a secondary school on the Reserve Site and the orchard was therefore not seen as a potential ecological asset and was neglected. However, time has gone by and a variety of woodland species have taken over and, as the Council's landscape Officer points out, such secondary woodland is ideal as an amenity in proximity to housing areas since it is less sensitive to human activity than ancient woodland.
- 10.88 The County Council was therefore requested (when Application B was under consideration) to undertake a study to determine what management regime can be put in place to both improve the biodiversity of the woodland over time and to regularise and manage public access. It has not completed this work, but is committed to it and it will inform the Green Infrastructure and Biodiversity Management Plan required in relation to that permission. The applicant agreed to a condition in that case that will secure the implementation of a strategy following on from the survey work and a similar approach would be recommended again here.
- 10.89 Surveys of the land as a whole found two important bird species, a low number of grass snakes, evidence of hedgehog and one species of bat, the common pipistrelle. There was some evidence that badgers cross the site but no setts were found and the proposal will not directly affect a badger path which runs outside the site boundary. It is proposed that

the grass snakes will be relocated to a suitable receptor site. In view of the initial findings, Herts Ecology, recommend that a preliminary bat roost assessment is carried out of any trees to be removed to facilitate the development. If suitable features are identified for roosting or foraging further detailed surveys should be carried out, all in accordance with good practice guidelines. This would need to be done before development is commenced.

- 10.90 The Councils Landscape Advisor does not object to the proposals and the landscape features on the periphery of the site and dividing the western and northern field, can be retained in relation to any detailed proposals that could come forward.
- 10.91 Water Environment: Section 10 of the NPPF deals with the issues relating to the water environment. Current Local Plan policy ENV21 relates to surface water drainage. The relevant policies of the emerging District Plan dealing with the water environment are WAT1, 3, 4, 5 and 6. These deal with flood risk, water quality, sustainable drainage, foul drainage and water efficiency.
- 10.92 In order to ensure that green infrastructure is effectively managed and that biodiversity on the site is conserved and improved, it would be recommended that a Green Infrastructure and Biodiversity Management Plan is required for approval. One of its objectives will be the management of the interface between residents and the natural environment to ensure that there is a balance of interests. The Plan would need to take account of the advice of the Herts and Middlesex Wildlife Trust in their consultation response.
- 10.93 The developers of the site would need to integrate the design of the green infrastructure and SuDS to maximize the biodiversity and recreation benefits. Consultees see no problems in principle, subject to conditions requiring full details to be submitted. The Government now requires planning authorities to take responsibility for ensuring that developers have robust arrangements in place for the future maintenance of SuDS, whether to be adopted by a public authority or a management company. In cases where it is known what the cost will be, taking account of service charges, it can be included in the Section 106 agreement.
- 10.94 Environmental Quality: Current Local Plan policy relates to noise sensitive development. Emerging District Plan policies EQ1 and EQ2 deal with land contamination and the impact of development on or by noise. The Environmental Statement includes the results and recommendations of a Geo-Environmental Desk Study Report dated

March 2008 and carried out in connection with previous applications. Whilst there was no immediate cause for concern it identified the potential for contaminants on site and through possible migration of contaminants from off-site sources. It recommends further intrusive investigation to verify the status of any contaminants on site. Considering the scale of the development, the Council's Environmental Health Officer therefore suggests a condition to secure a full Phase II assessment.

- 10.95 The acoustic report in the Environmental Statement states that the construction period offers the potential to adversely impact upon the local noise climate, albeit on a transient basis. Consequently, a number of the best practicable noise control measures have been recommended to reduce the potential impact on existing houses in the vicinity of the site and noise mitigation would therefore be included in the requirements of a Construction Management Plan. The Environmental Health Officer also recommends conditions to control the hours of construction working and any piling operations that may be required.
- 10.96 In summary, in relation to this range of other relevant issues, there are none which are considered to be harmfully impacted by the development proposed and therefore no harmful weight is assigned in this regard.

## **11.0 Conclusion**

- 11.1 In the absence of sufficient land to adequately address housing land supply policies, these proposals would bring forward a net further 84 new homes (over and above those already permitted through Application B). Of this additional supply, 40% would be delivered as affordable homes. Significant positive weight is assigned to this matter.
- 11.2 Whilst the timing of delivery is, to some degree, affected by the timing of delivery of the secondary school on the BSN site, and therefore may not commence immediately, this is not considered to reduce the weight that should be assigned to the housing delivery characteristics of these proposals.
- 11.3 It has been set out in the report how that the proceeds from residential development on this site will support the delivery of the educational infrastructure required to meet the needs of new development in the town. In the absence of the delivery of funding from these sites, there is a risk that a less optimal delivery of educational infrastructure will be



implemented. The impact that the sites have in this respect is attributed significant positive weight.

- 11.4 The future availability of sport and recreational facilities has been considered carefully. In the emerging District Plan the western field part of these sites has been identified for sport and recreational use. That allocation is the subject of objection and therefore, the weight that can be assigned to the emerging policy in relation to that part of the site has to be more limited at this stage. The applicant has been clear that, if permission were not forthcoming, it would be unlikely to release the land for sporting use in any event, such is its long term need to ensure maximum value from its assets. Therefore, the land would only become available if it were purchased at the appropriate value.
- 11.5 In mitigation, funds would be secured which would enable the provision of enhanced sports hall provision at the new secondary school, along with a modest balance which can be put toward the wider sports facilities that can be secured through the BSN development in due course. As a result, it is considered that any harm in relation to this matter is successfully mitigated.
- 11.6 In respect of all other matters, the proposals are considered to operate acceptably and therefore neutrally in terms of weight. Conditions and or obligations under a legal agreement could be framed which would enable the development to perform acceptably.
- 11.7 In conclusion then, it is considered that the proposals represent a sustainable form of development and that there are no matters to which such weight can be assigned that any harm significantly and demonstrably outweighs the benefits of the proposals.
- 11.8 If the Council were in a position to reach a determination on the applications, it would be recommended that planning permission be granted, subject to appropriate conditions and legal agreement matters.
- 11.9 Because the Council is not in a position to make a determination on the applications, details of conditions and legal agreement matters have not been set out here. However, it is anticipated that a conventional range of conditions dealing with matters related to the development would be appropriate.
- 11.10 With regard to legal agreement matters, in relation to the part of the sites for which permission has already been granted (Application site B) it would be proposed that legal agreement requirements that replicate

those already formulated, would be applied to this part of Application A. In relation to Application C, the applicant has indicated that it proposes a 'policy compliant' scheme in relation to legal agreement matters. This means that, in relation to all service and infrastructure funding that would be sought through a legal agreement, the applicant would meet the requirements set out in the Councils policy (Planning Obligation SPD) and the County Councils policy approach (Toolkit) in full.

**KEY DATA – Application A**

**Residential Development**

<b>Residential density</b>	<b>34 units/Ha</b>
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**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
Part of the site equivalent to Application B: 50	30.4%
Part of the site equivalent to Application A: 34	40%
Total: 84	34%

**KEY DATA – Application C**

**Residential Development**

<b>Residential density</b>	<b>36 units/Ha</b>
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**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
34	40%