

**East Herts Council: Development Management Committee: 5 December 2013
3/13/0075/OP: Bishop's Stortford North**

Summary of additional representations received after completion of report submitted to the committee, but received by 12noon on Thur 5 December 2013

Report paragraph or other reference, eg to ERP	Detail of Amended or Additional Information	Officer Comment
<i>Main report Rec'n 2</i>	<i>Further words are suggested to be included within the recommendation to clarify that the Chairman can decide that, if appropriate, any matter of amendment to the s106 can be referred back to the committee.</i>	<p><i>The wording of recommendation is amended as follows:</i></p> <p><i>That, in consultation with the Chairman of the Development Management committee, who can determine whether any matter of amendment or other change should be referred back to the committee, and the Head of(remainder unchanged)</i></p>
Main report 8.4.9 Primary	HCC clarifies that a 1FE primary school will not be sufficient to cater for the needs of the western neighbourhood. It reiterates that 2FE schools are	The capacity of a 1FE school in relation to the western neighbourhood need is known and noted in the report at para

<p>education</p>	<p>considered more sustainable (in cost and curricula opportunity terms). It also comments that the 2/3FE primary school identified for the eastern neighbourhood is unlikely to become an all through school. All through schooling may be provided as part of the secondary school proposals, but the 2/3FE school may be required in addition, depending on the arrangements for ASR5.</p>	<p>8.4.9. Whilst the primary schooling arrangements set out are not HCCs preferred scenario, adequate capacity is deliverable through the proposals. Given adequate capacity is available, further negotiation can be had, through the consideration of the detail of the proposals to change the delivery arrangements subject to developer agreement.</p>
<p><i>Main report 8.4.11 Primary education</i></p>	<p><i>HCC further clarifies that land must be provided at nil cost for 4FE primary provision as part of the ASR1-4 site. It then requires further land to be provided at nil cost for the provision of a fifth FE as part of the proposals for ASR5.</i></p> <p><i>It seeks the flexibility to ‘move’ the provision to be made at ASR5 onto the ASR1-4 site given concerns with regard to the long term sustainability of 1FE schools.</i></p>	<p><i>The current arrangements, as set out in the report, provide for land for 3FE provision at nil cost as part of the ASR1-4 site with negotiations to be completed in relation to ASR5, with regard to a fourth FE at nil cost. In addition, land is provided within the western neighbourhood a fifth FE whilst it is required for the peak need. When and if the need from the site reduces HCC are able to determine whether this element of the site should be retained. If retention is preferred then this would be at cost to HCC.</i></p>

		<i>As above, further negotiation can be had, through the consideration of the detail of the proposals to change the delivery arrangements subject to developer agreement.</i>
Main report 8.4.12 Primary education	HCC notes to offer for direct provision of school buildings. It is not recommended or preferred however and HCC requires funds to be transferred to it for procurement through public procurement processes.	The application enables this.
Main report 8.4.14 Secondary education	HCC raises concern with regard to a time period within which it can call for a site. However, this is considered to now be irrelevant given that the in principle agreement to a land exchange exists (see below).	Noted. Members are requested to consider the proposals on the basis that they are currently framed which is not considered to exclude either procedure.
Main report 8.4.18 Secondary education	HCC indicates that it cannot confirm a strategy for addressing the non BSN related education need until there is certainty in relation to this site.	Noted
Main report 8.4.19 Secondary	This para refers to the position of HCC that, in advance of this committee meeting, the applicants indicate a willingness, in principle, to enter into the	This further step indicates that the relevant parties are willing, in principle and subject to all relevant detailed

<p>education</p>	<p>land swap arrangement referred to. A written exchange has now taken place between HCC and the applicants (and the agents acting for the landowners), confirming that this willingness is agreed in principle.</p> <p>The applicants have indicated that this willingness is currently subject to a 'local' decision on this matter, at this committee meeting. HCC indicates that certainty cannot be provided until legal arrangements are in place.</p>	<p>matters, to enter into the arrangements which represent one of the options to secure the appropriate secondary education provision.</p>
<p><i>Main report 8.5 Sport and Leisure</i></p>	<p><i>The Bishop's Stortford Swifts FC feel that the development presents good prospects for the club and the provision of football in the local community.</i></p>	
<p>Main report 8.6</p>	<p>The <u>Councils Environmental Health Officers</u> have requested that an additional condition be applied to deal with an amenity issue.</p>	<p>Agreed that an additional condition be applied as follows:</p> <p>No development, apart from enabling works¹, shall commence in respect of any Phase¹ or Development Parcel¹ for which</p>

¹ Detail will be set out in the conditions Interpretation Schedule

		<p>permission is hereby granted before detailed plans of an acoustic barrier to the existing properties at 217 and 219 Rye Street have been submitted to and approved in writing by the Local Planning Authority. The barrier shall be a minimum of 2.5m high and shall be constructed concurrently with the access onto Rye Street and completed prior to the first use of that access by vehicular traffic, whether construction vehicles or other vehicles.</p> <p>Reason To protect the amenities of the adjoining residential properties from the transmission of road traffic noise from the access road in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.</p>
<p><i>Main report 8.6 cont'd</i></p>	<p><i>Subsequent to the above, the developer has commented that the acoustic barrier to the boundaries of 217 and 219 Rye Street will only be required in connection with the development of the</i></p>	<p><i>Officers have considered the requested amendment and recommend that the following condition will address the developers comments and satisfactorily</i></p>

	<p><i>eastern neighbourhood and has requested an emended to the condition set out above.</i></p>	<p><i>safeguard the amenities of the adjacent properties:-</i></p> <p><i>No development in respect of the proposed vehicular access onto Rye Street, apart from enabling works^[1], shall commence before detailed plans of an acoustic barrier to the existing properties at 217 and 219 Rye Street have been submitted to and approved in writing by the Local Planning Authority. The barrier shall be a minimum of 2.5m high and shall be constructed concurrently with the access onto Rye Street and completed prior to the first use of that access by vehicular traffic, whether construction vehicles or other vehicles.</i></p> <p><i>The reason for the condition remains as set out above.</i></p>
<p>Main report 8.7 Transport modelling</p>	<p>Members of the committee have been circulated (on 1 Dec 2013) with a report prepared by Save/Share our Stortford in relation to transport modelling and assessment matters.</p>	<p>Officers have considered the additional material submitted and remain of the view that the advice provided by Highway Authority officers is soundly based.</p>

	<p>The applicants have provided a response to all Members in their paper circulated on 3 Dec 2013. In addition the applicants have circulated, on the same day, a finalised Briefing Note to all Members.</p> <p>Highway Authority Officers have provided a summary of the assumptions that have been made when assessing the site travel planning issues. Highway Authority Officers remain of the view that the transport assessment outputs are robust.</p>	
<p>ERP A item 19 Main report para. 8.7.41</p>	<p>Travel plan: public transport subsidy – the sum of £950,000 has been offered by the applicants as a subsidy for the new bus service until such time as it becomes a financially self supporting service, or a maximum period of eight years. The sum would cover the cost of free bus passes to new residents. The applicants have now agreed to fund a bond for the difference (if any) between the £950,000 and what the bus service might require by way of subsidy for a period of 13 years.</p> <p>The <u>Highway Authority</u> consider that this funding</p>	<p>The cost of the bond is not yet known. It will be a further charge to the s.106 fund. It gives more reassurance about the sustainability of the new bus service.</p>

	<p>arrangement should be secured.</p>	
<p>ERP D para 2.10 Main report para. 8.6.40</p>	<p>The <u>Councils Environmental Health Officer</u> has added to information regarding air quality:</p> <ul style="list-style-type: none"> • In June 2013 the Council started monitoring nitrogen dioxide at a number of locations along Rye Street. The results to date do <i>not</i> demonstrate that an AQMA is likely however in order to have a degree of confidence in the results obtained, we would need at least 9 months data before we are able to consider whether an AQMA may be required here. • The property at 105 Rye Street has been raised as a concern as it is nearer to the road than other properties. From monitoring data received to date, it is not considered that there is a health concern at present as it looks likely that the annual mean nitrogen dioxide level at the façade of the property will be under the 40ug limit value. We will continue to monitor nitrogen dioxide levels at this site. • The modelling results for mean annual 	<p>Contributions are included within the s.106 agreement heads of terms at ERP A (page 130).</p>

	<p>nitrogen dioxide presented in Environmental Statement Appendix 9.9 (Assessment Results) indicate that in 2020 it is unlikely that the AQMA at Hockerill will be revoked either with or without this development taking place. The modelling suggests that in 2020 following the development, a small increase in the level of nitrogen dioxide is likely.</p> <p>Otherwise, the Environmental Health Officer indicates that the reports on the impact of the development on the Air Quality Management Area (AQMA) in the town are inconclusive. Funding of £20,000 is sought to add to that which is provided to encourage sustainable transport and mitigate against the impact of increased traffic on air quality, as set out in ERP A, item 31. (The funding covers ASRs 1-5).</p>	
<p><i>Main Report 8.7.19 And ERP A item 17</i></p>	<p><i>Essex County Council have assessed transport modelling and consider that the additional traffic generated by the development will have an adverse impact on M11 J8 increasing delays by between 21 and 28%. This assumes the committee growth at Stansted and assumed local</i></p>	<p><i>Officers are of the view that the modelling outputs provided by the developer are robust and are appropriately based.</i></p> <p><i>If the scheme for which funding is identified is already to be implemented</i></p>

	<p><i>plan growth in Uttlesford. A junction reconfiguration scheme has been formulated to which contribution is sought. The current proposals are to be implemented by Stansted Airport operators and are therefore superfluous.</i></p> <p><i>The applicant responds that appropriate modelling has been undertaken on the basis of agreed assumptions. It is inappropriate to consider developments which are not yet commitments. No equivalent modelling has been undertaken for the other potential developments referred to. The developers modelling shows a reduction in impact with development and mitigation as opposed to no development and no mitigation. It is noted that there is no Highways Agency objection.</i></p> <p><i>The possibility that the works to be funded will be undertaken by the airport operators has not been advanced previously.</i></p>	<p><i>then funding can be directed elsewhere.</i></p> <p><i>It is considered that this matter is acceptably addressed.</i></p>
<p><i>Main report Para. 7.2.13</i></p>	<p><i>The Ramblers Association has noted that policy LRC9 of the East Herts Local Plan (Public Rights of Way) has been omitted from the list of relevant</i></p>	<p><i>This omission is noted. Officers confirm that the policy (which seeks to maintain and enhance the public footpath network)</i></p>

	<p><i>Local Plan policies.</i></p>	<p><i>is relevant to all development proposals has been considered at this outline stage and will continue to be considered carefully through the submission of the 'reserved matters' pursuant to condition 1.</i></p>
<p>ERP D Consultation summary Para 4.1</p>	<p>The Bishop's Stortford Grove Residents Action Group (BSGRAG) considers that its views are misrepresented in the summary of consultation provided to members. It feels that its main issue, regarding the location of the western site access at the new roundabout to be created on Hadham Road, is not referenced. It considers that an A120 western site access has significant benefits for the town. The full detail of the concerns of BSGARG was set out in an e-mail to all Members dated 28 Nov 2013.</p> <p><i>The Highway Authority (HA) has provided further comments in response to the concerns of BSGARG which confirms that the HA has considered the proposed alternative accesses either a) direct from the A120/A1250/A1184 roundabout; or b) via a new roundabout on the</i></p>	<p>Officers consider that BSGARG concerns are reflected in the consultation summary. The issue of the new Hadham Road roundabout and the alternative proposed A120 access is raised. There is also commentary on the issue at para 8.7.34 – 8.7.36 of the report.</p> <p><i>The additional analysis from HCC indicates that the proposed access remains the most appropriate form of access.</i></p>

	<p>A120).</p> <p><i>In respect of a) they comment that adding an additional arm to this roundabout would be against good practice and would result in inadequate weaving distance between the arms.</i></p> <p><i>In respect of b) they comment that the LTP3 restricts direct access onto primary routes except where special circumstances can be demonstrated. This is to avoid introducing delays on these primary routes that could discourage through traffic and HGV's from using them. Having already agreed one direct access onto the A120 to the east of the site, they consider that a second access would introduce unnecessary delay on the A120.</i></p> <p><i>Both suggested alternative access arrangements would also be much less efficient for the proposed bus service.</i></p> <p><i>The currently proposed access is considered to be the most appropriate form of access for the BSN western neighbourhood.</i></p>	
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<p>ERP D Consultation summary</p>	<p>Three additional letters of objection have been received (one copied to all members in an email dated 30 November 2013) expressing the following views:-</p> <ul style="list-style-type: none">• Access should not be approved until a layout for the whole development has been agreed• Highways capacity and health issues (as those set out in para.5.4 of ERP D)• That, in place of the road link between the east and west neighbourhoods, a community forest should be encouraged, as set out in NPPF para 92 <p>One letter of representation considers that the submitted traffic analysis is flawed and that the proposals would cause continuous traffic at peak times at all road junctions including Bury Green, Little Hadham and Standon High Street. The current point of congestion will move from the Little Hadham lights to Standon. The proposal cannot therefore meet the criterion of Local Transport Plan 3.</p>	<p>Officers have considered the additional points raised but consider that the conclusions reached in the report remain appropriate.</p>
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<p>Household waste and recycling</p>	<p>HCC have requested consideration of a s.106 contribution to the relocation and expansion of the household waste recycling centre because of the additional demand placed on it. Whilst expansion at the current site is not possible, funding would be provided toward a longer term relocation. The assessed level of funding appropriate is £301,000. The Councils <u>Environmental Officers</u> have requested that a contribution should be provided for recycling facilities. This is included in the Planning Obligations SPD and would be for the capital costs for the provision of recycling containers etc. The SPD sets the cost as £72 per unit – therefore £158,400 for the 2200 units.</p>	<p>The Committee is asked to note both these requests, but Officers consider that contributions to such universal services are not normally the highest priority in establishing a sustainable development, bearing in mind the future revenue that accrues to the councils from a development of this size. However, these services may benefit from any adjustment to funding that might result from the reviews of viability under item 1 of the s.106 draft heads of terms in ERP A.</p>
<p>Children's services</p>	<p>HCC indicate that the need for early years facilities is not addressed. There appears to be no provision for private day nurseries to cater for babies or for 0-5 year olds in the form of either a Pre-School or Day Nursery. These facilities play a key role in enabling parents to return to work. HCC have sought a childrens centre space at typical cost of £320,000 and space provision for 2/3 year olds at each school at an average cost of £150,000 each. It is indicated however that a</p>	<p>With respect to this service area, the proposals do enable the provision of floorspace for uses referred to. It is also anticipated that community use buildings can function in this way. The strategy for their provision and use is a requirement of the s106 agreement. It is likely that the core provision could be made by the private sector. At this stage, it is not considered that this additional service</p>

	<p>cash equivalent of £560,000 would enable HCC to meet the demands related to ASRs 1-4.</p>	<p>area should be considered as a priority in addition to the £30m funding allocation to HCC to address education issues. Accordingly it is recommended that this request is reconsidered at the time of the reviews of viability under item 1 of the s.106 draft heads of terms in ERP A.</p>
<p>Other service areas</p>	<p>HCC note, in relation to library (8.5.11), youth service (8.5.14) and waste service (8.5.16) provision, that contributions are reduced in relation to its requested amounts (or are nil re waste services). This will lead to the inability to deliver planned service improvements. Details are sought in relation to the possibility of delivering enhanced financial contributions through viability review processes.</p>	<p>This issue is noted. The arrangements for viability review and the services to which additional funding may be secured, will be determined through the formulation of the full detail of the s106 agreement.</p>