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Description of development:

- The erection of up to 2,200 dwellings inclusive of affordable housing;
- green infrastructure, amenity and formal and informal recreation space; landscaping;
- development of 2 mixed use local centres on 4.1 hectares of land providing up to 21,000 sq.m. (gross) commercial floorspace (Use Class B1 a, b and c) inclusive of (if required) a maximum of 3,000 sq.m. (gross) for healthcare facilities (Use Class D1) together with retail floorspace (Use Classes A1, A2, A3, A4 and A5) up to a maximum of 1,200 sq.m. (gross), residential development (Use Class C3), and the potential for other community/cultural/leisure (Use Class D1 and D2) if required (floorspace to be agreed);
- the potential for an additional 0.5 hectares of land for up to 4,000 sq.m. (gross) commercial floorspace (Use Class B1 a, b and c) if required, or for residential purposes (Use Class C3) if not;
- a primary school and associated facilities on 1.25 hectares of land; a further primary school on 2 hectares of land with the potential to extend by 1.08 hectares if required or for the expansion land to be used for residential purposes if not;
- the potential for 0.40 hectares of land to be used for either the provision of a park and ride facility for approximately 100 vehicles or otherwise for residential purposes;
- 4 new junctions (A120, Hadham Road, Rye Street and Farnham Road); estate roads and public transport route; footpaths/cycleways;
- site profiling/earthworks; a noise bund with barrier;
- a sustainable drainage system; utilities services including foul water pumping stations;
- 2 residential garden extensions; and
- the demolition of 221 Rye Street and 164 and 165 Hadham Road

All matters reserved except vehicular access.

The description above is as the application was amended following the receipt of revised plans and documents by the Council firstly on 19 August 2013 and then again on 9 October 2013. Further details of the amendments are set out in the summary of proposed development section.

Location: Land at Bishop's Stortford North, Bishops Stortford, Herts.

Applicant: Bishop's Stortford North Consortium Ltd and Landowners

Date of Receipt: 18 January 2013

Type: Outline -Major

Parish: BISHOP'S STORTFORD

Ward: SILVERLEYS, MEADS

RECOMMENDATION

- 1 That, in consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Legal and Democratic Services completes a Section 106 agreement in accordance with heads of terms as set out in Essential Reference Paper A.
- 2 That, in consultation with the Chairman of the Development Management Committee and the Head of Legal and Democratic Services, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Legal and Democratic Services be authorised to complete a section 106 Agreement as may be amended, in all cases to ensure a satisfactory development.
- 3 That upon completion of the S.106 agreement planning permission be **GRANTED** subject to the conditions set out in Essential Reference Paper B.
- 4 That, in consultation with the Chairman of the Development Management Committee, the Head of Planning and Building Control be authorised to add or remove conditions and directives, and make such changes to the wording as may be necessary, to ensure clarity and enforceability, and to ensure a satisfactory development.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order

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2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

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- C Site history
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1.0 Site and vicinity

- 1.1 The application site lies within an area of 156ha known as Bishop's Stortford North (BSN), which is approximately 1km to the north of the town centre. In the East Herts Local Plan (2007) BSN is divided into 6 areas: five have designations as Areas of Special Restraint (the ASRs), and one is a Special Countryside Area (SCA). This outline planning application covers the majority of ASRs 1-4 and the SCA, an area of 130ha. The site also includes Hoggate's Wood and Dane O'Coys Meadow, an area of green belt that separates ASRs 1-2 and ASRs 3-4.
- 1.2 The location and application site boundary are shown on the two plans at the end of this report. Plan A shows the constituent ASRs including ASR5 and the SCA. Plan B shows the application site outline along with relevant points to note within the site and vicinity. Broadly, the site lies to the west of Rye Street and Farnham Road, north of Hadham Road, and is bounded to the north and west by the A120 by-pass. The immediate surroundings are a mix of relatively low density urban development and green space, with agricultural land to the north.
- 1.3 Nearby, on the south side of Hadham Road, is the Bishop's Park neighbourhood centre, which includes a Tesco supermarket and filling station, a health centre, and some small shops and community facilities. On Hadham Road and Cricketfield Lane is a wide range of sports clubs and facilities, including football, rugby, cricket, tennis and squash. There are also allotments in that locality. To the north of the A120 is Wickham Hall, with a small number of businesses in a rural setting.
- 1.4 The site comprises mainly agricultural land, woodland, woodland pasture and mature trees and hedgerows. Farnham Bourne flows north to south at the eastern end of the site. The land that is being farmed is arable, and the majority is grade 2 (very good) and 3a (good).
- 1.5 There are some buildings associated with Foxdells Farm, which includes a grade II listed farmhouse and barn, currently occupied by the Animal Rescue Charity. The site also includes the curtilages of three residential properties, 221 Rye Street and 164 and 165 Hadham Road, all of which are proposed to be demolished.

2.0 Summary of the proposed development

- 2.1 **Current Applications.** This planning application is one of four currently under consideration that relate to the land at Bishop's Stortford North. The application has been submitted by a Consortium of volume house

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builders comprising Bovis, Fairfield, Kier, Persimmon and Taylor Wimpey. Some of the land is owned by them and the rest is under option subject to the grant of outline planning permission. They have made a second application (3/13/0804/OP) that repeats these outline proposals for ASRs 1-4, but it also includes full details of the proposed first phase of development on ASRs 1-2. The Committee will be asked to determine that application at a later date.

- 2.2 The proposals then anticipate a first phase of development to the west of the green belt 'neck' which comprises Hoggate's Wood and other undeveloped land. That part of the site comprises ASRs 1-2 and is described as such or the 'western neighbourhood' in this report. Land to the east of Hoggate's Wood comprises ASRs 3-4 and the SCA. It would form a second or subsequent phases of development. It is referred to as such or the 'eastern neighbourhood' in this report.
- 2.3 ASR 5 is the subject of two current planning applications by Countryside Properties: an outline application (3/13/0886/OP) for residential development and a repeat outline with full details of the first phase (3/13/1501/OP).
- 2.4 ASRs 1-4 and ASR 5 are separated by Farnham Road, but together the applications represent a very large urban extension to Bishop's Stortford, adding some 16% to the town's population.¹ Both sets of applicants have recognized this and have cooperated together and with the Council in matters such as identifying cumulative environmental impacts, the modelling of traffic impact and its mitigation, and in the provision of new social infrastructure such as education and sports facilities. This co-operation is essential if Bishop's Stortford North is to be a sustainable urban extension. However, stand alone applications have been made, and each must be considered on its own merits.
- 2.5 The application has been accompanied by an Environmental Statement and other supporting documentation all of which have been considered by consultees in submitting their responses.
- 2.6 The details of the proposals set out below take into account amendments that have been made following the initial submission of the proposals in January 2013. The details of those amendments are set out at the end of this section.

1 Population = average household size of 2.3 (applicants' estimate) x (max 2200 dwellings on ASRs 1-4 + 450 on ASR 5) = 6095. Therefore % growth = 6095 as a percentage of the existing population of the town of 38078 = 16%.

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- 2.7 **Access.** This is the only matter for detailed approval in this outline application – all other matters of detail are reserved for later approval. Five points of vehicular access to ASRs 1-4 are proposed:
- Hadham Road – via a new roundabout junction opposite, and also serving, Hadham Grove. This will be the main access into the first phase development on ASRs 1-2.
 - A120 bypass – a new roundabout will be constructed just east of the lay-by, and will be the main access into the second phase of development on ASRs 3-4.
 - Rye Street – a new road will be constructed through the site running north-south from the new roundabout on the A120 and joining Rye Street at a T-junction between Farnham Bourne road bridge and 219 Rye Street. The demolition of 221 Rye Street is necessary to enable the access.
 - A new cul de sac access road to part of ASR 4 will join Farnham Road at a T-junction 100m south of the property “Partridges” and will provide access to a small residential area.
 - It is likely that a small group of half a dozen or so houses fronting Dane O’Coys Road would access that road either directly or via a service road.
- 2.8 As indicated, this particular application is in outline form, save in relation to access as set out above. A second application has been submitted which, whilst also in outline form, provides the detail of development on the first phase of the proposal (land to the west of Hoggate’s Wood and identified as the western neighbourhood). Members must however bear in mind that this additional detail does not form part of this application and that, unless secured by condition or legal agreement, cannot be guaranteed subsequently to come forward. Members are advised to have the outline status of this application in mind when determining it.
- 2.9 An existing right of way crosses Silver Leys and joins the Wickham Hall access road to track north and under the A120. Another crosses Ash Grove and tracks northwards around Hoggate’s Wood and under the A120 and into the agricultural land beyond, and a third runs northwards from Dane O’Coys to the A120 and then eastwards to the location of the new roundabout. All these existing rights of way would be preserved in the new development without diversion. New controlled crossings would be provided at the new access points at Hadham Road and Rye Street to assist pedestrians and cyclists using these routes. The proposals would add a network of new footpaths and cycle ways within the site, many of a rural character (“greenways”) and following the

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- retained mature hedgerows.
- 2.10 A new bus route would traverse the site east-west, from the Hadham Road access towards and around the north side of Hoggate's Wood, and then towards the south and out onto Rye Street via the new access. A small park and ride site for 100 cars on 0.4ha has been included in the application as an option should the Council consider it to be commercially viable and effective in reducing trips into the town centre. If it proceeds, the park and ride would be served by the regular bus that traverses the site. Alternatively, the site will be used for residential development.
- 2.11 **Homes.** This application is for up to 2,200 homes across ASRs 1-4, including any flats over the commercial properties in the neighbourhood centres. It would be at a relatively low average density of 35 dwellings per hectare, appropriate to an edge of town site, and an average of 30.4% across the two phases would be affordable. The market housing would be predominantly 3 and 4 bedroom family housing (about 71%), but with 21% 1 and 2 bedroom houses and flats, and 8% 5-bedroom houses. The affordable housing would initially comprise affordable rented and shared ownership in the ratio of 75:25. Review points at the completion of the 750th and 1500th homes, secured by the Section 106 agreement, will enable the Council and the developers to adjust the affordable mix to meet changing needs in the community.
- 2.12 **Neighbourhood centres.** The green belt between ASRs 1-2 and 3-4 means the site falls naturally into the two proposed neighbourhoods, east and west. It is proposed that the eastern neighbourhood centre would be the larger, in the second phase of the development when there will be a sufficient number of residents to support it. It would include the Foxdells Farm buildings, perhaps converted to community uses, a business park, and shops, cafes and office uses appropriate to a local centre. Uses would be agreed as part of the later phases of development.
- 2.13 The western neighbourhood centre is smaller and would be developed alongside the growing local population in the first phase development, who will be able meanwhile to easily access the Bishop's Park centre. There may be some business units as well as some retail uses and a health centre. Although not part of this application, buildings for a faith group could be acceptable if multi-purpose community buildings are unsuitable. Both centres would be likely to include flats over the shops to help bring vitality and community activity to the neighbourhoods.
- 2.14 **Schools.** The application includes two primary school sites: a single

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form of entry school would be located alongside the first phase western neighbourhood centre, and a school with two forms of entry would be located alongside the eastern neighbourhood centre. The latter would have sufficient land with it to expand to three forms of entry if required. Both would include nursery provision.

- 2.15 As submitted, the application did not include a secondary school on site, but made provision for a payment to be made to the Education Authority for the off-site provision of secondary schooling to serve ASRs1-4. However, the proposed Section 106 agreement now secures, as an alternative and at the request of the County Council, the on-site provision of secondary education, possibly in the form of an all-through school in ASRs 3-4. If an all-through school was provided, that would absorb the two forms of entry primary school proposed for the eastern neighbourhood. The agreement ensures that sufficient forms of entry are provided by the developers to meet the peaks of demand from the development as well as the long term average demand.
- 2.16 **Open space and sports facilities.** The developers would acquire the freehold of the green belt areas of Hoggate's Wood and Ash Grove, and Dane O'Coys Meadow which is for allotment use. They would also acquire land in the Farnham Bourne valley. Together with other small areas, in total, this provides 58.27 ha of open land and woodland for passive recreation and informal games – 45% of the site.
- 2.17 However, not much of that land is suitable for formal sports playing fields due to the land form. As part of the amendments to the scheme plans have been submitted to show league standard football club facilities on the land to the west of Hoggate's Wood which originally was for informal games and a children's play area. The facility would comprise a senior pitch, possibly artificial, a junior pitch, a clubhouse and changing rooms and a car park. The applicants also propose making payments to the Council to enable it to co-ordinate investment in sports facilities off site. This will probably include the clubs on Hadham Road and Cricketfield Lane, some of which have development strategies capable of attracting further funding in addition to the developers' contributions. School halls and community halls on site at BSN can be sized to accommodate some indoor sports such as badminton and table tennis.
- 2.18 **Water management.** The development follows current best practice in surface water drainage by creating capacity on the surface in the form of swales and balancing ponds, which is intended to avoid expensive and inflexible underground storage, whilst also offering the opportunity to

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enhance biodiversity. These are known as Sustainable Drainage Systems (SuDS). As well as utilising natural watercourses on the site, swales would be created along the primary roads, creating an attractive street scene. A large balancing pond would be created in the Farnham Bourne valley. One underground storage facility is currently proposed in ASRs 1-2 under the proposed football pitches, but even this may be reduced in size.

- 2.19 **Design and landscaping.** The application includes proposals for land forming both to level parts of the site as necessary to facilitate development, and to create a noise barrier with a 2.5 metre acoustic fence erected on a landscaped bund varying in height between 2.5 metres by the dwellings and 6.5 metres by Hoggate's Park around the boundary with the A120 in order to reduce noise levels and create an attractive planted area around much of the development in accord with the rural context.
- 2.20 Whilst all details apart from access to the site are reserved for later approval, the applicants have included with this application a Design and Access Statement and Design Codes for the residential development and for the neighbourhood centres. These propose an overall theme of a garden suburb, featuring boulevards with swales and a large amount of tree planting. The codes suggest building typologies and architecture rooted in traditional styles found in Bishop's Stortford.
- 2.21 **Timescale and phasing.** The development is likely to take between 8 and 10 years to complete, including the on-site social infrastructure and commercial development. In view of the timescale, the Section 106 agreement makes provision for a review of the viability assessment and affordable housing needs following completion of the 750th and 1500th dwellings. The first review is timed to take place toward the end of the first phase of development and in anticipation of the second phase.
- 2.22 Subsequent to the submission of the application in January 2013 amendments were made following the feedback provided through the consultation process. Initial amendments were made in August 2013 and were followed by a second set of amendments in October 2013.
- 2.23 The August amendments made the following changes (where they have led to changes on the parameters plan or detailed plans):
- revision to the proposed bus route through the site, and consequential road layout changes;

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- the potential for the proposed park and ride provision to be used for residential purposes;
- the potential for an additional area of 0.5ha to be used for B1 employment purposes, but if this use is not required, for it to be used as initially proposed, for residential use;
- the potential to enlarge the eastern neighbourhood primary school to allow for 3FE, but if that is not required, for it to be used as initially proposed, for residential use;
- enlargement of the proposed roundabout junction on the A120;
- minor changes to the proposed Rye Street access.

2.24 The October amendments made the following changes (where they have led to changes on the parameters plan or detailed plans):

- further amendment to the proposed Rye Street access

2.25 In addition, the October amendments include a revision to the Environmental Statement to introduce an assessment of the impact that the provision of buildings and land for secondary or all through schooling would have, if they were introduced into the land that comprises the eastern neighbourhood.

2.26 It is important to note that this does not comprise a change to the proposals that form part of the planning application and therefore further permissions would still be required if this use were to come forward on the site. This amendment however has enabled the environmental impact of such a use to be considered. The Council is able to enter into a legal agreement that anticipates the possibility of the provision of secondary schooling at this site, even if it is not currently formally proposed.

2.27 Taking into account those amendments, the proposals are described on the following plans:

- Site Location plan
- Parameter Plan showing land uses, green infrastructure and access;
- Parameter Plan showing earthworks and building heights;
- Four plans showing details of the proposed access to Hadham Road, Rye Street, the A120 and Farnham Road.

2.28 An indicative layout plan has also been submitted.

3.0 Site history

3.1 The full planning application history of the site is set out in Essential Reference Paper C. The majority of previous applications that relate to the site are for minor development and not significant in relation to the proposals now under consideration. There have been applications previously however for large scale residential development at the site. These are as follows:

3/1836-85OP Proposed residential development, neighbourhood centre, JMI schools, public open space, drainage and highways infrastructure, shopping centre and additional development, landscaping (withdrawn) – *approximates to ASRs 1-3 and the SCA.*

3/98/1883/OP Residential development and associated infrastructure (withdrawn) – *approximates to ASR 1*

3/00/1487/OP Residential development comprising of up to 692 dwellings associated with the expansion of Stansted Airport to 15mppa together with community facilities, including open space, playing fields, primary school and infrastructure (withdrawn) – *approximates to ASRs 1 and 2*

4.0 Consultation responses

4.1 The responses from statutory consultees and other organisations with specific interests are summarised in Essential Reference Paper D. The representations of Hertfordshire County Council in its role as the Highway Authority are set out in full in Essential Reference Paper D1.

5.0 District, town and parish council representations

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

5.2 Bishop's Stortford Town Council recommends refusal of planning permission on the following grounds:

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1. The proposed development will cause a severe traffic impact within the town. The mitigation measures proposed within the Town are inadequate and have been given insufficient attention. Mitigation options including improved infrastructure at and around key junctions, and the strategic location of key facilities (most notably the new secondary school which it is generally accepted will be required) have not been adequately explored (or explored at all), and enhancements designed to improve the usability of the public transport network (for example the provision of real time information). This is contrary to policies 30 and 34 of the NPPF, the goals of the Local Transport Plan which include similar and complementary objectives to policy TP2 of the emerging Neighbourhood Plan. Policies TR3 and TR4 of the Local Plan are also of note.
2. The proposed development will cause a severe deterioration in the air quality of Hockerill Junction, a local air quality management area, contrary to policies 30 and 32 of the NPPF, the Local Transport Plan and policy TP3 of the emerging Neighbourhood Plan.
3. Increased amounts of cross town traffic will be created.
4. No impact assessment has been presented on the key congested routes in the southern half of the Town contrary to TP1 of the emerging neighbourhood plan and policy TR3 of the Local Plan and section 32 of the NPPF.

5.3 The Town Council also requests contributions towards the provision of allotments and burial space which would be in line with their recently adopted policy. The Town Council considers that the provision of 0.24ha of allotment land per 1,000 dwellings is required in close proximity to the site. Where such provision cannot be secured, a proportionate financial contribution will be expected. The Town Council also requests a financial contribution of £47,116 per 1000 people towards the provision of burial land.

5.4 Stansted Mountfitchet Parish Council objects to the planning application. The Council comments that the supporting data does not adequately demonstrate that the development will be sustainable in terms of the requirements of the residents or the impact on the town and surrounding area. The scale of development and expected number of new residents will result in a harmful impact on traffic congestion within the area and to

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local services, particularly education. The development will also result in the loss of agricultural land and threaten coalescence with Stansted Mountfitchet, Birchanger and Farnham.

- 5.5 Farnham Parish Council objects to the planning application in terms of the impact on the infrastructure of Bishop's Stortford. The Council considers that Farnham Road is a narrow country lane and any increase in traffic will be a concern. HGV's are likely to experience problems exiting Farnham Road if the proposed new roundabout is constructed at the junction of Hazel End Road, St Michaels Road and Rye Street. Such a roundabout is likely to cause sever traffic disruption to Hazel End Road.
- 5.6 Thorley Parish Council objects to the planning application in terms of the impact of traffic congestion on the town and Thorley Street and associated noise, safety and emission issues; the impact on public rights of way through open countryside; the loss of openness and the impact upon the character of the area. The provision of 2200 houses on the site represents excessive development especially considering other future development proposals in the town. The proposed development will impact on education provision within the town.
- 5.7 Standon Parish Council objects to the application as it does not deliver sustainable development. The impact of additional traffic on Bishop's Stortford and the surrounding area, particularly the A120 through Standon has not been established. Proposed mitigation measures for traffic are inadequate. There is insufficient infrastructure to provide basic needs for education and health care and the proposed development will result in the loss of open countryside, agricultural land and wildlife.
- 5.8 Little Hadham Parish Council objects to the planning application. The Council raises concerns in respect of additional traffic and pressure on the A120 and the 'Hadham traffic lights'. Increased traffic will push vehicles onto the surrounding rural road network to the detriment of the villages and highway safety. Concern is leveled at the potential flood risk on Little Hadham and the inadequate levels of secondary education and healthcare.
- 5.9 Birchanger Parish Council objects to the application on the grounds of sustainability. The proposed development will increase traffic pressures on the town and the surrounding road network including the M11, with resultant impact on Birchanger in terms of noise and pollution. Insufficient secondary school places and medical provision is made.

- 5.10 Albury Parish Council comments that housing development to take place in Bishop's Stortford is, to some degree, necessary. However, the size of the development is such that it will have a significant negative impact on the village of Albury. Insufficient secondary education provision is provided resulting in children in Albury having to travel further for secondary education with resultant highway implications. The proposed development will result in significant harm to traffic congestion along the A120, and to healthcare provision.

6.0 Other representations

- 6.1 The applicants carried out pre-application consultation in Bishop's Stortford, including staffed exhibitions and presentations to local councils and interest groups. The outcomes are described in a Community Engagement Statement submitted with the planning application. It concludes:

Although there continues to be objection to the principle of development in this location the changes which have been made by the Consortium and reflected in the application appear to have generally been considered to be an improvement to the scheme by the majority of the 370 people that attended the September Feedback Event. These changes and refinements have included:

- *Reducing the number of dwellings*
- *Proposing a direct connection to A120 bypass*
- *Rerouting the public transport link to avoid Hoggate's Wood*
- *Protecting land south of Dane O'Coys Road with suggestions for improvements to local sports provision*
- *Putting forward a range of measures to reduce traffic impact, improve non-car modes of transport and maximise economic benefits to the town.*

Where appropriate, provision is being made as part of the application to address off-site such matters as education, healthcare, improvements to links to the town centre, traffic calming along Rye Street and other highway improvements.

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

6.3 Consultation attracted 293 individual letters of representation from the public, together with 75 letters based on a template supplied by Save Our Stortford (SOS), and petitions from SOS and residents of Rye Street. More recently, a petition was received from members of Bishop's Stortford Grove Residents Action Group who live on Hadham Grove and Grove Park.

6.4 Analysis of letters from individual members of the public found that the overriding concern was the traffic impact of the proposed development, with special reference to routes from the site into the town centre and the town centre itself. The next biggest issue was whether schools would cope with the extra demand, and the third was whether, likewise, the health services would cope. Essential Reference Paper D is a complete list of the issues raised by the public.

7.0 Policy considerations

7.1 The National Planning Policy Framework (NPPF)

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

7.1.2 The NPPF, which came into effect in March 2012, (NPPF, para.196), represents national planning policy and is a material consideration in the determination of all planning applications. The NPPF replaced the majority of previous national policy documents. Although many similar policies are contained in the NPPF, the presumption in favour of sustainable development is at its heart. The impact this has in relation to these proposals is set out in the following paragraphs.

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

- *At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making*

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

and decision-taking. For decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

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

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

7.1.6 Some of the saved policies give good guidance in determining this planning application, but there is a significant deficiency in respect of maintaining an adequate supply of land in the District suitable for housing, as set out in the following paragraph. As indicated, the NPPF says at para.47 that local planning authorities must identify and update annually a supply of specific deliverable sites³ sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land.

7.1.7 Feeding into the evidence base for the District Plan is the Annual Monitoring Report (AMR) 2011/12, published in February, 2013, which sets out the latest housing supply position, taking into account BSN. In

³ To be considered deliverable, the NPPF says that they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

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para. 2.9 it says:

...East Herts has a housing land supply equivalent to 3.6 years for the period 2013/14 to 2017/18. This is on the basis of sites with planning permission, and Local Plan Allocations including the ASRs and SCA to the north of Bishop's Stortford.

However, para. 2.10 goes on to say that in the current absence of alternative target figures following the abolition of the East of England Regional Spatial Strategy the figures that emerged as part of a review of that plan can be considered. This gives a land supply figure of 4.3 years, which is further uplifted to 4.5 years by the NPPF making allowance for windfall sites.

7.1.8 It is important also to note that the criteria against which these supply figures are based are untested. Giving consideration to the evidence base being brought forward through the District Plan formulation process indicates that a higher target figure is likely to be established, thereby requiring greater levels of supply.

7.1.9 In the circumstances of the lack of a 5 year supply of land, the NPPF says at para. 49:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.1.10 The consequence of the change brought about by the NPPF is therefore that the Committee:

- a) must give due weight to saved local plan policies according to their degree of consistency with the Framework;
- b) must consider the housing elements of the application in the context of the presumption in favour of sustainable development;
- c) must give full weight to policies in the NPPF in determining whether the proposal is sustainable development; and
- d) if it is sustainable development, they must approve the application.

7.2 **East Herts planning policies since 2007**

7.2.1 In the East Herts Local Plan, Second Review (2007) the policies which address the principle of development at BSN are BIS1, BIS3 and BIS8. These policies safeguard the land for future development and they are

reproduced in full in Essential Reference Paper E.

- 7.2.2 In these policies the Local Plan differentiates between:
- ASRs 1-2, which may be brought forward after 2006, for a total of no more than 1448 dwellings, to satisfy local need and airport related need that cannot be accommodated on other allocated or windfall sites;
 - ASRs 3-5 which should be brought forward only through a review of the plan when identified and needed for development; and
 - The SCA where the status of the land will be reassessed through a review of the plan and in the event that a strategic planning need for the land is demonstrated.
- 7.2.3 Although saved, these policies are not up to date and the weight that can be assigned to them must be limited, because, as set out above, the Council does not have a five year supply of housing sites. The submission of the planning application, in the absence of a five year supply of housing sites, means that full weight must be given to the policies in the NPPF in making a determination.
- 7.2.4 It has not been possible to monitor the need for airport related dwellings separately from the general housing need. So, whilst it is not possible to determine if the previously identified airport need has been met, the picture regarding the need identified for the district as a whole is clear.
- 7.2.5 In 2008 reports were presented to the Local Development Framework Executive Panel (now the District Planning Executive Panel) that addressed the matter of the safeguarded sites in the context of the national policy requirement, which was in place at that time, to demonstrate a five year housing land supply. On the basis that East Herts had only a four year supply of land for housing in the period 2009/10 – 2013/14, the Council resolved to bring forward for development all the ASRs and the SCA. Officers were instructed to engage with interested parties and landowners with a view to bringing the land forward through the Local Development Framework (LDF) process so that development would begin immediately post 2011. Full Council ratified the decision on 08 December 2008.
- 7.2.6 The decision to include the land at BSN within the five year housing land supply has meant that, until this year, the Council has been able to demonstrate an adequate housing land supply, and consequently there have been very few applications for housing on unallocated sites.

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- 7.2.7 The Council commenced work on a Core Strategy under the prevailing planning policy regime of the Local Development Framework but subsequently switched to preparing the new style of local plan, required by the Localism Act, 2011. This will be known as the East Herts District Plan, and will replace the Local Plan, 2007. It will guide development in the period through to 2031. Currently, no weight can be attached to the District Plan in determining the planning application for ASRs 1-4, because the Plan is not sufficiently advanced, but the Committee can consider information in the Plan's growing evidence base.
- 7.2.8 The site selection process for the District Plan is contained within a Supporting Document which is being considered in stages by the Council. Acknowledging local plan policies BIS1 and BIS8 that require the SCA and ASRs 3-5 to be released for development only in the context of a review of the Local Plan, and without knowing when planning applications might be submitted, BSN was assessed along with a shortlist of other potential development sites across the District, with an assumption of 3,000 dwellings. The selection process is not yet complete, and for the reasons stated in preceding paragraphs, the Committee is reminded that it is not something they can give weight to. However, the site remains one which is considered suitable for development in the emerging District Plan.
- 7.2.9 As indicated above, the Council's AMR indicates that East Herts has a housing land supply which can be argued to be as low as 3.6 years for the period 2013/14 to 2017/18. This is on the basis of sites with planning permission, and Local Plan Allocations including the ASRs and SCA to the north of Bishop's Stortford. Whilst the greater supply figures are calculated if revised target and windfall allowances are used as a basis for calculation, it is the case that supply remains lower than the 5 year requirement.
- 7.2.10 The deterioration in the housing land supply position between the 2007/8 AMR and the 2011/12 AMR means that, even with the inclusion of the ASRs, which adds approximately 12 months to the housing land supply, (and no more because delivery at BSN will take place over a period longer than 5 years), East Herts Council cannot demonstrate a five year supply even when assessed against the current and more generous criteria.
- 7.2.11 From recent decisions by the Planning Inspectorate and Secretary of State it is known that considerable weight is given to the requirement for a five-year housing land supply. For example, the Secretary of State granted permission in 2012 for 1,200 dwellings at Gilden Way (Harlow

District), at a safeguarded site with similar policy status to that of the ASRs at Bishop's Stortford North.⁴

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

7.2.13 The following policies of the Local Plan are relevant to the consideration of these proposals:

- SD1 Making development more sustainable
- HSG4 Affordable Housing
- HSG6 Lifetime homes
- TR1 Traffic reduction in new developments
- TR2 Access to new developments
- TR3 Transport assessments
- TR4 Travel plans
- TR12 Cycle routes – new developments
- TR15 Protection of equestrian routes
- STC1 Retail development
- ENV1 Design and environmental quality
- ENV2 Landscaping
- ENV11 Protection of existing hedgerows and trees
- ENV14 Local wildlife sites
- ENV16 Protected species
- ENV17 Wildlife habitats
- ENV18 Water environment
- ENV19 Development in areas liable to flood
- ENV20 Groundwater protection
- ENV21 Surface water drainage
- ENV27 Air Quality
- BH1 Archaeology
- LRC3 Recreational requirements in new residential developments
- LRC11 Retention of community facilities

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

- BIS1 Special Countryside Area
- BIS3 Areas of Special Restraint 1 and 2
- BIS7 Reserve Secondary School site, Hadham Road
- BIS8 Areas of Special Restraint 3, 4 and 5
- BIS15 East Herts Area Plan – Bishop’s Stortford

7.3 Other relevant policy matters

7.3.1 Members will be aware that the Bishop’s Stortford Town Council has been preparing a Neighbourhood Plan for the Silverleys and Meads wards of the town. The BSN sites fall within those wards. This plan has reached the stage where formal consultation is about to be commenced, probably in January next year. Although a material consideration, Members are advised that, because the neighbourhood plan is still in its formative stages and because conformity between it and the Councils Local Plan has yet to be fully considered, no weight can be attached to it at this stage and in the determination of this application.

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

7.4 Conclusion – the principle of development

7.4.1 As indicated, in law, those dealing with planning applications are required to have regard to the development plan, and any other material considerations.⁵ Applications for planning permission must be determined in accordance with the development plan, unless other material considerations indicate otherwise.

7.4.2 The starting point in this case, as in any, is therefore the development plan, and in this case policies BIS1, BIS3 and BIS8. As set out, the policies only permit the release of land in certain specified circumstances. It is recognised that it is not known whether those circumstances are met (airport related dwellings) or they have not been

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

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met (the review of the plan is yet to be concluded). This would, on the face of matters, suggest that the development proposed should not be permitted, because it is not in accordance with the development plan.

7.4.3 However, as noted above, NPPF para 49 provides that policies for the supply of housing, such as BIS1, 3 and 8, should not be considered up to date if the Council cannot demonstrate a five year housing land supply. No such level of supply can be demonstrated at this time as indicated above.

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

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

Planning permission should be granted on this site, notwithstanding that the development plan policies indicate that development should be restricted.

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

7.4.6 It is noted that when considering whether or not there is significant and demonstrable harm arising from the proposals, Members will wish to have regard to other non-housing development plan policies. Members are reminded that those policies should, in accordance with NPPF 215, receive 'due weight' in accordance with their degree of consistency with current national policy. This means they will receive more or less weight

depending on how closely they accord with those policies. Members are addressed on the degree of weight Officers consider should attach to non-housing development plan policies throughout the remainder of the Report.

7.4.7 As noted above, the replacement District Plan and Neighbourhood Plans are at too early a stage of preparation to be afforded any weight and therefore do not affect the conclusion reached on the basis of the development plan and NPPF.

8.0 Considerations

8.1 Sustainable development and mitigation

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

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

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

- Housing

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- Neighbourhood centres, employment and welfare
- Schools
- Sport and leisure
- Environment and design
- Highways and transportation

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

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

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

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

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

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

be unlikely to proceed. Para. 173 of the NPPF says:

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

- 8.1.7 To be in a fully informed position in relation to the funding which should be available for mitigation, the Council has required the applicants to prepare a viability assessment, in accordance with industry standards and methodology. The assessment estimates the sales value of the development, from which is deducted the costs of undertaking the development, a reasonable return to the landowner, and the developers' return on investment. The assessment has been scrutinised and adjusted by consultants, Levvel, working for the Council. Their report is commercially confidential and not, therefore, in the public domain. However, the outcome is that, after taking into account the provision of affordable housing on site (see para. 8.2.4 below), approximately £54m is available at the start of the development for the mitigation to be secured by the agreement.
- 8.1.8 Members will have noted the flexibility remaining in the scheme in the description above. The funding assessment at this time has been established on the basis of no reduction in the number of residential units associated with maximising the size of the primary education and employment provisions and securing secondary education provision on the site. The latter is clearly the most significant and the impact of it would be offset by securing residential development elsewhere as part of any land swap arrangement (referred to in relation to education provision below). The former may also have an impact on viability which would be assessed through any review process.
- 8.1.9 The development will take place over a long period, 8-10 years, and it is proposed that the S.106 agreement makes provision for a review of key variables in the viability assessment that are likely to change over that time, including in particular sales values and infrastructure and build costs. If such a review takes place towards the end of the first phase,

before completion of the 750th dwelling, it would have the benefit of actual costs and sales values, and this might allow further financial contributions to areas agreed in advance such as affordable housing, highways, sport and leisure, education and cultural and welfare services, where the current viability assessment is limiting the contributions to less than is required to meet policy requirements or costs in full. In view of the size and timescale of the development it is proposed that a further review also takes place before the completion of the 1500th dwelling.

8.2 Housing

8.2.1 The application proposes up to 2,200 residential units across the two neighbourhoods: 836 in phase 1 (the western neighbourhood,) and 1,364 in the eastern. This is in line with earlier expectations regarding the capacity of the site, and would make a substantial contribution towards the District's housing supply in circumstances where it is currently short of a 5-year supply.

8.2.2 Many local people are opposed to these numbers in principle, saying they would take the town beyond its "optimum" population by putting undue strain on social and highway infrastructure and by spoiling the character of the town. Others acknowledge the need for more homes in the country and some welcome this growth in Bishop's Stortford, but only if the adverse impacts of the development are properly mitigated, and all the necessary social infrastructure is in place.

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

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

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

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

affordable rented and 25% intermediate⁶. This is based on the updated Housing Needs Survey published in 2005.

8.2.5 The Council requires a tenure mix of 75% affordable rented and 25% intermediate to meet current needs, including the effects of the Welfare Reforms which have created an additional need for rented one-bedroom flats and two-bedroom houses as tenants downsize. On that basis, the applicants originally proposed that 23% of the housing overall would be affordable, leaving a balance of £39m for mitigation. However, having undertaken the above mentioned work on the viability assessment, they have now been able to offer affordable housing provision of 30.4% across both phases, which would realise up to 669 affordable homes over the life of the development on ASRs 1-4. They would be able to meet the Council's required tenure mix on phase 1, whilst phase 2 would be at 50% affordable rented and 50% intermediate. This results in £54m being available for mitigation that would be secured by the s.106 agreement.

8.2.6 The Council's Strategic Housing Market Assessment (SHMA), carried out in 2012, indicates that there should be a rebalancing of the market with a growing requirement in the District for shared ownership. It would therefore be appropriate to review the tenure split in phase 2 towards the end of phase 1 in the light of the contemporaneous review of the viability of the development. It is also likely that, by that time, the policies which the Council will pursue with regard to tenure through the District Plan will have reached a stage where they can be relied upon to inform the review. Affordable housing needs and Government welfare policies change rapidly over time and such changes can also be taken into account in any review.

8.2.7 As regards the sizes of affordable homes required, the Council has requested a mix that reflects current needs, which may be reviewed and revised during the life of the development. The applicants have agreed the following mix on phase 1:

	%
1 bedroom flat/house	34
2 bedroom flat	23.5
2 bedroom house	15.5
3 bedroom house	22

⁶ Affordable rented means homes made available to tenants at up to a maximum of 80% of market rent Intermediate housing is defined in the New Affordable Housing Commissioning Brief, 2012, as being properties at flexible levels allowing for subsequent 100% ownership.

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4 bedroom house	5.5
	100

- 8.2.8 The Housing Service has requested that the applicants give consideration to improving the flexibility of the 2-bedroom houses and flats by providing more houses in lieu of flats, and designing them with two double bedrooms so they can accommodate 4 persons. The Councils viability consultants (Levvel) have indicated these changes would not have a negative effect on values in the viability assessment, but they may affect site coverage and layout and officers will therefore continue to negotiate on these points.
- 8.2.9 The Council does not need to be so prescriptive regarding the mix of market homes. The Council's Housing Strategy 2013-2016 states that there has been a predominance of flatted development in recent years and the SHMA indicates that there should be more of an emphasis on family homes:
- 8.2.10 The applicants are proposing the following % mix of market housing on phase 1, which does include an emphasis on family housing:

	%
1 bedroom flat	1
2 bedroom flat	11
2 bedroom house	9
3 bedroom house	35
4 bedroom house	36
5 bedroom house	8
	100

- 8.2.11 Policy HSG 6 of the Local Plan states that the Council will expect that in new residential developments 15% of all dwellings are constructed to 'Lifetime Homes' standards. This is so that a proportion of all homes available in the District will be accessible (both externally and internally) to occupants with limited mobility (including visitors in wheelchairs) and which are capable of adaptation, without undue difficulty, for occupation by residents who are wheelchair users. The Government is currently undertaking a Housing Standards Review the outcome of which is likely to change Lifetime Homes, possibly putting more standards into the Building Regulations. Meanwhile, the applicants have confirmed that at

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least 30% of homes will meet the Lifetime Homes standard, as is, across ASRs 1-4, and this is secured in the s.106 agreement.

8.2.12 The Council's District Plan Executive Panel considered a report⁷ in November 2013 on older people's housing requirements. It referred to an All Party Parliamentary Group on Housing and Care For Older People, which identified the challenge posed by the UK's ageing population: the older population will grow from 10.1m to 16.7m by 2036 for the over 65s, and from 1.3m to 3.3m by 2033 for the over 85s. Already over half of NHS spending is on people over 65. Government policy is to sustain older people living at home for as long as possible with appropriate support.

8.2.13 The NPPF requires that planning applications should take into account the housing needs of older people, and in the glossary defines older people as:

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

8.2.14 In planning a development of the size and scale of BSN, it would be remiss not to try and plan for the needs of an ageing population, and to strengthen the community by doing so, through excellent locational choices for older persons' housing and thoughtful urban design. Phase 2 offers both the time to plan, and a neighbourhood centre of some size to help provide older persons' needs locally.

8.2.15 It is therefore proposed that the s.106 agreement includes clauses that require best endeavours on the part of the applicants to:

- create social and market housing communities for the elderly and those with restricted mobility adjacent to neighbourhood centres; and
- provide for wheelchair and other special needs in up to 5% of affordable homes if requested by the Council; and actively market throughout the life of the development wheelchair and special needs adaptation options, with cost recovery, for all suitable market housing.

⁷ "London Commuter Belt (East) Sub Region: Older People's Housing Requirements 2013", Opinion Research Services, October 2013

Further guidance is in the Council's New Affordable Homes Commissioning Brief, 2012. In its response HCC indicates community facilities should be provided to enable special needs providers to operate clubs and other services, and appropriate community facilities are to be provided.

Conclusion on housing

- 8.2.16 The land at BSN has been held in reserve for housing development for many years, and its release for the development of up to 2200 homes would greatly assist in meeting the pressing need for more homes, and will offer a wide choice for local residents as well as newcomers, including those seeking a first purchase. Although the Council's policy target of 40% affordable housing cannot be met without reducing unacceptably the funding for mitigation in social and highways infrastructure, 30.4% across both phases 1 and 2 is considered to be satisfactory in the circumstances and will make a significant contribution to addressing the affordable housing needs of Bishop's Stortford and the wider area.
- 8.2.17 The applicants will provide the Council's preferred mix of affordable housing sizes and tenure in the first phase, reflecting local needs, and the market housing sets out to meet the needs of families in particular. If in addition provision is made for older people and those with special needs as the development progresses the housing will meet the policy requirements of the NPPF and the Council's own policy and guidance.
- 8.2.18 Finally, a review of affordable housing requirements will take place towards the end of phase 1, in parallel with a review of the viability of the development, and offers the opportunity to ensure the development delivers housing in numbers and of a type that properly addresses local needs in the context of the then prevailing Government policy and funding regimes. A further review would take place before completion of the 1500th home.
- 8.2.19 Given these characteristics of the proposals it is considered that significant weight must be given to the beneficial impact the development with regard to national and local policy aspirations which seek to deliver housing.

8.3 Neighbourhood centres and employment

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- 8.3.1 The NPPF says, at para. 70, that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (amongst others):
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*
- 8.3.2 Two mixed use centres are proposed to serve each of the two neighbourhoods, east and west of Hoggate's Wood. This outline application does not include the details of the centres, other than the floorspace that the different land uses would occupy, and the location of the two primary schools that will sit alongside the centres. However, a notional layout has been submitted for the western centre as part of the hybrid application 3/13/0804/OP that includes the details of the phase 1 residential development on ASRs 1-2. Only an outline of the eastern centre is shown on the parameters plan, the indicative plan and on an addendum to the Design and Access Statement received in August 2013. The applicants have submitted a Design Code for the western neighbourhood centre as part of the details included in the hybrid application ref. 3/13/0804/OP, which the committee will consider at a later date.
- 8.3.3 The western centre would be developed first, and at a point in time when there were sufficient occupied new homes to enable the retail element to operate successfully, bearing in mind that the Bishop's Park centre, which includes Tesco, is a short distance away and will serve the first occupiers. The provision of the centre will be secured through a phasing condition (condition 3). Proximity to Bishop's Park has limited the retail offer in the western centre to 200sq.m, equivalent to a small convenience store, possibly with a café incorporated or independently provided in order to encourage community interaction.
- 8.3.4 The retail use applied for in the application spans Use Classes A1-A5⁸. Shops and cafes are in use classes A1 and A3 respectively, and are very desirable in the new community, providing useful day-to-day services within 400-800m of where people live and on a bus route. So,

⁸ Town and Country Planning Use Classes Order, 2013. See Essential Reference Paper F for the full list of uses in each class.

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too, might be use class A4 (public houses and wine bars), and A5 (hot food takeaways). However, use class A2 is financial and professional services such as banks, building societies, estate agents and betting offices, and it would be unfortunate and unsustainable if such uses took ground floor space, especially in the relatively small western neighbourhood centre, at the expense of the more day to day services in class A1. For this reason, condition 12 prevents the use of any of the ground floor retail units for uses falling within use class A2.

- 8.3.5 The application also includes use class D1 floorspace, and specifies a 3,000sq.m health centre, which is now proposed as a private enterprise in the western neighbourhood to ensure early provision. This will benefit health services in the town as a whole, a matter of particular concern to a number of those who made representations on the application
- 8.3.6 Being mindful of the concerns that were raised previously with regard to the accessibility of a health care facility at Silverleys, the scale and location of development at BSN, and the new bus service that will be secured by the s.106 agreement, significantly change the context in terms of accessibility.
- 8.3.7 Also proposed is class D2 floorspace, which includes community centres, for which there is £2m of funding provision in the proposed section 106 agreement. It is important that between them the community centres make provision for a variety of spaces for meetings, gatherings and indoor sports and recreation, meeting the needs of all age groups. The legal agreement will require that a strategy is formulated addressing needs and the type of provision to be made.
- 8.3.8 The employment opportunities afforded by retail businesses, healthcare, etc, in the neighbourhood centres is welcome. In addition, the application includes up to 22,000sq.m of business space across the two neighbourhood centres in use classes B1a, b and c. This figure includes the health centre (so would be reduced to 19,000sqm if the health care facility comes forward), and 4,000sq.m that can be developed alternatively as housing if there turns out to be no call for the business floorspace. The addendum to the Environmental Statement estimates that the business floorspace in total would accommodate 1,280 jobs directly, and 2,800 in the town as a whole taking into account business to business trading.
- 8.3.9 As submitted, as part of this business offer, the application includes a proposal for business start up (incubator) units in the western neighbourhood centre. Whilst the Council supports business start-ups

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in the town, there is a concern that the financial sustainability of this use as a stand alone enterprise has not been fully explored.

- 8.3.10 In considering the employment proposals the Council commissioned a town wide employment study by Wessex Economics to assess what kind of business units would be most beneficial to encourage economic development in the town. They concluded that it may be preferable to develop a more commercially robust business park adjacent to the eastern neighbourhood centre. This would give more time to plan such an enterprise and ensure that the floorspace allocated to different sizes and types of business, at different stages of growth, is optimised, together with the appropriate level of management and support services.
- 8.3.11 Because of the probable need to financially support business space devoted to start up and follow on units, the section 106 agreement makes provision for a sum of over £3.5m to underpin the cost of building and running the business park. In addition to the financial contribution, the legal agreement will also require the formulation of an employment strategy that addresses the issues set out above and directs the funding appropriately, including any grant or support from other parties.
- 8.3.12 Further on the subject of employment, the Council would wish to see the opportunity taken by the house builders in the consortium to create a construction employment scheme at BSN given the scale and diversity of the opportunity, and its expected 8-10 years on site. The addendum to the Environmental Statement dated August 2013 estimates that ASRs 1-4 will provide 416 jobs p.a. in construction related work. The scheme would place unemployed people into training on construction projects, including administration, for a minimum of two years, subject to suitability and interview. The s.106 agreement includes an appropriate clause to secure a scheme and a sum of £50,000 for start up administration and delivery.
- 8.3.13 The eastern neighbourhood centre would be the larger of the two, and is shown on the parameters plan in a location far enough away from any other centre that it should trade successfully, providing goods and services for the growing local population, including ASR5, to which there is a footpath and cycle link. It would also be accessible by the bus service running through the site. This is where the business park would be, with ready access to the trunk road network and Stansted Airport via the new A120 access.

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- 8.3.14 The centre would be built near to the listed Foxdells Farm buildings. They are currently owned by Bovis and Taylor Wimpey and let on licence to the Animal Rescue Charity (ARC) which takes in stray and unwanted animals. The applicants propose to utilise the buildings in their entirety for community purposes or for a commercial use such as a restaurant with additional community space.
- 8.3.15 Given the public service provided by the ARC in rescuing animals in the town, and the need for continuity of service, the s.106 makes provision for a payment of £250,000 to EHDC to be used to assist the charity to move its operation from Foxdells to its future home at the Old Lime Kilns on Farnham Road. The ARC have confirmed in a letter received on 31 October that the sum will be helpful in that regard, though it will barely cover basic infrastructure costs. They say they will therefore need to fund raise with individual members of the Consortium and elsewhere, outside of the planning process. It is considered that a contribution meets the regulation tests, set out at the head of the report, because of the public service provided. However, it is not considered that additional funding through the planning legal agreement is appropriate because of the other policy priorities that funding should be directed to.

Conclusion on neighbourhood centres and employment

- 8.3.16 To conclude, although much of the detail is still to come, the proposals offer the prospect of neighbourhood centres that will offer integrated social infrastructure and economic land uses within easy walking and cycling distance of the housing areas. In this way the provision will meet NPPF requirements and in respect of these issues the proposals can be considered to represent sustainable development. The Council will need to work closely with the applicants and prospective developers of the commercial elements to ensure that the design and layout of the centres are of very high quality, they work effectively and encourage social and economic interaction. Their delivery is secured through the necessary phasing conditions.

8.4 Schools

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

Pupil yield

8.4.2 The starting point for evaluating schools provision is the pupil yield that will be generated by this development and the capacity of the existing schools in the Bishop's Stortford school planning area to accommodate that additional yield. In its final comments on the application (dated 22 Nov 2013) Hertfordshire County Council (HCC), as the authority responsible for ensuring that sufficient education capacity is available, sets out its conclusions on these matters. This builds on its earlier comments and has taken into account the revised and improved position reached with regard to funding. The conclusions are summarised below. It has considered in the first instance the cumulative impacts of ASRs 1 – 5 (ie both this application and that submitted by Countryside Properties for ASR5) in order to ensure a comprehensive and efficient approach to the delivery of schools. Provision can then be calculated on a pro rata basis based on the needs generated by each application.

8.4.3 The applicants have agreed the following summary of pupil yields from ASRs 1-5, shown as forms of entry (FE) equivalents:

ASR 1 – 5 primary

Peak = 5.0 FE (peak over 3 FE for 15 years and over 4FE for 9 years);
Long Term Average = 2.8 FE

ASR 1 - 5 secondary

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

8.4.4 If ASR 5 is excluded in order to see the impact of this application alone, numbers reduce as follows:

ASR 1 – 4 primary

Peak = 4.2 FE (peak over 3 FE for 10 years and over 4FE for 4 years);
Long Term Average = 2.3 FE

ASR 1 – 4 secondary

Peak = 4.0 FE (peak over 3 FE for 11 years);
Long Term Average = 2.1 FE

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- 8.4.5 HCC points out that the long term average may be an underestimate as figures are based on 2001 census data and trends experienced elsewhere in the County of rising pupil yield may apply in future years to Bishop's Stortford. The 2011 census data, when it is released next year, will provide some more up to date data upon which to base predictions. It appears appropriate then, whatever provision and solution is put in place, that there is sufficient flexibility to address peaks and changes in demand which may actually transpire. As a result, Officers view is that an appropriate solution is one which ensures adequate availability, but also ensures flexibility and does not prevent the exploration of other opportunities and options which may come along.

Capacity and requirements

- 8.4.6 HCC has also examined the capacity of existing schools to accommodate the pupil yield from BSN. Currently all primary schools are at or near capacity in Bishop's Stortford, and current forecasts suggest demand is likely to continue. Therefore HCC expects primary education needs generated by the development of ASRs 1-5 and the SCA, as a whole, to be delivered as part of the development on site. Its preference is for sufficient land and funding for two 2FE schools, with the potential to expand one of these to 3FE to meet the peak.
- 8.4.7 The picture with secondary schools is more complex due to their wider travel patterns, catchments and the impact of parental choice. Consideration of these matters, when strategies in relation to the delivery of additional capacity have been considered previously, have shown that secondary schools in the Bishop's Stortford school planning area are at or near capacity. HCC has completed a property feasibility study of secondary schools to establish their potential to expand (conclusions included in its further comments of 15 July 2013 and 22 November). It has concluded that while there is some limited potential for some schools to expand this would be difficult to deliver, in particular as HCC itself has no control over decisions made by individual schools. Given this, HCCs preference is to seek sufficient land and funding for a 5FE school on site at BSN, either as a stand-alone secondary or as an all-through school. This would cater for both peak and longer term demand.

Proposed primary school provision

- 8.4.8 An objective with regard to the creation of sustainable communities is that primary school is provided within easy walking distance of the majority of residents. With that in mind the application includes two

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primary school sites (both with nurseries), and the s106 makes provision for the payment also of financial contributions, the timing of which will also be finalised in the agreement. Discussions with HCC, the consortium and Countryside have brought about the following proposed approach.

- 8.4.9 This site will deliver a 1FE school in the western neighbourhood. While 1FE schools are not HCCs preferred model it has indicated that this is acceptable, as long as the second primary school (2FE with capacity to expand to 3FE) in the eastern neighbourhood can be delivered as soon as additional places are needed. This second site may therefore need to be constructed at an early stage ahead of the rest of the second phase of development. Timing of provision will be controlled through the s106. This second school may become an all-through school depending on future decisions relating to secondary provision (see below).
- 8.4.10 In parallel it has been agreed with Countryside that their application for ASR5 should include an option to safeguard land on that site for a further 1FE primary school. This amendment to the submitted application has now been received. This would avoid the need for children to have to travel from this site (ASR5) to the new school in the western neighbourhood, and would avoid ASR 5 becoming an isolated residential area with no community facilities. However if the consortium's primary school in the eastern neighbourhood is delivered early and depending on ultimate demand, this school on ASR5 may not be necessary. The timing of this decision will be agreed through the S106 agreement.
- 8.4.11 The necessary land for 4FE of provision will be provided at nil cost to HCC. The additional land, if required as part of the flexibility to increase the 2FE primary to 3FE in the eastern neighbourhood, would be a cost to HCC. In endorsing this approach, the view of HCC in relation to land availability appears inconsistent. It articulates concern that sufficient land would not be available. That is not the case however. In addition to the land, funding was initially offered to a value of £10.5m to enable the construction of the school buildings and laying out the sites (this is on the basis of 3 x £3.5m per FE). HCC indicates that this level of funding is insufficient as a school with just 1FE entry may cost as much as £4.9m to construct.
- 8.4.12 In response, the applicants suggest that, as part of the development on the site, it can offer the option of undertaking school construction, rather than providing funding. If that route is followed it is confident that it will

enable provision at lower rates than the costs quoted above. If funding remains preferred, following viability negotiations, additional funding has now been secured, which enables a total of £14m (4 x £3.5m) to be made available for primary education building and site construction. The legal agreement can be crafted in a way that secures this level of funding, but also enables direct construction and provision if that is favoured, with any differential in value being applied to other service areas. Additional funding will be sought from the Countryside development proposals.

- 8.4.13 In the officer's view this solution offers sufficient certainty that adequate provision will be made to meet the overall need for primary school places generated by both this site and the Countryside application site, taken together and each alone. It also offers flexibility to cope with a range of different scenarios related to the speed at which both sites maybe built. Appropriate triggers for decisions on schools contained within the s106 will ensure adequate lead-in time for schools to be constructed and places available in a timely way as the number of children living in the new community grows. HCC has indicated that it accepts the funding provision offered.

Proposed secondary school provision

- 8.4.14 The application originally catered for secondary provision through a financial contribution of £10m to HCC for off-site provision, potentially on the land at Hadham Road, that is close to BSN. However, following discussions between EHDC, the applicant and HCC, a framework can be put in place to enable land within the application site to be safeguarded for secondary school provision as an alternative option, should it be required by HCC. This option has now been the subject of environmental assessment and will be secured through the S106 which will set out the framework whereby there is a time period within which HCC can call for the provision of the school on site. The transport assessment of this on-site option concludes that the transport impacts of development overall are reduced, compared with the application as originally submitted, as there is greater potential for children to walk or cycle to school and fewer vehicle movements in and out of the site at peak times.
- 8.4.15 As indicated at the beginning of the report, the application does not currently include the express provision of secondary education development. The Environmental Assessment however has been expanded to ensure that the impacts of such development are considered within it. The potential of provision would be secured by the

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legal agreement and further planning applications would be necessary to enable the development to be implemented.

- 8.4.16 Given the large land take of a secondary school it is ideally proposed that, if this option is to be pursued, the playing field element of it would be located north of the A120. This would be accessed through the existing pedestrian tunnel or by a new footbridge. This would allow for the efficient use of land on the ASR sites. The land beyond the A120 comprises green belt. Initial consideration, from a planning perspective, is that open playing fields, with limited associated supporting development, would not be considered inappropriate as a land use in that location.
- 8.4.17 The amount of land safeguarded will be the subject of further assessment. As a minimum it will need to provide adequate forms of entry to meet the need generated by application, but HCC may seek additional land for a larger school to meet town-wide needs.
- 8.4.18 There has been considerable dialogue with regard to the need for the development to provide for the peak need generated by the development, or only for the longer term demand. Officers have considered arrangements made as part of other significant developments across the country. There do not appear to be comparators however with the unique circumstances of Bishop's Stortford. These circumstances are that there is no capacity in current provision and very limited ability or certainty to ensure increased provision at existing establishments in the school planning area. Whilst significant demand is clearly generated by the development proposed, it is evident that there is other demand in the town that also needs to be addressed. In addition, HCC acknowledges that it does not currently have a strategy in place to address future growth. However it does hold an asset, in the form of the land holding at Hadham Road, which can be taken into account when considering how the provision of secondary schooling should be addressed.
- 8.4.19 Given all these factors, whilst the initial position of HCC was that land and funding for construction should be provided at nil cost, it acknowledges that it can play a role in ensuring that provision is secured. Arrangements in place then are that the land for the provision of secondary education, if it is provided on the site, will be at cost to HCC. HCC has acknowledged this and indicates that these costs can be met by offering, through a land swap arrangement, land at the Hadham Road site to the developer. HCCs previous objection to the proposals has been removed on the basis that, prior to the decision of

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this committee, the applicants indicate a willingness to enter into such an arrangement, in principle.

- 8.4.20 In relation to construction costs, HCC estimates that the cost of construction of a 5FE secondary school as approx £20m, depending on the characteristics of the site. In this case, both this site and the Hadham Road land are greenfield ones with constraints which appear limited only to matters of topography.
- 8.4.21 As indicated, initially the Consortium was offering a payment of £10m toward secondary education provision. Following extensive negotiations between the applicants and the Council's viability advisors, this has now been increased. A contribution of £16m can now be secured through the s106. This figure has been identified as, given 4FE of the total 4.9FE peak need (for ASRs 1-5) is generated by this site then, proportionately, it should address 80% of the funding requirement. A £16m financial provision represents 80% of the total estimated £20m construction cost. If, ultimately, a larger school is provided at this site at the request of HCC, then it would be appropriate for it to provide any additional funding required. Any reduction in need which occurs by virtue of the school being located on the site, and thereby reducing housing numbers, is likely to be compensated for by development taking place elsewhere, eg at Hadham Road. HCC has accepted this funding arrangement.
- 8.4.22 This solution offers certainty that adequate land for secondary provision will be safeguarded and also maintains flexibility to allow consideration by HCC of other solutions to secondary provision across the town. It may be that yet further options would be favoured, in due course, in the light of the level of development that would be identified through the Councils forthcoming District Plan. The solution proposed at this time will ensure that short term decisions do not prejudice potentially more sustainable long term solutions. As indicated, if alternative approaches emerge through the District Plan formulation process and these involve an off-site solution, the requirement for a financial contribution toward secondary provision will remain. The triggers for making a decision on the location of a secondary school in the s106 will take into account the need to ensure that school places are provided in a timely way, given the long lead-in time for procuring and delivering a secondary school.

Conclusion on schools

8.4.23 It is considered that the package overall represents a satisfactory one in relation to education issues. Indeed, given the known constraints in the town in relation to secondary education provision this solution appears to represent a positive one with respect to accommodating wider demand. It certainly does not close off other options if ultimately they are favoured.

8.4.24 Given the adequacy of the provision and the wider potential of it, the proposals are considered to be sustainable ones with regard to education. Indeed, they can be assigned some degree of beneficial weight because of the scope that the proposals give to address wider demands.

8.5 **Sport and leisure**

8.5.1 At para. 73 the NPPF says:

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

8.5.2 The Council's District wide "Open Space, Sport and Recreation SPD" was adopted in 2009, but was based on an assessment of needs that was undertaken in 2005 and is therefore somewhat out of date, which limits the weight that the Committee may give it. It suggests that outdoor playing pitches should be provided at a standard of 3.79 ha per 000 population. In the case of ASRs 1-4 that would equate to 19.17 ha (based on a population of 5,060). Sport England considers the standard to be out of date having assisted EHDC in the preparation of a "Playing Pitch Strategy" (2010) tailored to individual parts of the District. For the Bishop's Stortford area a standard of 1.31ha per 000 population is proposed for outdoor sports pitches. The Strategy forms part of the technical evidence base being used to inform the District Plan proposals and the standards set out in it will inform those incorporated in the Plan. Using that standard would require the provision of 6.63 ha. This is considered to be more proportionate to the size of the development. In addition, based on the requirements set out in the Councils Planning Obligations SPD, a financial contribution of £2.6m would be required to assist with the revenue costs of open space maintenance (contribution of £531.36 per person with an assumed population of 5,060).

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- 8.5.3 The application however includes an area of only 2.42 ha for formal sports provision, at a location named as Hoggate's Park, on the western side of the Wood, and sited over an underground surface water storage tank. As originally presented, this was not considered an adequate facility because the shape of the site limits the number of pitches. The application also included informal kick about pitches in Ash Grove, but they would not satisfy the need for formal pitches, which require high quality playing surfaces and changing rooms.
- 8.5.4 Sport England therefore objected to the application for the lack of adequate on-site pitches, and the shortfall of 4.21 ha against the Strategy standard above. They pointed out that Bishop's Stortford is an area where there is already pressure on the pitches that are available, a matter of concern for the Football Association, who are keen to see the very successful Bishop's Stortford Football Trust have access to more and better pitches.
- 8.5.5 Following discussion with clubs in the vicinity of the site, it is clear that there are good opportunities for the off-site provision of new facilities through S.106 funding. This would have the advantage of offering BSN residents access to established clubs, with some of the opportunities nearby at Silverleys and Cricketfield Lane. This would be preferable to having new but remote facilities within BSN that are difficult to manage.
- 8.5.6 Discussion is now also being progressed with an established local football club to create a bespoke facility at Hoggate's Park, including a senior pitch, a junior pitch, a clubhouse and a car park, all to a standard that will meet league requirements. They would also be likely to have access to school playing pitches at BSN and nearby through community use agreements. They would be well placed therefore to help satisfy new demand from BSN.
- 8.5.7 In addition, funding will provide the opportunity to improve the number and quality of pitches at the Rugby Club. The Bishop's Stortford Sports Trust have plans to create an artificial hockey pitch within their grounds in order to bring the Hockey Club back to Cricketfield Lane, and they would wish to build a new clubhouse. The Tennis Club have also requested consideration for S.106 funding for improved facilities, and the Football Trust has already been mentioned.
- 8.5.8 With the support of Sport England in their revised comments (15 November 2013), it is therefore proposed that in addition to securing the direct provision of the Hoggate's Park football club by a condition of planning permission (13), the s.106 agreement should make provision

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for the sum of £3m to be paid to EHDC to enable it to formulate a strategy and apportion grants to the local clubs. As indicated, this would be in accordance with an investment strategy that it will prepare in consultation with the clubs, who themselves would be in a strong position to attract other funding from their respective sports governing bodies and Sport England.

- 8.5.9 The Council will also need to consider indoor sports provision. As indicated, on site community halls and schools with community use agreements will be provided. It will be necessary to ensure that they have facilities big enough for community use for sports such as badminton and table tennis. Some of the s.106 funding might contribute to existing larger indoor centres in the town, subject to the outcome of the investment strategy referred to above.
- 8.5.10 Essential play provision is to be provided as part of the development on the site, and the legal agreement secures 4 local areas of play (LEAPs) and 1 neighbourhood play area (NEAP), all fully equipped.

Other services

- 8.5.11 Library services contribute to the educational, economic, social, cultural and recreational well being of the community. The library service is provided from premises in the town centre and it is likely that the new development would considerably increase the demands upon it. Although HCC would normally require details of the development to determine the level of contribution in accordance with its toolkit, it has provided indicative figures in order to take the opportunity afforded by the funding currently available within the viability assessment. The toolkit would suggest a sum of £373,890, but that is considered to be disproportionate in circumstances where the viability of the development limits the mitigation in many areas, and a sum of £150,000 has been identified.
- 8.5.12 The archaeological investigations at BSN are of more than local interest. The County Council says:

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

by humans from prehistoric times.

- 8.5.13 They suggest there is potential for developing a popular archaeological narrative of the economic and social prehistory of the BSN site using the results of the excavations via various media including on-site displays, videos, open days, workshops, social media, lectures and a permanent museum exhibition. It may also be possible to incorporate some aspects of the prehistory and history of the site into the final development design (e.g. marking the location of some key or especially interesting sites and pathways that follow ancient routes). This would be under the auspices of the Rhodes Museum, and a sum of £75,000 has been identified to assist them to accommodate the collections and undertake the kind of activities suggested above.
- 8.5.14 HCC also refers to the provision of services for young people. They provide youth services for 13-19 year olds such as social and meeting places, advice, and informal education opportunities. This helps to avoid vandalism and other signs of discontentment. A revenue contribution is sought, and community facilities should be available on the site to enable the provision of services locally. This will be taken into account in the proposed community buildings strategy. The HCC toolkit would suggest a sum of £97,746, but in the circumstances it is considered a sum of £50,000 would be appropriate.
- 8.5.15 The Town Council has requested contributions towards allotments and burial space, para. 5.3 above. The application includes 1.06ha of new allotments on Dane O’Coy’s Road, and the s.106 agreement includes the £150,000 cost to the developer of providing them. This exceeds the Town Council’s standards for provision. Regarding burial space, a contribution based on the Town Council’s standard of £47,116 per 000 population is considered disproportionate in the context of other priorities, and the sum of £50,000 has been included in the s.106 agreement.
- 8.5.16 HCC has requested the provision of a sum to support additional demands on the household and waste recycling centre, £301k. In addition, the Planning Obligations SPD seeks provision to support recycling facilities provided by EHDC, c£150. In both cases, these are considered to be service areas to which funding can be assigned if other priorities allow and on review of viability matters as the development progresses.

Conclusion on sport and leisure

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- 8.5.17 Whilst deficient with regard to the direct provision of formal facilities, the proposals provide significant funding. In addition, the adjacent location of existing facilities provides an excellent opportunity to implement that funding in a way to directly assist with the assimilation of the new community and benefits the existing community with enhanced facilities. In its strategic role, the Council can also ensure that funding is assigned to other relevant sports facilities across the town.
- 8.5.18 Informal leisure and play is accommodated by the provision of the green belt neck of Hoggate's Wood and Ash Grove as areas to which public access can be created, albeit restricted in some parts to ensure that the wildlife interest of the land is safeguarded.
- 8.5.19 Funding is secured to ensure that a community trust can be set up to oversee the long term use and maintenance of the facilities and embed their value in the new community. Funding is also provided to library, museum and youth services. These funding amounts are likely to be less than those that would be sought for a proposal of this scale. Overall however it is considered that the proposals are acceptable with regard to their provision and support for leisure facilities and therefore represent sustainable development.

8.6 Environment and design

- 8.6.1 This section includes the following topics:
- sustainable building,
 - green infrastructure and its management,
 - water management,
 - environment and biodiversity, and
 - heritage and urban design

Sustainable building

- 8.6.2 There are six basic principles in designing for sustainable buildings: optimising the site (location, orientation), optimising energy use, conserving water, using sustainably sourced products and materials, enhancing indoor environmental quality (daylight, air quality), and optimising management and maintenance.
- 8.6.3 The Code for Sustainable Homes sets 6 levels, across 9 standards, for new homes. The Code is voluntary and the Council has no policy requiring adherence to any particular level. As submitted, the Design and Access Statement for this application indicated that all the homes would be built to level 4 of the Code, which includes an improvement on

the current building regulation standards for energy and carbon, which are equivalent to Code 3. This was in anticipation of changes to the building regulations that would be in effect by the time the houses were constructed and that would raise standards for energy conservation to Code 4.

8.6.4 However, the Government has been slow to raise standards, despite its objective that all new homes would be zero carbon by 2016. In practice, the latest changes (July 2013) to the Building Regulations are much less ambitious than expected, with the national minimum requirements for energy and carbon in new homes being raised to somewhere between Code levels 3 and 4, from April 2014. The 2016 zero carbon ambition has already slipped to 2019.

8.6.5 The Government has also just completed consultation on a Housing Standards Review, which proposes practical ways of rationalizing the current plethora of standards relating to matters such as renewable energy, water conservation, internal space standards and security, and which is also likely to bring regulatory change and improvement to new homes over the BSN construction period.

8.6.6 In view of the uncertainty, the applicants have chosen to amend their application to remove the reference to Code 4 and say in the Design and Access Statement Addendum submitted in August 2013.

...the consortium will build to the emerging construction and energy standards that are now expected to be in place when the first new homes are constructed in Spring 2014.

8.6.7 As indicated, the Code for Sustainable Homes covers a range of standards, including water conservation. Since Hertfordshire lies in an area of water shortage, the Council is still seeking the Code levels 3 and 4 water conservation standard. This seeks to ensure that the occupiers of the new homes should be able to use an average of no more than 105 litres of water per person per day, as opposed to the current building regulations standard of 125 litres pppd (condition 23). Compliance with this aspect of Code level 4 was encouraged by the EA in their first consultation response. The 105 litres standard is relatively cost-effective to achieve by the use of fittings in the home and does not depend upon the use of grey or recycled water. Officers are continuing to negotiate with the applicants to secure this provision.

8.6.8 As regards no-domestic buildings, the applicants' viability statement also makes provision for a BREEAM (Building Research Establishment

Environmental Assessment Method) “very good” rating. This is the mid point in the BREEAM scoring system (Pass, Good, Very Good, Excellent and Outstanding).

Conclusions regarding sustainable building

- 8.6.9 With some exceptions, the development does little more than meet basic building regulation standards, and cannot claim any special sustainability credentials with regard to its construction and energy use. However, if the matter of water consumption is addressed the general approach is considered satisfactory, given the likelihood that standards will improve over the life of the development, and given the sums available to meet such standards, as indicated by the viability assessment.

Green infrastructure and its management

- 8.6.10 The NPPF states in para 114 that LPAs should

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

- 8.6.11 The East Herts Local Plan Second Review (2007) lists objectives on the value of open space both for the amenity of the community and to conserve the natural environment. Policy LRC 3 “Recreational requirements in New Residential Developments” sets out open space provision requirements for a range of types of green space⁹.
- 8.6.12 The County Council has produced a countywide Strategic Green Infrastructure Plan, and this has been further informed by an East Herts Green Infrastructure report. The local document forms part of the suite of technical documents which are being produced to inform the production of the Councils District Plan. The documents set out the aspiration to require and retain the development of a connected network of green infrastructure and ensure that existing assets are protected.

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

8.6.13 The development proposal includes 58.27 ha of GI, which at around 45% of the site goes well beyond policy requirements in quantitative terms. All residents will be within a 5 minute walk of a significant area of green space, in line with Natural England's Accessible Green Space Standards (ANGSt). In evaluating the approach to GI the question is therefore less about the quantity of green space but its quality and whether the balance between public accessibility and protection of valuable environmental assets and habitats has been achieved. This assessment places importance on the views of consultees, and Natural England and the Hertfordshire and Middlesex Wildlife Trust (HMWT) in particular. Natural England has provided general guidance on protecting and enhancing environmental assets and habitats and has no objections in principle. It relies on the HMWT for more detailed analysis of the application. The views on the Trust are noted in the relevant sections below.

Landscape and trees

8.6.14 The site is divided into two distinct landscape areas, eastern and western, separated by Hoggate's Wood and Ash Grove. The western part of the site sits within Landscape Character Area (LCA) 150 – Hadham's Plateau, and the eastern part within Area 149 Bourne Brook Plateau (within East Herts Local Plan 2007 SPD on Landscape Character Assessment). The valley landscape and undulating slopes of the eastern area is more sensitive than the western area. Views of the site are limited due to the barrier of the A120.

8.6.15 The conservation and urban design officer reinforced the importance of the natural landscape features of the site as being notable to the character of Bishop's Stortford as a whole. In particular she noted the locally-valued green wedges and fingers within the town that provide buffers and recreation space.

8.6.16 The proposals aim to retain the majority of the existing woodland and trees on site, welcomed by the Landscape Officer given their importance as a landscape feature. In his view the general layout responds well to this landscape setting. His initial comments of 12 April 2013 reinforced the importance of ensuring that the SuDS system, particularly along the Primary Street, actively contributed to the greening of the development. The Landscape Officer felt that the proposed street trees and grass verges would contribute to the garden city and garden suburb character but that it was essential to ensure this principle is carried through to the detailed design stage. This will require rigorous further work, particularly for the eastern neighbourhood which has not

yet been designed.

8.6.17 Special attention has been given to the access points, (access not being a reserved matter):

- *Hadham Road:* Amongst their several reasons for objecting to the Hadham Road access, Bishop's Stortford Grove Residents Action Group object to the loss of trees and outlook. The Landscape Officer considers a number of trees are of high amenity value and should be retained. The initial design, including the roundabout, was felt to be over engineered, and could be improved through ground modelling and planting. The access has now been redesigned in response to these comments, and has a more satisfactory appearance. The boulevard along the Primary Street into the site is a strong architectural feature. The overall the design is acceptable, subject to substantial mitigation for the loss of trees.
- *Rye Street:* initial proposals involved the removal of trees in the garden of 221 Rye Street, the loss of which would have a significant impact on the landscape character and setting of 217 – 219 Rye Street. The junction has been moved to minimize the loss of trees, and is now acceptable.
- *The new A120 roundabout:* the proposed access will require some further design work to ensure ground modeling of the level changes is sensitive to the surrounding landform and landscape character.

Management

8.6.18 The applicants have submitted a "Green Infrastructure Management Plan" which has been shaped by EHDC, HCC and the wider community following a green infrastructure workshop held earlier this year. The Plan identifies the management regime appropriate to each of the different ecological areas at BSN, including trees, hedges and watercourses, and the new planting that will take place. Management of these resources needs to take into account the proximity and intensity of human activity in the surrounding development, ensuring that there are adequate buffers and management responses to that activity. Detailed management plans are required for each Development Parcel by condition 15.

8.6.19 Management includes waymarking and ongoing improvement of the local ecosystems. Hoggates Wood and Ash Grove are tranquil areas that need protection from potentially larger numbers of visitors and the

antics of children. They need careful management to sustain and improve their unique regimes, and visitors need to be channeled as far as possible through clear entry points and pathways. Interpretation is also necessary to inform people about the area and engender their respect for it. There are interesting plants, birds, insects and geology, including a rare example of puddingstone.

8.6.20 It is considered that this work would be performed best by a community trust comprising local residents and businesses, supported by EHDC and HCC, who have the experience of successfully managing similar areas elsewhere, and who also have an interest in ensuring the SuDS is managed in a complementary way. The s.106 agreement requires the establishment of a community trust which will oversee the management of the green infrastructure in the longer term, through the submitted GI management plan, or on another acceptable basis. The provisions also include funding of £3.8m to ensure that the land and other spaces can be maintained in the longer term.

8.6.21 A resident has raised objection concerning the provision of a road link across the neck of the green belt to the north of Hoggate's Wood. The green belt status of the land does not completely prohibit development and the NPPF sets out that engineering operations and local transport infrastructure, which can demonstrate a requirement for a green belt location, are not inappropriate provided they preserve the openness of it.

8.6.22 In this case it is considered that provision is required, not least to ensure a connected public transport route through the site. It was proposed by the applicants as a response to earlier objections from the public to a bus link on Dane O'Coys Road, and the amendment was generally welcomed. Whilst there would be some structures associated with a road link of this nature, these can be limited and, in general, it is considered that the openness of the green belt is not unacceptably compromised by this element of the proposals.

Conclusions regarding green infrastructure

8.6.23 The development benefits from the inclusion of the areas of green belt, which are interesting ecological features, with strong character, and they are cherished by local people. The development would leave in place most existing hedgerows and trees, and would greatly add to the number of trees on the site.

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8.6.24 The proposal to establish a community trust is to be welcomed because local people will have control and ownership of the task of managing and, as appropriate, improving these areas. They are likely to encourage outdoor activities and will be in the best position to manage successfully the interface between people and nature.

8.6.25 All of this will contribute towards strengthening the new community and making BSN a sustainable development.

Water management

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

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

- ENV 18 concerns preserving and enhancing the water environment;
- ENV 19 prevents development in areas liable to flood that would increase flooding elsewhere or adversely affect people or property;
- ENV 20 prevents contamination of ground water; and
- ENV 21 promotes Best Management Practices for surface water drainage.

Existing condition

8.6.28 EHDC's Engineering Officer has confirmed that the majority of this site is in Flood Zone 1 (ie low risk) and there are no historic flood records associated with this site. The majority of the site drains to the Farnham Bourne, with a small area of the western neighbourhood draining into highway drainage at Hadham Road. A small part of the eastern neighbourhood lies within the floodplain, and there will therefore be no habitable development in this area.

8.6.29 Development of the site will increase run-off, which will need to be mitigated. The proposed development will be designed to convey water directly or indirectly to Farnham Bourne. To mitigate drainage impacts

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the western and eastern neighbourhoods will incorporate SuDS techniques to attenuate surface water and regulate flows. These will be supplemented with pollution control measures.

- 8.6.30 There have been a number of flooding incidents at Little Hadham and the concern of the Parish Council regarding additional flood risk as a result of the development is understandable. However, the Council's engineers are not clear there is drainage linkage between Bishop's Stortford and Little Hadham because the topography does not tend to fall that way particularly along the A120. They say a good quality SuDS system at BSN should be designed reduce risk within the development and surrounding areas.
- 8.6.31 HCC Environmental Operations and Resource Planning raised some significant concerns about the initial proposals. In summary these were:
- Lack of coordination with drainage arrangements for ASR5;
 - Subdivision of management strategies for the western and eastern neighbourhoods;
 - Reliance on a large 'exceedence sewer' and underground water storage facility, which is contrary to the objective of providing surface water solutions that are easier to maintain;
 - Lack of more detailed information on the future management of Green Infrastructure assets that would serve a surface water function to ensure their protection; and
 - Little evidence of where Green Infrastructure had been increased or enhanced to mitigate the impact of the development. Potential improvements to the Stort Valley natural environment and river channel were suggested.
- 8.6.32 These comments reflect those made by the Environment Agency, which also reinforced the impact that additional visitors from this site to the Stort Valley would have. EHDC Engineering Officer confirmed that he would prefer a green infrastructure solution rather than the proposed water tank, but recognised that this would be difficult due to topographical restrictions. He promoted the opportunity for features such as retention ponds and swales to become shared SuDS and amenity features that could be adopted by EHDC.
- 8.6.33 Meetings between the applicant, EA and HCC to discuss their objections have resulted in significant further work on surface water treatment to provide a stronger strategic approach for the site as a whole, and taking into account the impact of ASR 5. More detailed analysis of the drainage solutions and future management of SuDS for

the western neighbourhood has also been possible due to the work undertaken for the hybrid 3/13/0804/OP application and the Green Infrastructure and Biodiversity Management Plan. The Primary Street has been widened to increase the size of the swales, and further green spaces with a surface water function have been incorporated. The water storage tank remains a technical necessity due to the topography of the site but its size has been reduced to the minimum that can be achieved alongside alternative attenuation measures. It will be located under the open space next to Hoggate's Wood.

- 8.6.34 The EA removed its objections to the scheme in its letter of 30 October 2013 and recommended the wording for conditions. This includes the approving detailed work that will be for future phases of the site.

SuDS Management Arrangements

- 8.6.35 The Flood and Water Management Act 2010 requires HCC as an upper tier authority to set up a SuDS Approval Body (SAB) to evaluate and approve SuDS for new development and adopt and maintain SuDS that meet the national evaluation criteria (to be finalised by DEFRA). The SAB will seek SuDS solutions that demonstrate best practice, promoting surface and near surface drainage solutions rather than hard engineering wherever possible. In advance of enforcement of the Act (anticipated as April 2014), HCC has adopted an Interim SuDS Policy Statement to set out the requirements developers will be expected to meet.
- 8.6.36 While all features of SuDS will ultimately be offered to the SAB for adoption, until the Act comes into force EHDC remains the responsible body for approving SuDS. The views of both HCC and EHDC on the drainage proposals are therefore important.
- 8.6.37 The proposed s.106 agreement makes provision for £1.5m to contribute towards future maintenance costs, but until HCC and EHDC see the details of the drainage system they remain unsure if that is sufficient to cover the costs. It is therefore possible that at the first review of viability the SuDS maintenance sum will be increased, if the review shows improving viability.

Conclusion regarding water management

- 8.6.38 The applicants have worked pro-actively with HCC, EA and EHDC to address technical concerns in relation to water management. A positive aspect of the approach taken is that the scheme as a whole now

benefits from the creation of additional green space for water management purposes, benefiting play, passive recreation and the visual landscape. However, responsibility for the management of SuDS is an outstanding issue that will need further discussion. The timing of the enforcement of the Flood and Water Management Act in relation to the adoption of the SuDS on this site will proscribe whether they are taken on by the SAB or remain with the developer, EHDC or other organisations.

Environment and biodiversity

- 8.6.39 This section considers air quality issues and the impact of the development upon the biodiversity of the site, including protected species.

Air Quality

- 8.6.40 Concerns about air quality have been raised by the public, with frequent references to the streets that meet at the Hockerill lights, which is an existing Air Quality Management Area (AQMA) This has been declared due to risk of exceedence of nitrogen dioxide (NO₂) concentrations.
- 8.6.41 The applicants have modelled the development, looking at the impact of particulates arising from the construction phase, and the NO₂ gaseous emissions from vehicles. The former can be controlled by careful routing and site management, (condition 27), but the modelling shows that NO₂ may exceed targets in the AQMA, and there may be unsatisfactory levels on Rye Street. However, the Council's Environmental Protection Officer says that the reports provided to date regarding projected air quality and the effect that the developments are to have on the AQMA in Bishops Stortford, are inconclusive. It is therefore necessary to continue monitoring, including Rye Street, in order to consider whether another AQMA should be designated.
- 8.6.42 The Protection Officer recommends that mitigation should be secured by s.106 agreement to help fund further monitoring and to designate another AQMA if required, and that funding should be made available to undertake works in support of the Air Quality Action Plan, with reference to Smarter Choices, in order to encourage a switch to more sustainable forms of transport. The s.106 heads of terms include a sum of £20,000 for these purposes.

Biodiversity

- 8.6.43 Under the Natural Environment and Rural Communities (NERC)

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Act,2006, and under part III of Government Circular 06/2005, local authorities have a legal duty to have regard for protected species and their habitats when considering planning applications. The NPPF at para. 109 says:

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

8.6.44 A series of habitat surveys had been undertaken by the applicants in 2008, 2011 and 2012, in accordance with Natural England's Habitat Assessment Methodology. The key conclusions were:

- There are no designated or statutory sites of nature conservation interest within or adjacent to the site.
- The arable fields are intensively farmed and of limited ecological value. However many of the subdividing hedgerows are of good structure and diversity and important and species rich.
- Two watercourses – Farnham Bourne and a west to east drainage ditch - afford strong character and provide good habitat connectivity. Farnham Bourne is considered to be of district level ecological value
- Hoggate's Wood is an area of ancient semi-natural woodland, with adjacent woodland pasture known as Ash Grove. Both Hoggate's Wood and Dane O'Coys meadow are designated non-statutory Local Wildlife Sites for their ecological significance at County level, in addition to their landscape value.
- Of the protected species badgers were present in four locations around Foxdells Wood and east of Hoggate's Wood. There was some evidence of water voles, but no evidence of dormice, reptiles or Great Crested Newts (GCN). However subsequent evaluation has identified a small population of GCN in ponds within and close to the site. A small occasional population of pipistrelle bats are present in Foxdell's Barn, and there is evidence of bats foraging or commuting through the site. A population of slow worm is also present.
- Several wintering and breeding bird species including nine BoCC red listed and 12 amber listed species were noted. Several of these were considered to be breeding on site, the lesser spotted woodpecker included. Linnet, skylark and yellowhammer were also recorded. A moth rarely found in Herts was noted, and fly species

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that is scarce nationally.

- Hoggate's Wood and Dane O'Coys meadow provide habitat for invertebrates of regional importance associated with decaying wood.

- 8.6.45 HMWT is satisfied with the methodologies and survey work undertaken within the EIA and ES. Hertfordshire Biological Records Centre (HBRC) is equally satisfied with the survey work, but is critical of the paucity of detail as to how the area will be managed in order to protect species in the context of the development.
- 8.6.46 The Environmental Statement puts forward a range of mitigation and enhancement measures to avoid, mitigate and compensate for the impact of construction and occupation of the development. HMWT is satisfied with this strategy and its ability to protect the Local Wildlife Sites and protected species while encouraging new residents to benefit from access to the natural environment. HMWT does make recommendations on the need for careful management of the impact of future occupants and their pets (cats and dogs), throughout the life of the development. Such measures include careful location of foot and cycle paths, tables and bins; signage and in some cases provision of fencing.
- 8.6.47 Some of these measures have since been set out in further detail in the draft GI and Biodiversity Management Plan included in the addendum to the ES. Further comments from HMWT suggest that they are satisfied with this work and the core principles and management objectives are sound as a starting point on which to base detailed strategies.
- 8.6.48 Condition 15 covers control of the management plan and the requirement for further ecological assessment and monitoring in the future.
- 8.6.49 HMWT also noted that rerouting the bus link to leave Dane O'Coys Road as a bridleway maintains the habitat connectivity to Hoggate's Wood.
- 8.6.50 Bats: The residents of Rye Street have commissioned a further bat survey due to their concern about the impact on the bat population of removing trees at Rye Street. The Senior Ecology Officer at HCC has considered their report and is unable to conclude that the retention of the trees is justified on the basis of bat use as they are not used for roosting, and the main clump of trees that provides the principle corridor for bats remains intact. However he did reinforce the importance of

retaining ecological connectivity (with the most significant corridors being along Rye street and the line of the Bourne Brook) and of compensatory planting for lost trees. The long term function of Bourne Brook as an ecological corridor has already been identified for protection in the Environmental Statement, and is covered by condition 22.

Conclusions regarding environment and biodiversity

- 8.6.51 The Committee may be assured that this area has been thoroughly surveyed over the years, and a number of interesting species have been identified. The concerns of the HBRC regarding future management and protection will be allayed by their opportunity to shape the GI management plan as it is prepared prior to submission to the Council for approval. Members may be satisfied that this represents sustainable development in these regards.

Heritage and urban design

Archaeology

- 8.6.52 Archaeological evaluation of the site has identified features dating back to Late Bronze Age/ Early Iron Age and Late Iron Age/ Early roman periods. The Senior Archaeologist at HCC Historic Environment Unit, in her initial response, agreed that the degree of preservation is only moderate, due to agricultural activity since the Middle Ages, but stated that the small sample area was not sufficient to make a definitive statement. There may be further archaeology of more than local significance elsewhere on the site. She has set some recommendations further field evaluation prior to determination of reserved matters, comprising the excavation of a series of trenches. An addendum to the Design and Access Statement has subsequently provided further response to the Senior Archeologist's comments, and second stage trial trenches relating to phase 1 have now been undertaken (ref her follow-up response of 13 Sept 2013). This will be controlled by condition 18.
- 8.5.53 The pattern of early settlement in the wider area is now well understood and para. 8.5.12 makes provision through the s.106 agreement for storage and display of the finds and interpretation.
- 8.6.54 *Mortar emplacement* One or two consultees raised concerns about possible damage to the Second World War spigot mortar base close to the property which is to be demolished to enable access, 221 Rye St. HCC Historic Environment Unit concluded that it was unlikely to suffer

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from direct impact from the construction of the access road but suggested it was advisable to make some provision for its future protection.

- 8.6.55 *Listed Buildings* Both English Heritage and the Council's Conservation Officer have expressed concern about the lack of detail of the eastern neighbourhood and the impact of new development on the setting of the listed buildings. In response to this the applicants provided further information, as part of the amendments to the scheme, showing more clearly the likely relationship between Foxdells and the new buildings. This additional information takes into account the likely cut and fill across the site and assists with assessing the relative heights of buildings. This lays the foundation for satisfactory detailed design when those elements of the proposals come forward.
- 8.6.56 *Urban design* The scale of the proposed development and its sensitive landscape setting mean that the approach to its design and landscape treatment needs careful consideration. A range of design documents has been submitted to the Council since the submission of the application including the Design and Access Statement, Draft Design Brief for the detailed residential design and draft design brief for Western Neighbourhood Community Hub.
- 8.6.57 In view of the significance of the site the developers of both ASR1-5 and ASR5 agreed to take their schemes to the Hertfordshire Design Review Panel, which considered the applications on 2 July 2013. A summary of its conclusions (in relation to this application) are:
- The principle of significant development in this location was accepted, if density and housing mix were appropriate and the key characteristics of the site respected. However it was felt that higher numbers of dwellings could be incorporated in some parts of the site;
 - More work was needed to ensure the Garden city and Village Green concepts were realized;
 - The entrances to the development need further design work;
 - The layout and design of routes should be improved to assist legibility, orientation and sense of place; and
 - The panel welcomed the retention of key landscape features but suggested the countryside should be 'brought in' to the development through further greening.
- 8.6.58 In response to these comments a design workshop was held between the council and the consortium to review the way that changes to the

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design have responded to comments from the Panel and from other consultees, including the Environment Agency. Many of these changes are picked up in revisions to application 3/13/0804/OP which includes detailed proposals for phase 1, rather than directly relevant to the application under consideration here, but this work gives a good indication as to whether the quality of the development is likely to meet the expectations of the Council. A summary of the amendments to the scheme are listed below.

- Main boulevard has been widened to incorporate wider swales for SuDS on both sides, which gives it greater presence as a primary route to aid orientation;
- Further greening of secondary streets, with boundaries including rural features such as hedges and picket fences;
- Green spaces penetrating into the site strengthened;
- Gateway design at Hadham Road has been reconsidered to give a greater sense of arrival with more formal landscape treatment. The option of removal of the Park and Ride allows greater opportunity for an attractive entrance; and
- Design of the neighbourhood centre to be considered in more detail with the Council once a developer for this element is in place.

8.6.59 The Officer's view is that, for the purposes of the outline planning application, and drawing evidence from the detailed design for phase 1 submitted as part of application 3/13/0804/OP (which the Committee will be asked to consider in the near future), the design quality of the development, while not unique or exceptional, is satisfactory. The Council's concerns about adequate greening and the relationship to the countryside to reflect the need for attractive and usable outdoor spaces for new residents have been taken on board in the revised design.

8.6.60 To ensure design quality for this outline application a number of the submitted plans are tied in by condition 7.

8.6.61 *Framework for ensuring the quality of future phases:* The Conservation and Urban Design officer has set out some principles to be pursued through reserved matters in order to achieve a sense of place that reflects Bishop's Stortford wider character. These are:

- Conserve natural assets
- Create a legible street structure
- Focal points within the plan
- Define streetscape and character areas
- Develop housing typologies for locations

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- Local distinctiveness
- Housing mix
- Continuity.

8.6.62 As indicated above a conservative approach to housing design has been taken for the first phase and there is the risk that a development of this scale can become monotonous in its design. If the proposal is supported now, Officers will work with the developer on future reserved matters to promote greater innovation and variety in future phases. There is also scope for promoting environmentally sustainable design in the commercial and community buildings that will form both neighbourhood local centres. This framework is covered by condition 4 and will include:

- Preparation of residential design code
- Commitment to engage with developers of the neighbourhood centres at an early stage in the design process
- Production of a code for western and eastern neighbourhood centres
- Design panel review of future phases?
- Agreeing early collaborative working with the council and the local community on future phases.

Conclusion on Heritage and Urban Design

8.6.63 Although this is an outline application, the applicants have submitted a number of design codes and plans that help to give the confidence that the detailed plans will reflect the principles and quality of design that is needed within this large development. They are also aware of the need to treat heritage assets with care and are supportive of the archaeological finds being properly managed at the local museum. The listed Foxdells buildings will need an appropriate future use in connection with the neighbourhood centre in order to ensure they are economically sound. These aspects of the planning application do represent sustainable development.

Overall conclusion on Environment and Design

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

sufficient for the purpose of an outline application.

8.7 Highways and transportation

8.7.1 As the Highway Authority, Hertfordshire County Council's formal response to the application is included, in full, at Essential Reference Paper D1, and the following analysis will draw on it when looking in more detail at the key issues. In their reply HCC have generally considered the joint impact of this application and application 3/13/0886/OP for 450 homes at ASR5.

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

8.7.3 In terms of impact outside the town itself, there is comment upon the existing peak time queuing at the Stansted Road / A120 roundabout, and the additional queuing the development will create at the Little Hadham traffic light controlled junction on the A120. These and other concerns will be considered in the following paragraphs.

8.7.4 *Policy:* In considering the highway impacts and the proposed mitigation, the Committee must take into account para. 32 of the NPPF:

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

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development .*

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Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 8.7.5 In deciding whether the residual impacts are “severe”, leading to a possible refusal of planning permission, the Committee will appreciate that the NPPF is setting a high bar. It does not include a definition of “severe”, which it is considered must be given its ordinary or natural meaning but understood in context (ie it must be considered in the context of existing local circumstances). Nor are Officers aware of other locations where the concept has been tested. Some assistance may be derived from the dictionary and other proxy definitions in Government guidance. For example, the Oxford Dictionaries (the Compact and on-line) definition is:

(of something bad, undesirable, or difficult) very great, intense.

In the Department for Transport Design Manual for Roads and Bridges¹⁰, there is a definition of “severe” in relation to the cumulative effects of a scheme:

Effects that the decision-maker must take into account as the receptor/resource is irretrievably compromised.

This suggests that the receptor/resource fails to work at all, but it is a proxy definition and probably not what the authors of the NPPF had in mind.

- 8.7.6 Since the characteristics of traffic vary from place to place, as a factor of many differing circumstances, it is considered that Members should, as suggested above, consider the concept of severity in the local context, including the fact that travel in Bishop’s Stortford is already compromised at peak times at a number of locations. The approach might be to ensure that traffic in those locations is not at a complete standstill as a consequence of development and continues to flow, albeit slowly, and that a gridlock is avoided. This is more likely to be the kind of approach that the NPPF has in mind. It is considered that the housing imperative in the NPPF is sufficiently strong that it is intended that it should take priority over some local deterioration in the flow of traffic that is the consequence of development.

¹⁰ Department for Transport Design Manual for Roads and Bridges, Vol. 11, Section 2, “Environmental Impact Assessment”, Part 5, August 2008.

8.7.7 The NPPF also talks about cost-effectively limiting the impacts of a development. Notwithstanding the severity test which applies if proposals are to be refused, HCC has considered the lesser point at which it might be appropriate to secure mitigation in respect of critical locations on the network. HCC say:

The Institute of Highways and Transportation Guidance on Traffic Impact Assessment suggests a threshold of 5 per cent as the level of development traffic that has a 'material' impact and though no longer applied as a standard methodology (since it creates an incentive in favour of locating development where high levels of background traffic already exist) however it does provide a potential measure of a material increase in traffic volume. In the context of local roads where the traffic flows can be low, a 5% increase in traffic may not have any material impact. However, when the local road network is already congested as in Bishop's Stortford case a 5% increase in traffic should be considered 'material' or significant.

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

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

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

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

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

- Flagship walking and cycling schemes.

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

- 8.7.11 HCC also say that they expect to recommence work on the Urban Transport Plan for Bishop's Stortford and Sawbridgeworth in April 2014, when the consultation on preferred sites in the new District Plan has concluded, and that Plan will bring forward specific projects and proposals to help the towns mitigate the expected growth in traffic from development in the long term, including BSN.
- 8.7.12 *Modelling* In order to have an understanding of the way the development will actually impact on critical locations, and to inform how best to mitigate the adverse effects of the development, the applicants undertook traffic modelling as part of the transport assessment. The "Paramics" model produced detailed information about the way junctions will perform in the northern half of the town, where the traffic impacts are greater with proximity to the site. The Paramics model is very detailed and, amongst other things, gives the following information:
- the routing of development traffic away from the site;
 - changes in traffic flow, queue lengths and journey times on key routes and at key junctions; and
 - driver behaviour and how they adapt to the prevailing road conditions, for example by the avoidance of congestion.
- 8.7.13 At the request of HCC, and in response to Save Our Stortford (SOS) who were concerned that critical locations in the town were not covered by the Paramics model, the applicants commissioned, through Essex CC, a run of the "Saturn" Harlow Stansted Gateway Transport Model (HSGTM) model. As a sub-regional model it provided less detailed information than the Paramics model, but across a wider area, including the town as a whole. The scope of all the modelling was agreed in advance by HCC, the Highways Agency and Essex County Council.
- 8.7.14 The starting point for the modelling is estimating trip generation from the new development, including trips that are internal to BSN. The applicants have assumed a reduction in the number of trips by car on the basis that they will have a travel plan for new residents, as required by the NPPF, and will contribute to Smarter Choices, a town-wide campaign to encourage a shift from cars to more sustainable modes of

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travel. The applicants have made an allowance of 24% a.m. peak and 18% p.m. peak reductions for the travel planning but a conservative 3% for Smarter Choices (as against an expected reduction of 15% as stated in the applicants' transport assessment).

- 8.7.15 Save Our Stortford consider that the modelling is flawed in that there is a risk that the assumed 20-25% reduction in car journeys from the travel plan may not be achieved. In their further representations dated 29 October (Appendix B) they say:

*The failure to undertake **any** sensitivity testing of the impact of the travel planning benefits is very unusual and goes against normal good practice we are unclear as to why HCC and the developers have not undertaken sensitivity tests of a range of success rates, for example at 50% benefits or 80% benefits.*

- 8.7.16 SOS also consider that the assumption in the Transport Assessment of a 15% modal shift from Smarter Choices, although not modelled, has not been adequately justified, with the positive experience of other towns not necessarily being relevant to Bishop's Stortford either because of the very high car ownership here, or the greater level of resources that might have been put into Smarter Choices elsewhere.

- 8.7.17 *Modelling outputs* The modelling shows how the network would be affected with the BSN development completed, and the proposed mitigation fully implemented, including the predicted modal shift from Smarter Choices and the travel plan. The following is a summary of the outputs, which are explained in more detail in the HCC report.

- 8.7.18 A120 bypass – Improvements are proposed to the Dunmow Road and Stansted Road roundabouts leading to an overall time saving over the existing situation without the development:

- A120 / A1250 / A1184 roundabout (Hadham Road) – With the development, modelling shows an increase in vehicle movements on all arms which would result in longer approach queues. A design has been developed to increase entry capacities by approach flaring, which will allow greater traffic flow through the junction. The S106 budget for these works is £159,044.
- A120 / B1383 roundabout (Stansted Road) – With the development there is increased vehicle movement on all arms which would result in longer approach queues, adding to the existing excessive

queuing at peak times. A design has been developed to increase entry capacities by adjusting the roundabout size and position and introducing further approach flaring. The measures allow greater traffic flow through the junction and reduce the length of queues. The S.106 budget for these works is £853,619.

- There is also a road safety benefit from the new A120 roundabout serving ASRs 1-4 because it will reduce speed in a locality with a large number of personal injury accidents where speed has been a factor.

8.7.19 *M11 junction 8* – The analysis of M11 junction 8 indicates that with adjustment to the signals and signing alterations to make better use of the available lanes, the junction can accommodate the additional traffic proposed by BSN. The assessment takes into account the potential for Stansted Airport to operate up to the limit of the existing permission for 35mppa. The S.106 budget for these works is £36,950.

8.7.20 *Little Hadham traffic lights* – The Parish Councils and many other correspondents have expressed concern that the additional traffic flow resulting from the BSN development will result in a significant increase in queuing on the approaches to the Little Hadham junction. It has been suggested that these queues could extend to 3km and back as far as the A120 / A1250 (Hadham Road) roundabout.

8.7.21 The Parish Council points out other consequences of the queuing:

...monitoring by Hertfordshire Constabulary has shown that delays at the traffic lights cause seriously dangerous driver decisions; incidents of drivers "jumping a red light" are on the increase. Rat running through the hamlets of Cradle End, Bury Green, Ford Hill and beyond to Chapel Lane is making these mostly single track lanes very dangerous as speeding and inconsiderate drivers use the route in order to bypass the congestion at the traffic lights. Pollution from extra car usage will increase as too will noise, nuisance and danger to other local road users; cyclists, horse-riders, walkers, runners, etc.

8.7.22 The HCC report shows how modelling predicts that by 2023 BSN will be adding 28 vehicles travelling west and 21 vehicles travelling east during the peak hour, adding 170m and 126m respectively to the queues. The applicants originally proposed a scheme to remove the lights and allow the traffic to continuously flow both ways. However, HCC consider that the equivalent sum would be better utilized as a contribution towards the bypass that remains a HCC priority, subject to additional funding from

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other sources. The S.106 budget is £84,730.

- 8.7.23 *A1250 (Hadham Road) corridor* – The HCC report shows that there are changes in flow at some junctions in excess of 5% during the peak hours, and regarding journey times they say:

Journey times along the route increase by 3 minutes in the eastbound direction in the AM peak and 4 minutes in the PM peak. Most of the increased delay occurs on Hadham Road between the Tesco Roundabout and the B1004 Rye Street junction with additional queuing and delay occurring at the Bells Hill Junction and at the right turn into Maze Green Road.

- 8.7.24 It may be counter-intuitive, but in considering the Hockerill lights junction the report says that additional queuing eastbound as a result of BSN is limited in the morning peak because the junction is at capacity and drivers will choose alternative routes where possible. In the PM peak, however, there is a noticeable increase in queues on the westbound approach.

- 8.7.25 The applicants have proposed no physical works by way of mitigation along this corridor because of the limited carriageway and footway widths, and they rely on their backing of Smarter Choices to reduce the overall traffic impact. However, it is suggested that it would be appropriate to try and develop a “route strategy” for the corridor, which would enable closer investigation of the critical points such as Maze Green Road, Bells Hill, and the queuing up to the Hockerill lights. This would look at the corridor from the perspective of all users, including residents, schools, businesses and those passing through, in order to identify potential improvements. HCC have estimated a S.106 funding requirement of £500,000 to undertake the necessary studies and works here and in other critical locations. However, as previously identified in the various transport strategy documents referred to above, it is not anticipated that solutions can be easily brought forward that would increase road capacity to reduce delays for non-sustainable modes.

- 8.7.26 *B1004 (Rye Street) corridor* – Modelling shows the two new access points, one into ASR 5 and one into ASR3, operate without causing congestion at peak times, but progress along Rye Street is inhibited by many accesses and side roads, narrow carriageways and footways, bus stops and parked cars, and a delay at the junction with Hadham Road that is increased by 4% in the a.m. and 7% in the p.m. The Rye Street Residents Action Group petition, and individual letters from residents of Rye Street, show great concern regarding the safety of both motorists

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and pedestrians in these circumstances. They note that no physical improvement works are proposed, apart from a new pedestrian crossing near the new junction.

8.7.27 In fact the applicants and HCC consider that a route strategy approach would be productive in identifying local improvements, following consultation with users of the route. It would be aimed at delivering better speed management and to develop the route's status as a bus friendly corridor, with high quality cycle and walking links into the town centre. The work would be funded by a S.106 agreement attached to any future planning permission for ASR 5, but if that failed to be put into effect for any reason, the commitment would revert to the developers of ASRs 1-4, should this current application be successful.

8.7.28 *B1383 (Stansted Road)* – The impact on the route from the A120 roundabout along Stansted Road to Hockerill lights is significant. There is a 6% increase in flow in the morning peak, and an 8% increase in the evening peak. The approach to the Hockerill junction could increase by 65 vehicles in the morning peak and add 4.5mins to the journey time, and 2.5mins in the p.m. peak. Apart from the works to the A120 roundabout to improve throughput (para. 8.7.19), there are no practical engineering improvements possible at the Hockerill lights, and the applicants are predicting that the Smarter Choices campaign will reduce delays to 2 mins in the morning peak, and no additional delay in the p.m. peak.

8.7.29 *Impact across the town* – In section 3.4.7 of the HCC report is an analysis of the traffic impacts of BSN on the south and west sides of the town as revealed by the HSGTM Saturn model. This shows that, apart from the Hockerill lights junction, which is already at capacity, the impacts are generally slight, and where there are additional delays they are measured in seconds rather than minutes.

8.7.30 The HCC's overall conclusions from the modelling are:

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

- *Mitigation measures along A120 results in nil detriment to the primary route network.*
- *Significant increases in traffic and congestion are anticipated on key routes into town and at key junctions. The mitigation of the*

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impact of this additional traffic on the town is reliant on the achievement of modal shift through successful take up of the improved bus services and the successful application of travel planning and the Smarter Choices campaign.

- 8.7.31 *Access proposals* In section 4.0 of their report HCC describe the rationale behind each of the proposed access points into ASRs 1-4, each of which has attracted objections from the public.
- 8.7.32 *A120 roundabout* – The potential for this access point was included in the Bishop’s Stortford Transport Study, 2006, and endorsed by both HCC and EHDC. It was conceded in the context of policy in the HCC Local Transport Plan 3, which is designed to keep traffic flowing on the A120 so it attracts through-traffic and HGVs, and which will allow new access points only in “special circumstances”. The special circumstances are, firstly, that this access relieves the local road network by attracting BSN traffic away from the accesses onto Rye Street and Hadham Road. This is without introducing any additional delay to the primary route network due to the associated capacity improvements proposed at the adjacent roundabouts on the A120. Secondly, the roundabout would be positioned between two clusters of personal injury accidents, where speed and overtaking played a part. The new roundabout will reduce speed without materially affecting overall journey times on the primary route.
- 8.7.33 Some correspondents have questioned the safety of the roundabout on a stretch of road where speeds are high, but the design of the roundabout has passed a stage 1 safety audit, and HCC are confident it will operate effectively.
- 8.7.34 *Hadham Road roundabout*– Such a large development requires several access points in order to disperse traffic and give access options for emergency vehicles. Positioned at Hadham Grove, close to the Hadham Road / A120 roundabout, the new access will also be a convenient access for ASRs 1-2 construction traffic, the majority of which would be coming off the A120 and Bishop’s Park Way (A1184).
- 8.7.35 Residents of Hadham Grove and The Grove are concerned about loss of amenity and outlook, traffic congestion and air pollution caused by the new roundabout and the combined effect of a proposed pedestrian crossing point to the west and proximity to the Hadham Road / A120 roundabout. They have formed the “Bishop’s Stortford Grove Residents Action Group” (BSRAG). The Action Group has petitioned both HCC and EHDC seeking consideration of two other access options:

- A fifth arm off the Hadham Road / A120 roundabout – HCC’s view is that despite works to the roundabout proposed by the applicants to improve its capacity in future years, a fifth arm would be counter-productive because there would be insufficient “weaving” distances between the arms, all of which carry high volumes of traffic.
- Another new roundabout on the A120 – HCC’s view is that there are no special circumstances that would justify another roundabout on the A120, given that the one they have approved to access ASRs 3-4 will relieve traffic on Hadham Road as well as Rye Street. Furthermore, there is no compelling road safety benefit in a second roundabout directly off the A120.

8.7.36 As regards BSRAG’s assertion that there will be queuing between the A120 / Hadham Road roundabout and the proposed new roundabout at Hadham Grove, HCC confirm that the modelling does not show such queues arising with the proposed mitigation in place (travel plan and works to the A120 roundabout).

8.7.37 *Rye Street priority junction* – The link road between the new A120 roundabout and Rye Street would join Rye Street between the bridge over the Bourne Brook and no. 219 Rye Street (following demolition of 221). The Rye Street Residents Action Group petition, and individual letters from residents of Rye Street, express the fear that the junction of the new road with Rye Street will not cope with the number of vehicles, including traffic coming off the A120 via the new roundabout to access the town centre via Rye Street. It’s safety is further compromised by the new access to nos. 211-219 Rye Street which would be close to the junction. They propose that, instead of connecting to Rye Street, the new A120 link road should cross the Bourne Brook and link into Farnham Road, which has an existing junction with Rye Street.

8.7.38 HCC confirm that modelling, taking into account travel planning, shows the new accesses on Rye Street working satisfactorily. They have agreed a realignment of the access adjacent to 219 Rye Street in order to preserve some existing mature trees, and the access has passed a stage one safety audit. The remodelled access that serves only 217 and 219 Rye Street, (not 211-215), is considered to have adequate visibility and to be safe. The proposal to take the new road across the Bourne Brook to Farnham Road is not considered by HCC to be practical and cost-effective given the adverse topography. It would also be visually intrusive.

8.7.39 HCC also confirm that the new roundabout access into ASR5, at the

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junction between Rye Street, Hazelend Road and Michael's Road will operate satisfactorily, as will a new T-junction access into ASR5 further along Hazelend Road. Farnham Road will also have a new access into ASR4 to serve a relatively small number of houses that cannot be accessed from the BSN internal road network due to the topography.

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

8.7.41 *Bus services* – The applicants will subsidise a new bus service through ASRs 1-4 on a circular route via Rye Street and Hadham Road. They will provide DDA compliant stops and shelters with real time information about the service. It would run on a 15 minute interval throughout the day. New shelters would also be provided at four stops on Hadham Road and Rye Street, for which the S.106 agreement includes a sum of £100,000, and the agreement also includes the sum of £950,000 which will be gap funding for the bus service until such time as the fare box covers the cost of running it.

8.7.42 In addition, HCC see a need to undertake a thorough review of bus services in the town, perhaps as part of the work on the proposed Urban Transport Plan. They describe the scope thus:

This study should include 'passenger transport' as a whole encompassing the full scope of measures that could potentially be targeted to maximise the use of buses from the development site - i.e. park and ride, AVL and RTPI inc. intelligent displays, bus priority through signal technology, bus lanes, quality and low carbon vehicles. This would need to assess the delivery needs and issues associated with each element, their viability (design and commercial), delivery mechanism, funding, timescales and ongoing management requirements etc.

A sum of £200,000 has been included in the S.106 agreement to fund the strategy and support the implementation of associated measures.

8.7.43 *Park and ride* – HCC are supportive of the proposal in the application, as originally made, for a 100 space park and ride site at the Hadham Road entrance to ASRs 1-2:

Park and Ride has been identified as a key measure to provide a modal shift away from car journeys into Bishops Stortford for

shoppers and employees working within the town centre within previous strategic documents produced by East Herts and the County Council to mitigate future congestion problem. Due to the lack of room for further capacity to be provided within the highway network it is recognised that congestion will worsen in Bishops Stortford as a result of further development. Measures such a park and ride are therefore likely to become more viable.

They go on to say that 100 cars would be removed at peak times from routes into the town centre, and that 100 long term parking spaces in the town centre could be converted to short term to benefit shoppers and visitors.

- 8.7.44 However, most towns with a successful park and ride strategy are bigger than Bishop's Stortford and have a strategy in which many more than 100 spaces are provided across a number of locations, as was envisaged for Bishop's Stortford by transport studies such as that by Steer Davies Gleave in 2006. The size of the town is a factor because motorists will not stop and take a bus from the outskirts unless the drive into the centre is especially slow and time consuming or the distance is of some length. The bus service offered must be frequent, quick and reliable, with bus priority along the route, which is unlikely to be achievable on Bishop's Stortford's narrow streets.
- 8.7.45 The Highway Authority also may be underestimating the price sensitivity of park and ride - the cost of using the service must be much less than town centre parking costs or motorists will not be motivated to make the switch. At the present time it is possible to park all day in certain town centre car parks for only £3.00, and those fees would need to be much higher to allow the park and ride fee to be set at a lower level, but one that would also cover the costs of running the car park and the bus travel, including management and marketing arrangements, with the income from 100 being too small to absorb the overheads. The corollary of having to set much higher town centre fees would then hit the pockets of the many other motorists using the town centre's long stay car parks.
- 8.7.46 A recent study of car parking in Bishop's Stortford by Mott MacDonald¹¹ concluded that

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While Park and Ride is well established in some towns, the circumstances are currently very different and it is not recommended that Bishop's Stortford pursues a scheme at this time.

Therefore, although this planning application has been amended to show the land off Hadham Road as being for either park and ride or housing, the park and ride option has been deleted altogether from the details of phase 1 in application 3/13/0804/OP that will be considered by the Committee at a later date. There is no funding proposed in the current s106 provisions for the management and operation of a park and ride facility.

- 8.7.47 *Travel planning* – Through the NPPF, travel planning is a national policy requirement for new development, with incentives put in place to achieve measureable targets. The section 106 includes a sum of £451,000 for travel planning, including a bond of £100,000 bond that will be held by HCC to implement further mitigation if the results of monitoring show that the targets are not being met. HCC now recommend that this is lifted to a bond of £500,000 in view of the challenging nature of the targets included in the modelling. In the case of the new A120 roundabout a sum has been included to provide mitigation in the form of part-time traffic signal lights to be installed in event that the flow of traffic was greater than anticipated, creating delay on the A120.
- 8.7.48 *Smarter Choices campaign* – HCC have had success elsewhere in the County working with Sustrans on similar campaigns to persuade residents and businesses to swap to more sustainable modes of travel. The 3% allowance in the modelling for reductions in peak travel across the town is a modest figure compared to what may be achievable. Again, the impact would be monitored and if the targets are not met there is £200,000 in the s.106, in addition to the £300,000 cost for the campaign itself, for further mitigation.
- 8.7.49 The Committee will be aware that Save Our Stortford and many other members of the public are very sceptical about the likelihood of both travel planning and the Smarter Choices campaign being successful in Bishop's Stortford (paras. 8.7.15/16 above), but in the absence of opportunities to undertake significant engineering forms of mitigation in the town, (road widening, bridges, by-passes etc), achieving a significant modal shift from the car to buses, walking and cycling is the best option, and it is proven elsewhere. However, there will be more certainty of success if the alternatives to the car offer quality and convenience, and for that reason £450,000 has been added to the s.106

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agreement for complementary measures. This is in addition to a sum of £60,000 for cycleways, proposed by the applicants. They might include measures already in the Eastern Herts Transport Plan:

a. Improved pedestrian town centre route	£150,000
b. Station road bridge widening contribution to the S106 pool	£100,000
c. Safe route to school at estimated cost	£100,000
d. Town, school and other cycle track facilities	£75,000

Other options could include: more bus shelters; safe and sheltered cycle parking in the town centre and at local businesses and supermarkets; improved footways and footpaths; safer crossing points; and priority measures at junctions.

8.7.50 *Mitigating localised congestion* – HCC have identified a number of locations where mitigation would be following further work on route strategies and site specific studies. They suggest the following locations:

- Lindsey Road / Cricketfield Lane to address risk of displaced traffic highlighted in the model.
- Hadham Road Route Strategy inc:
 - Eastbound queuing at the Bells Hill Junction
 - A1250 Hadham Road / B1004 junction increase in traffic and delay.
 - Hockerill Junction: to address increase in queues on the westbound approach in PM Peak and increase in queuing on Stansted Road approach
- A1250 Dunmow Road / Birchanger Junction
- South Street / Dane Street Junction
- A1184 St James Way / London Road

A sum of £500,000 is included in the s.106 agreement for this purpose.

Conclusion on highways and transportation

8.7.51 The highways impact of BSN is the overriding concern of the public. They perceive Bishop's Stortford to be congested at peak times already, and they identify a number of critical locations where delays will only increase with the new development, and safety may be compromised. They are critical of the modelling of BSN traffic and do not trust the outcomes, including the performance of the proposed new accesses into the site. They are sceptical about the reliance on mitigating the

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effects of BSN by encouraging modal shift from the private car to buses, walking and cycling through travel planning and campaigns. They suggest that later phases of the development should be held back if travel plan and Smarter Choices targets are not met.

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

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

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

- 8.7.54 Whilst there is no one large scale traffic relief measure that will relieve congestion overnight on local roads, a substantial package of mitigation measures is proposed that includes traffic engineering and management schemes, improved public transport services and facilities, and measures to encourage the use of modes of travel other than the motor car. Further study of the options available will take place when the County Council recommences work on the Urban Transport Plan in April 2014, and the public will be fully engaged on the exercise. The proposed section 106 and 278 agreements will secure funding for all these measures.

9.0 Conclusion

- 9.1 With regard to the principle of development, in the absence of up to date policies and a supply of housing land equivalent to 5 years demand, the policy requirements of the NPPF must prevail. Therefore, unless any harm caused by the implementation of the development significantly and demonstrably outweighs the benefits, the planning permission must be granted.

- 9.2 It is concluded that positive weight can be assigned to the proposals, or

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at worse they represent acceptable sustainable development, with regard to housing and education provision, neighbourhood and employment facilities, sport and leisure and with regard to environment and design matters.

- 9.3 Whilst it is accepted that the impact of the proposals on local roads is not fully mitigated, it is not considered to be severe. Therefore, in acknowledgement of the test set out in the NPPF, it is not concluded that the weight that can be assigned to this harmful impact outweighs the benefits of the proposals. Accordingly, it is recommended that planning permission is forthcoming.
- 9.4 Because of the detailed nature of the conditions and legal agreement associated with a development of this scale, delegated authority is sought to amend as may be necessary and appropriate, the details set out in ERPs A and B. This would be exercised in consultation with the Chairman of this committee and would be exercised on the basis that an acceptable form of development remains the outcome. The Chairman's agreement would be sought in all cases and, as part of that process, the Chairman would be asked to consider whether delegated authority should be exercised or the matter is one that should be referred back to the committee.