

Reference 3/14/2037/CC – Outline application for the construction of a 6-form entry secondary school on land to the south of the A120 with change of use of a parcel of land to the north of the A120 for use as playing fields and a pedestrian access bridge to link the two sites, emergency and maintenance access way, access, parking, landscaping and associated infrastructure

Date of Receipt: 13 November 2014 **Type:** County Council Deemed Consent

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD SILVERLEYS

RECOMMENDATION:

That **NO OBJECTION** be raised subject to the following requirements:

1. East Herts District Council wish to be consulted on the preparation of the travel plan for the school, which should be prepared taking into account the travel objectives and travel plan for ASRs 1-4 and the SCA (application 3/13/0804/OP). The plan must be implemented upon the opening of the school.
2. That the traffic impact of the school is carefully monitored alongside the traffic monitoring for the rest of BSN as required by the draft s.106 agreement for application 3/13/0804/OP, and that the County Council funds and implements appropriate mitigation if traffic flows to and from the school exceeds target rates.
3. That a second means of access to the school buildings via the proposed new link road between the A120 and Rye Street must be available prior to bringing more than 3FE into use.
4. That a high standard of architecture and landscaping is sought for the school in this sensitive location on the edge of the green belt, in close proximity to woodland and in the context of the Garden City design objectives that have shaped the details of the Western Neighbourhood of Bishop's Stortford North.
5. That the design of the school and the external areas is exemplary in the choice of materials and in meeting high standards of environmental sustainability, including consideration of energy conservation, passive ventilation and cooling, green roofs and lighting.
6. Lighting of the external areas should be designed to take into account the proximity to open countryside and areas of wildlife.

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7. The design, layout, landscaping and drainage (by SuDS) of external areas should be undertaken with the additional objective of increasing the biodiversity of the area.
8. The design, layout and future management of the site must take into account the need to allow public access outside teaching times, including weekends, to permit community use of appropriate rooms, halls and sports facilities. The County Council is requested to consult this Council on the terms of a formal agreement with the operators and governing body of the school to secure such community use.

_____ (142037.ST)

1.0 Site description and history

- 1.1 The site of 9.643ha (11.981ha including the access road) is 1.8km to the north of Bishop's Stortford Town Centre. It lays either side of the A120 by pass and comprises arable farmland. To the south is agricultural land comprising arable fields and small woodlands. The northern boundary is formed by tracks leading to Wickham Hall, the eastern site boundary by the Farnham Bourne, and the western boundary by open fields. That agricultural context would change to being predominantly residential on the south side of the A120 as and when permission for the Bishop's Stortford North (BSN) development is implemented. There is currently no direct public access to the southern part of the site and the northern part can be accessed by a farm track from Wickham Hall.
- 1.2 Two applications have been before the Committee for the development of Areas of Special Restraint (ASRs) 1-4 and the Special Countryside Area (SCA):
 - 3/13/0075/OP – outline application made by a Consortium of housebuilders for an urban extension to comprise up to 2200 houses, two primary schools, two neighbourhood centres, a business park, open space, sports facilities and various commercial and community uses. All detailed matters were reserved for later approval apart from the means of access to the site. The application was approved on 31 January 2014, subject to conditions and the completion of a s.106 agreement, which is still the subject of negotiation.
 - 3/13/0804/OP – a hybrid application: as above for phase 2, but including the details of phase 1 of the development in the western neighbourhood. Again, permission has not been issued pending the signing of the s.106 agreement.

- These were preceded by applications 3/00/1487/OP, 3/98/1883/OP and 3/1836-85OP which were for various levels of residential development and social infrastructure and all were withdrawn.

2.0 Background

- 2.1 In determining the recent applications referred to above, the Committee fully established the principle of an urban extension to Bishop's Stortford in line with long-standing development plan policies. The Council has also accepted the requirements of the National Planning Policy Framework (NPPF) with regard to applications for residential development in circumstances where the Council does not have a five year supply of land for housing development.
- 2.2 The NPPF has a presumption in favour of "sustainable development", as defined by the NPPF itself, and large scale development must be accompanied by the necessary social infrastructure, including schools. The County Council calculated that the Consortium's development would generate a pupil yield for secondary education equating to 5 forms of entry (FE) at its peak, falling to 4FE long term. To this must be added 0.7FE to cater for the pupil yield from ASR5, which would be generated if the Committee supports planning permission for the remainder of the BSN area.
- 2.3 The Consortium initially proposed making s.106 financial contributions to the Education Authority to enable it to build a secondary school outside BSN. In view of the uncertainty of building to the necessary timescale sufficient forms of entry at existing schools in the schools planning area, they had in mind the land on Patmore Close, off Hadham Road, that the County Council has been holding in reserve for a new secondary school for many years. However, the County Council's preference was residential development at Patmore Close, as allowed for by policy BIS7 of the Local Plan in circumstances where East Herts is satisfied that secondary education needs will be met elsewhere. Assuming that the Local Plan condition would be met, County were able to negotiate a property agreement with the Consortium whereby a site would be made available for a secondary school within BSN in return for land at Patmore Close. Such a land swap would enable the Consortium to realise at Patmore Close the same number of dwellings (110) they would lose to a secondary school site at BSN.
- 2.4 Both the secondary school at BSN and the residential development at Patmore Close require planning permission. Neither of the Consortium's existing planning applications makes provision for a secondary school on site, and although there is a history of planning

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applications for residential development at Patmore Close, none have been approved. However, in reporting to the Committee on the Consortium's applications the prospect of a secondary school on site was flagged, including provision of the playing fields in the green belt to the north of the A120, and the environmental assessment was expanded to take that into account.

- 2.5 The County Council is empowered by Regulation 3 of the Town and Country Planning General Regulations, 1992 to grant itself permission for the school because the development is to be carried out by them (or on their behalf). EHDC will determine the applications for the residential development at Patmore Close. The application therefore is not for determination by this Council. East Herts has been consulted by HCC on the proposals as part of its decision making process.
- 2.6 The County Council is proposing a 6FE school at BSN in order to ensure that it will accommodate not only the peak and long term demand from BSN, but also help provide for unmet need in the town as a whole. Through the s.106 agreements being negotiated in respect of the Consortium's planning applications, the Consortium will make a contribution of £7,272.73 per dwelling (approximately £16m) towards the build cost of the new school, and if Countryside Properties obtain planning permission for ASR5 they would be asked to contribute £2.8m, representing the cost of building 0.7FE.

3.0 Description of development

- 3.1 The application is in outline so only limited details of the development have been submitted. The part of the site which lies to the south of the A120 would consist of 1-2 storey school buildings as well as staff and visitor parking, a coach drop-off point, playgrounds and games courts and ancillary structures. The area of the site to the north of the A120 would be used as playing fields accessed from the main school site by a pedestrian footbridge across the road.
- 3.2 The main school building would be restricted to 2 storeys in height to minimise the effect on the landscape, and a comprehensive set of plans has been submitted to show from where in the surrounding countryside the buildings and the playing fields to the north would be seen.
- 3.3 Access to the school site would be from the west, through the BSN development site and its roundabout junction with Hadham Road. Pedestrian access to the playing fields north of the A120 would be via a pedestrian footbridge and vehicular access for emergency and service vehicles will be via a fourth arm to the proposed roundabout on the A120 that would also serve the wider BSN site.

4.0 Policy

4.1 *The principle of development.* NPPF and Local Plan policies regarding the principle of the development of the ASRs have been considered in detail by the Committee in determining the Consortium's applications for an urban extension. As a matter of principle the secondary school buildings site raises no new policy issues subject to a satisfactory transport assessment. However, the proposal to place the playing fields on farmland in the green belt to the north of the A120 is a new proposal and careful consideration needs to be given to green belt policy.

4.2 The Bishop's Stortford Silverleys and Meads Neighbourhood Plan has been subject to examination and in recommending that the Plan should proceed to a referendum the Examiner has suggested that some policies are deleted or amended. The Committee may therefore give some weight to the Plan. Of particular note he suggested a rewording of Policy EP2 to read:

A proposal for a new Secondary School, easily accessible to the new residential development planned for Bishop's Stortford North will be welcomed. The location and access arrangements should minimise vehicular congestion and traffic impact. A travel plan including measures to encourage the use of transport other than private cars will be required. Opportunities to share facilities (sports facilities and meeting space) with the wider community should be utilised.

4.3 *Green belt.* In so far as it has not been defined by Government as an "appropriate" use in the green belt, the playing field use on land on the north side of the A120 is "inappropriate development". Paras. 87 and 88 of the NPPF say that inappropriate development in the green belt is, by definition, harmful to it and should not be approved except in "very special circumstances". When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the green belt and that the very special circumstances that would allow the development will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.4 *Design and landscaping.* The applicants cite the emphasis on good design in chapter 7 of the NPPF, which requires development that inter alia:

- functions well and adds to the overall quality of the area over the lifetime of the development;
- establishes a strong sense of place;

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- optimises the potential of the site to accommodate development and support local facilities and transport networks;
 - responds to local character and history, and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (emphasised by the Planning Practice Guidance);
 - creates safe and accessible environments; and
 - is visually attractive as a result of good architecture and appropriate landscaping.
- 4.5 The NPPF in para. 94 says LPAs should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk and water supply and demand considerations. Policy ENV21 of the Local Plan states that all development proposals will be expected to take into consideration best management practices to surface water drainage. Para. 95 of the NPPF requires LPAs to support the move to a low carbon future and when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 4.6 Other relevant Local Plan policies include ENV1 that requires, inter alia, all development proposals to be of the highest standard of design and layout and to reflect local distinctiveness; to relate well to the massing and height of adjacent buildings; and incorporate sustainable initiatives. Policy SD1 requires applications for buildings in excess of 250sq.m floorspace to show how they help create healthy, socially integrated communities; encourage sustainable movement patterns; achieve the sustainable use of resources; protect and enhance the natural and built environment; etc. Policy SD3 encourages the use of renewable energy.
- 4.7 Policy ENV4 requires new development to which the general public expects access to meet the needs of people with impaired mobility. Particular regard should be given to the approach to a building, accessible parking spaces and movement along pathways.
- 4.8 In Chapter 11, The NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity, preventing soil, air, water or noise pollution. It states that LPAs should *take into account the economic and other benefits of the best and most versatile agricultural land*.
- 4.9 Policies ENV2 and ENV17 of the Local Plan expect proposals to retain and enhance landscape features, or where loss is unavoidable

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introduce compensatory planting or habitat creation on or off site, and to improve nature conservation wherever possible.

- 4.10 Local Plan policy ENV23 states that planning applications for external lighting schemes will only be permitted if:
- the proposed scheme is the minimum required for security/operational purposes;
 - potential pollution from glare or light spillage is minimised so the impact on residential amenity and on the character or openness of the Green Belt is minimised (the NPPF refers to protecting intrinsically dark landscape);
 - ecological interest is not adversely affected; and
 - users of nearby roads will not be distracted or dazzled.
- 4.11 Policy HDP9 of the Neighbourhood Plan supports the archaeological investigation of sites where new developments are proposed. Major new development must carry out appropriate archaeological investigation prior to construction.
- 4.12 *Transportation planning.* Policy TR1 of the Local Plan requires developments which generate additional traffic to incorporate measures to ensure that alternative travel options to the car are available. Such measures may include improving pedestrian links, cycle paths or improving the public transport network. This is in line with the NPPF which encourages the use of more sustainable means of transport and adds the need to consider the needs of people with disabilities.
- 4.13 Local Plan policies TR2, TR3 and TR4 refer to the County's Design Guide, require the submission of a Transport Assessment and require the preparation of a travel plan for the development.
- 4.14 Policy TP1 of the Neighbourhood Plan requires a transport assessment and a travel plan, and goes on to say that where the transport assessment predicts an increase of 5% in average journey times on key highway routes within the town, mitigating works shall be identified and implemented to bring levels back to predevelopment levels unless it can be demonstrated that it is not viable.
- 4.15 Policy TP4 states that the concept of "walkable neighbourhoods" should be used to justify the location of new community facilities. DfT guidelines suggest a walking distance of 1km for secondary schools.
- 4.16 Policies TR7, TR12 and TR13 of the Local Plan refer to parking standards, safe and attractive routes for pedestrians and cyclists and

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the provision of secure covered cycle parking on site together with facilities such as lockers and showers.

- 4.17 *Sports, leisure and community use.* Mindful of the limited opportunities to create new sports fields and halls for community use, policy LRC2 of the Local Plan says that the Council will promote the joint provision and dual use of educational and other leisure facilities.

5.0 Consultation

- 5.1 All consultation in respect of the application is dealt with by the County Council, including the views of the Town Council and public representations.

6.0 Considerations

- 6.1 *The principle of development.* The Committee should have no concern regarding the principle of building a secondary school on the land at BSN that they have already approved for an urban extension. The particular location in the middle of the site will be easily accessed by pupils living on the new development and site investigations such as drainage, geology and archaeology have already been made. The Committee will still want to be satisfied regarding the traffic impact and a number of design and environmental issues.
- 6.2 However, the Committee does need to be satisfied regarding the principle of putting school playing fields on land in the green belt north of the A120. The objective of green belt policy is to maintain the key characteristics of the openness and permanence of the green belt, and inappropriate development, including the playing fields, the fencing and the footbridge are by definition harmful to it.
- 6.3 However, whilst buildings in particular are inappropriate, apart from a list of exceptions such as agricultural buildings, the use of land for outdoor sport and recreation is one of the uses the NPPF in para. 81 actually encourages LPAs to plan positively for to enhance the beneficial use of the green belt.
- 6.4 Apart from the footbridge and the fencing no buildings are proposed, with changing rooms being incorporated in the school buildings south of the A120. There are no proposals for an all-weather surface, floodlighting or equipment storage at the playing fields site. Therefore, the objective of maintaining the openness of the green belt is not greatly harmed. This is underpinned by the series of plans submitted with the application showing the areas from which the playing fields and footbridge can be seen in the landscape. Looking out towards the north

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from Bishop's Stortford the site would not be seen. Looking south from the vicinity of Farnham towards Bishop's Stortford, the site can be seen but will not be intrusive at that distance against the backdrop of the A120 and the urban area. Similarly with the footbridge, although there will be views of it from within BSN itself. The harm is therefore minor and of limited weight. The harm is clearly outweighed by the benefit of the school itself, being located within an area of new demand for school places, which is a sustainable location in terms of its accessibility.

- 6.5 Furthermore, by making the school available for community use, the development is in line with NPPF para. 81 (6.3 above), and para. 73 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. Policy LRC2 (joint provision and dual use) of the Local Plan 2007 says that the Council will in appropriate locations promote the joint provision and dual use of educational and other leisure facilities. In determining the Consortium's planning applications the Committee was informed that the development would be deficient in on-site playing fields, and that a sum of up to £3million had been offered by the developers for off-site sports provision. The situation will therefore be improved by the availability close by of the secondary school playing fields after teaching hours.
- 6.6 In view of the importance of public access to school facilities after teaching hours, and in accordance with policy LRC2, it is recommended that the County Council consults this Council on the terms of a formal agreement to be entered into with the operators and governing body of the school to allow controlled public access (Recommendation 8).
- 6.7 The harm to the green belt is therefore outweighed by the very special circumstances of the benefit of the development. In summary:
- the playing fields, fencing and footbridge are inappropriate development in the green belt, which is by definition harmful to it; but
 - in the particular circumstances of these proposals and their location the harm is limited; and
 - the harm is outweighed by the benefits of the school, which is in a sustainable location and which will contribute to a deficiency in playing fields in the town and support other community activity in the school buildings.
- 6.8 *Transport assessment.* The Committee will be interested to note that the only vehicular access to the school that is included in the application is from Hadham Road via the BSN boulevard spine road.

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Given the high level of public concern regarding the impact of BSN traffic on Hadham Road when the Consortium's applications were considered, the Committee will want to be satisfied that the net effect of replacing approximately 110 dwellings on the application site with a 6FE secondary school will have a neutral effect on the peak hour traffic on Hadham Road, or a reduction in numbers. (The peak hours that have been modelled are 07:30-09:30 and 16:30-18:30).

- 6.9 The modelling has involved four consultants: WYG, acting for the County Council in respect of the school application, WSP who act for the Consortium in assessing the traffic impacts of the development of ASRs 1-4 and the SCA, and Mayer Brown who act for the County Council in respect of the planning applications for the development of Patmore Close. The fourth, AECOM, are the County Council's term consultants who provide them with additional assessments and advice as required.
- 6.10 The transport assessment (TA) for the school has been based on modelling parameters agreed between WYG and the County Council. AECOM provided the trip generation data for the 6FE secondary school and WYG allocated it to postcodes provided by Children's Services. They assumed that there would be 1FE, or 204 pupils, residing outside BSN, generating 95 car trips (one way). Regarding staff, it is assumed there will be 128 one-way trips, distributed evenly between 07:00-08:00 and 08:00-09:00 in the mornings and in the evenings 76 trips 16:00-17:00, 40 trips 17:00-18:00 and 12 trips 18:00-19:00.
- 6.11 They then used that data to repopulate the PARAMICS model created by WSP for the BSN development as a whole, with a refinement of the effect of the Patmore Close development provided by Mayer Brown. The assumption made for Patmore Close is that there will be 250 dwellings, which is the total applied for, rather than just the 110 dwellings displaced from the school site at BSN. Mayer Brown calculate that this will generate 142 trips 08:00-09:00 and 155 trips 17:00-18:00.
- 6.12 The modelling shows the peak hour effect of the school and of the Patmore Close development. The effect of the school on the pm peak is mostly staff trips because schools finish their teaching day earlier. Any congestion is local to the schools themselves, and in the case of BSN such local congestion would be unlikely to spill out of the area and onto the wider road network.
- 6.13 The key scenario run in the PARAMICS model is the same as for the Consortium planning applications, that is to say there is some mitigation in place, and Smarter Choices travel planning in the town. This way the effects of the school, together with the Patmore Close development,

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can be compared to the situation without them. The model was run 15 times as it was for the Consortium applications in order to see the effects of different driver choices.

- 6.14 The modelling assumes that both the access from Hadham Road and the A120-Rye Street link road are in place, together with BSN cycleways and footpaths and travel planning. WSP conclude that there is only a limited impact on queueing at junctions. The biggest changes would be at the modified A120 western (Tesco) roundabout where the western arm sees queue length more than double for a short time in the morning peak. Queueing doubles from 100m to 200m on the southern (BSN) arm of the new A120 BSN roundabout towards the end of the morning peak as drop-off cars leave the school. There would also be some small queues at the Hadham Road roundabout. Officers are examining the queueing information more closely and will update the Members at the meeting.
- 6.15 In terms of journey times, WSP say that the modelling shows that there are some delays created towards the town centre from the north-west in the a.m. peak hour, with the rest of the model being mostly unaffected. The p.m. peak hour shows a reduction in travel times along some of these same routes. The network performance statistics (travel time per mile and travel time per vehicle) echo the journey time route statistics, with a general increase in travel time in the morning peak and a slight reduction in the evening peak.
- 6.16 Public consultation on the Consortium's applications revealed a high level of concern regarding the traffic implications of the development. The Committee therefore included traffic monitoring in the s.106 agreement, with financial penalties to be spent on further mitigation or travel planning should the modelling predictions be exceeded. The Committee will wish to be reassured that what is now proposed will not make matters worse. Recommendation 2 is therefore intended to secure a similar monitoring regime on the school, likewise with financial penalties.
- 6.17 Two further matters require clarification. Firstly, it is understood that the County Council must open the school in September 2017 in order to meet the pupil demand from BSN. The application is not clear whether it would open with one or more FE and it shows access being taken only from Hadham Road and not from the proposed A120 roundabout. It is not clear when the A120 access will be open. The modelling carried out to date does not include a scenario in which three FE are open and are using only the Hadham Road access, and the County Council should provide reassurance that there will be no adverse effect on Hadham Road.

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- 6.18 Secondly, the application requires the A120 roundabout to be in place to provide emergency access to the playing fields, and if the school is to open without it an alternative emergency access will have to be identified. Again, Officers will report further on all the matters in paras. 6.15-6.17. Recommendation 3 has been included because the best scenario is one in which the new roundabout on the A120 is in place for the opening of the school.
- 6.19 The transport assessment includes a travel plan framework which will be expanded when the detailed plans of the school are known and again when school management has been appointed (recommendation 1).
- 6.20 *Design, landscaping and environment.* The Design and Access Statement includes the “aspiration” to ...*create a distinctive, high-quality school development that would fit well into its setting on the edge of Bishop’s Stortford - in terms of scale, form, massing and landscape - and provide an attractive, comfortable and safe environment for all its users.*
- 6.21 The Statement is thoughtful about using the topography of the site to best advantage and is sensitive to views of the buildings, proposing the use of green roofs to help assimilate the buildings into this edge of countryside location, together with a comprehensive landscape strategy. As regards the environmental credentials of the buildings, the applicants have undertaken a BREEAM pre-assessment and obtained a score of 73% which would be an “excellent” rating if followed through (“performance in advance of industry best practice”). It addresses a number of the requirements of policies ENV1 and SD1.
- 6.22 The Environmental Statement submitted with the application also addresses issues such as renewable energy and proposes to test the feasibility of using biomass and solar on site, flood risk mitigation and waste.
- 6.23 However, the current application is in outline and there is no certainty as to how well the development will meet the aspiration and policy requirements as set out in paras. 4.4-4.9. regarding design matters. Recommendations 4-7 are therefore intended to emphasise the importance of good and sustainable design in this edge of countryside location.

7.0 Conclusion

- 7.1 The proposal to build a secondary school on land at Bishop’s Stortford

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North is welcomed in principle in meeting the additional demand for school places that will arise in the immediate locality. If the school's admissions policy favours local feeder schools, which is likely, the location will be highly sustainable in travel terms.

- 7.2 The proposal to site the school playing fields on agricultural land to the north of the A120 requires careful consideration of green belt policy, but it is considered that very special circumstances do exist to outweigh the limited harm that would be caused to green belt policy objectives.
- 7.3 As the details of the school are worked up, further analysis will be undertaken of the traffic implications and suitable mitigation in the form of travel planning will be undertaken. This Council will have further opportunity to consider transportation matters and the design when an application for the approval of the details is made.