

4e 3/10/1009/OP - Proposed residential development (up to 165 dwellings) and alterations to existing Patmore Close access plus related internal access road, landscaping and open space areas at Land to the south of Hadham Road, Bishop's Stortford for Hertfordshire County Council

Date of Receipt: 14.06.2010

Type: Outline - Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SILVERLEYS

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:-

1. The proposed residential development of this site would result in the loss of a site which could contribute towards the provision of the specified need for additional education capacity within the town of Bishop's Stortford without that need being met in another way. The proposed development is therefore contrary to Policy BIS7 of the East Herts Local Plan Second Review April 2007.

_____ (100910OP.EA)

1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located on the north-western side of Bishop's Stortford, to the south of Hadham Road. The site is some 4.75 hectares in size and comprises an agricultural field and area of grass verge within the ownership of Hertfordshire County Council, and highways land in Hadham Road and Patmore Close.
- 1.2 The application site comprises a large open L-shaped agricultural field which is currently in arable use together with an area of adjacent verge on the western side of Patmore Close. This field has an approximate area of 4.39 hectares. The field has a frontage to Hadham Road to the north which is defined by a belt of mature pine trees and other trees and shrubs, and an open frontage, defined by a post and wire fence, to Patmore Close. Mature hedges and trees adjoin all the remaining boundaries of the field. This part of the site is bounded to the east and west by the Fire Station and the residential properties in Patmore Close, Dane Park, Maple Springs, Grove Park and Hadham Road. The site slopes down gently from the north to the south-east.
- 1.3 This application seeks permission for the residential development of the site for up to 165 dwellings, comprising a mix of 2, 3 and 4 bedroom family

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dwelling (a mix of detached, semi-detached and terraced dwellings) and 1/2 bedroom flats and apartments. The site is proposed to be accessed from Hadham Road via Patmore Close. No alterations to the existing junction of Patmore Close with Hadham Road are proposed, although it is proposed to construct a new footway on the western side of Patmore Close.

- 1.4 The application is an outline application with all matters reserved apart from access. The application was accompanied by indicative layout plans, however the detailed layout, scale and appearance of the proposed development is not to be considered in the determination of this application. The applicant has however indicated that the development would be predominantly 2-storey buildings with a number of 2.5 storey and 3 storey buildings. The maximum height of the dwellings on the site has been indicated as being with an 8 metres eaves and a 12 metre ridge height.
- 1.5 The application was submitted with the following supporting documents:
 - Environmental Statement;
 - Transport Assessment;
 - Open Space, Sport and Recreation Assessment;
 - Planning, Design and Access Statement with contains an Affordable Housing Statement.
- 1.6 The Environmental Statement reports the findings of an Environmental Impact Assessment (EIA) carried out by the applicants into the environmental effects of the proposed development. The EIA process is aimed at ensuring that the likely significant environmental effects of a development (beneficial and adverse) are properly taken into consideration in the determination of a planning application.
- 1.7 In this case, the Environmental Statement reports on the following topic areas:
 - Landscape and visual impact;
 - Ecology;
 - Trees;
 - Geology, mineral and ground conditions;
 - Water;
 - Agriculture;
 - Socio-economic;
 - Cultural heritage and archaeology;
 - Transportation;
 - Rights of way;
 - Noise and vibration;

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- Air quality;
- Infrastructure services;
- Use of natural resources and waste.

1.8 In respect of those topic areas, the Environmental Statement concludes as follows:

Landscape and visual impact

1.9 The assessment found that although the site would undergo significant change as a result of the proposed development, the degree of change brought about to the surrounding landscape and townscape would be no more than low. The assessment also considered that the visual effects on adjoining properties are generally considered to be slight or slight to moderate adverse, although the effects on a number of properties, which have more open views from first floor windows, are described as moderate adverse i.e. 171 Hadham Road and the southern row of houses in Patmore Close.

Ecology and Nature Conservation

1.10 The habitats survey found 11 habitat types with the application site, with three of the habitats – farmland, neutral grassland and woodlands – being the subject of action plans for their conservation within the Hertfordshire Biodiversity Action Plan and as such, they are a valued ecological resource.

1.11 The surveys found no important farmland birds, no reptiles, one species of bat (the common pipistrelle), and an outlier badger sett, just outside the application site boundary, although a number of common garden and woodland birds were recorded within the site and it was noted that there are a number of bird nesting habitats. The assessment found that the proposal would result in the removal of nesting bird habitat; that it could potentially disturb pipistrelle bats, although their habitat wasn't being affected, and badgers could be affected.

Trees

1.12 The most prominent tree features on the site are the woodland, and the trees and vegetation on the western, northern and eastern boundaries, particularly the line of Corsican Pine trees on the frontage of the site, which contribute to the streetscene. The Arboricultural Survey found that none of the trees are of high quality and value. The Arboricultural Impact Assessment made the general comment that the proposals respect the existing tree stock and enable the principal arboricultural features and

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boundary tree belts to be maintained.

Geology, minerals and ground conditions

- 1.13 The site does not contain any minerals of economic interest in adequate volume and quality which would make commercial extraction viable. Investigations identified the principal known geotechnical hazards as shrinkable clay soils, clay soils desiccation (drying out) and the presence of shallow groundwater. A Contamination Assessment was undertaken as part of the site investigations and identified elevated levels of a number of contaminants but considered that they would not have significant human health implications for future occupants on the site.

Water

- 1.14 There are a number of former field drainage ditches on the site adjacent to existing hedgerows and woodland. The nearest significant water course is the River Stort which is approximately 1.5 km to the east. The site is not located in an area identified by the Environment Agency as liable to river or coastal flooding and so is therefore in a low risk flood zone and residential use is appropriate. Subject to appropriate mitigation the proposals should not have any implications for groundwater vulnerability, source protection or water abstraction. The site has been investigated for contamination and a number of tests undertaken which indicate that the risk of leaching contaminants into the subsurface soil is low and is unlikely to affect water quality.

Agriculture

- 1.15 The proposal would result in the loss of approximately 4.52 ha of farmland although it is not identified as agricultural land on maps produced by the former Ministry of Agriculture Food and Fisheries. The northern field is a relatively small, isolated area of farmland within the built up area of the town and which represents approximately 2.8% of the farmholding. Its loss will have minimal effect on the operation of the farmholding.

Socio-economic impacts

- 1.16 A development of approximately 150 dwellings could accommodate some 617 people which would increase the population of Bishop's Stortford by 1.8%, although a large number of residents are likely to already be living in the town. The proposal would increase the range and choice of properties available for residents in the surrounding area as well as providing approximately 100 affordable housing units.

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- 1.17 The proposal could lead to an increase in the local workforce of around 300 to 400 workers, although some residents will already be in local employment. The proposal would result in temporary employment opportunities during the construction period.
- 1.18 The proposals would be unlikely to have any material impact on further education establishments. The proposals are part of a package that is aimed at improving and expanding secondary school provision in Bishop's Stortford and which takes account of secondary pupils likely to live on the development. The development of the site will help to fund new schools at Whittington Way and so will help to improve secondary school provision in the town. The site is within a 5 to 10 minute walk of two primary schools.
- 1.19 The site is located very close to Bishops Park Health Centre. The Bishop's Park Neighbourhood Centre is located adjacent to the site and could provide for most of the day-to-day shopping needs of residents. Further shopping and other facilities are located in the town centre, which is approximately 1.25km from the site.
- 1.20 The proposal would generate a need for additional indoor and outdoor sport and recreational facilities in the Bishop's Stortford area, which will be mitigated by bringing into community use the facilities at the proposed Herts and Essex and Bishop's Stortford High Schools at Whittington Way. The proposal may result in a slight increase in the use of existing social and community services and facilities in Bishop's Stortford.

Cultural heritage and archaeology

- 1.21 There are no conservation areas, listed buildings, historic parks and gardens or historic battlefield sites in the vicinity of the site. There are no Scheduled Ancient Monuments in the vicinity of the site or Hertfordshire Historic Environmental Record sites within the application site. A number of archaeological investigations have been undertaken and these have found that the northern field contains remains which indicate a possible Bronze Age and Roman settlement and Bronze Age, Iron Age and Roman field systems. The remains are considered to be of low sensitivity. Due to the shallow depth of the remains the development will be likely to result in the total removal of these remains.

Transportation

- 1.22 The Transportation Assessment assessed the impact of the proposed development on the highway network and a number of measures are proposed, with the objective of minimising congestion due to vehicle trips, by encouraging methods of transport other than the private car.

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- 1.23 One public footpath adjoins the southern boundary of the site, and there are a number of informal paths running through the woodland on the southern part of the site. The proposal would not have a direct impact on the existing public footpath, however it would have an indirect impact on the footpath changing views from the path and the changing the character of the path from one which is semi-rural to one which is more of a suburban character. The proposal incorporates new footpath connections to the footpath which would provide pedestrian access to the Bishop's Park Neighbourhood Centre and to Hillmead Primary School. The proposal also includes a new footpath/cycle connection to Hadham Road.

Noise and Vibration

- 1.24 The assessments found that noise levels on the majority of the site are suitable for residential use. Construction activities may give rise to noise disturbance for a temporary period. The development could increase levels of road traffic noise on surrounding roads but this change would not be perceptible and would not cause disturbance. Vibration is unlikely to be an issue that would affect the proposed development.

Air Quality

- 1.25 Dust could possibly be generated on occasions during construction which could lead to some dust nuisance to residential properties. A number of measures are proposed to mitigate this possible impact. Exhaust emissions could also have an impact and a number of measures are recommended to minimise this impact. The assessment found that the airport is too far from the site for aircraft to be considered a significant source of air pollutants. The assessment also found that changes to traffic flows on the local network and the associated exhaust emissions could give rise to an impact on local air quality, although the predicted changes would be slight or negligible. The assessment finds that air quality would not have an effect on the development.

Infrastructure Services

- 1.26 There are existing gas, electricity, water, foul sewer, telecommunication, cable TV and surface water sewers in the vicinity of the site which could serve development. The development will be likely to require a new sub-station.

Use of natural resources and waste

- 1.27 The development will inevitably require the use of natural resources, however it will be typical of its type and will not be likely to require abnormal amounts of materials or unusual types of materials. It is unlikely that the development will generate significant surplus material.

2.0 Site History

- 2.1 The application site was first identified as part of the Reserve Secondary School Site on the Proposals Map in the 1993 Local Plan, which reflected the intention at the time of Hertfordshire County Council, who wished to provide a school on the site. This allocation was carried forward in the 1999 adopted Local Plan Alterations.

- 2.2 During the Review of the Local Plan the Hadham Road site was reallocated as a reserve housing site, as the County Council regarded the site as being too small to be able to site a new school. Therefore, as the site was unlikely to be utilised for its allocated use, the District Council decided to redesignate the site for residential uses. However, the policy stated that the site should only be released for development if sufficient additional secondary school capacity is provided elsewhere in the town. During the Local Plan Inquiry, the Inspector considered objections to the allocation of this site for residential uses. However the Inspector concluded that the relevant policy, Policy BIS7, provided sufficient link between housing delivery and schools provision to ensure that the site is not lost to residential development until such time as the educational needs of the town are properly resolved.

- 2.3 Two planning applications were submitted in 2008 (refs. 3/08/1115/OP and 3/08/1116/OP) for the residential development of the site for 250 and 165 dwellings respectively. The application site concerned with application ref. 3/08/1115/OP (250 dwellings) formed a larger site than application ref. 3/08/1116/OP. Both applications were recommended for refusal for the following reasons:

- The proposed residential development of this site would result in the loss of a site which could contribute towards the provision of the specified need for additional education capacity within the town of Bishop's Stortford without that need being met in another way. The proposed development is therefore contrary to Policy BIS7 of the East Herts Local Plan Second Review April 2007;

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- The proposal does not make adequate provision for appropriately located outdoor sport and recreation facilities for the new residential development and is thereby contrary to policies LRC3 and IMP1 of the East Herts Local Plan Second Review April 2007;
- The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development, contrary to the provisions of policy IMP1 of the East Herts Local Plan Second Review April 2007.

2.4 Both applications were however withdrawn prior to the applications being determined.

3.0 Consultation Responses

3.1 The Hertfordshire Constabulary County Architectural Liaison Officer (commenting on the design of the development and its impact on crime) has commented that they note the commitment to build 40% affordable homes and that the Housing Corporation require all new homes which receive Social Housing Grant to reflect the advice obtained from the local police Architectural Liaison Officer prior to the detailed planning stage and obtain Secured by Design certification wherever possible. They therefore request that the developer contacts them prior to the detailed plans being drawn up for the development to ensure that all reasonable steps have been taken to ensure that crime and the fear of crime will be designed out and that all obligations under Section 17 of the Crime and Disorder Act have been complied with.

3.2 Planning Obligations, Hertfordshire County Council have commented that as the application is for 165 residential dwellings it falls above the current threshold where financial contributions are sought to minimise the impact of development on Hertfordshire County Council Services for the local community. The County Council have therefore confirmed that they would be seeking the following:

Financial Contributions

- Secondary Education - towards the eventual expansion of the relocated schools, by two forms of entry;
- Nursery Education – there is a significant need in the town for nursery provision and day care and monies would be used to expand existing provision;
- Youth Services – the youth service would like to expand and improve the Northgate centre to include facilities for advice and information;

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- Childcare Services – S106 monies would be used to fund children centres in the area;
- Library Services – Monies would be spent on improving the existing library facility, particularly the IT suite.

3.3 As the application is for outline permission a single figure for each service cannot be provided, instead Table 2 of the 'Planning Obligations Guidance – Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008' which sets out the values of each of the above financial contributions, by dwelling size and tenure, should be referred to and can be included within a S106. All contributions will be based on PUBSEC index 175 and will be subject to indexation.

Other Provision

- Fire Hydrant Provision.

3.4 Sport England have commented as a non-statutory consultee. Firstly they comment that the proposed residential development would incorporate a new access to the adjoining playing field that is used by Bishop's Stortford Rugby Club, and as access to the playing field for the rugby club and other potential playing field users would be maintained, no objection is made to the planning application in relation to the impact on access to the playing field. They go on to comment that the proposed residential development will generate its own needs for community sports facilities, which if not met by the development will place additional pressures on existing facilities in the local area, and as there are already established deficiencies in sports facility provision in Bishop's Stortford such deficiencies would be aggravated unless the development makes appropriate provision for the additional demand that it creates.

3.5 In relation to indoor sports facilities, the applicant proposes that the additional indoor sports facility needs of the residential development would be met by making the new indoor sports facilities proposed on the relocated schools site at Whittington Way available for community use. Sport England consider this approach to be acceptable in principle, but do comment that this approach would only be acceptable if the Whittington Way application was approved and if fit for purpose indoor sports facilities were implemented in practice and appropriate management and community use arrangements were in place to facilitate long term community use.

3.6 In relation to outdoor sports facilities Sport England comment that it is proposed that the additional outdoor sports facility needs of the development would be met through a combination of a financial

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contributions being made towards outdoor sports facilities in accordance with the Planning Obligations SPD and through secured community use of the proposed outdoor sports facilities at the Whittington Way schools site and the use of the existing facilities at the Jobbers Wood site if the restrictive condition on the use of the site is lifted. They go on to comment that whilst making the new schools outdoor sports facilities at Whittington Way and the existing facilities at Jobbers Wood available for community use is welcomed, this should not be considered as a complete substitute to a full financial contribution being made towards the provision or enhancement of dedicated community outdoor sports facilities.

- 3.7 County Development Unit, Hertfordshire County Council raises no objections to the application insofar as in connection with minerals or waste matters.
- 3.8 The Environment Agency have no objection in principle to the proposed development provided that conditions are attached to any grant of permission relating to the submission of a surface water drainage scheme and a scheme for the treatment and management of the drainage ditch and associated buffer zone.
- 3.9 The Historic Environment Unit, Hertfordshire County Council have commented that archaeological field evaluations have identified that the site contains extensive and well-preserved heritage assets of archaeological interest of Late Bronze Age, Late Iron Age and Romano-British date. They comment however that the full extent and complexity of the archaeological remains present within the development area have not yet been established, and it is possible that further investigation will reveal additional remains of comparable and perhaps greater significance. They also comment that the possibility cannot be excluded at this stage that such investigations might reveal archaeological remains worthy of conservation. It is therefore suggested that an appropriately worded condition is attached to any grant of permission which requires the implementation of a programme of archaeological work to be submitted and approved prior to the commencement of development.
- 3.10 Natural England welcomes the submission of the ecological survey and comments that the presence of a protected species is a material consideration when a planning authority is considering a development proposal. They go on to comment that they are aware that this application is one of five linked applications which would result in the construction of up to 690 residential properties plus a new school and other associated works. As such they state that if outline planning permission is granted they would require the applicant to produce a Masterplan covering the entire development area, which should include details of the proposed layout of

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open spaces and sustainable drainage systems, and should also show how these areas will relate to areas outside the site boundary in order to form part of a coherent wider network of multi-functional Green Infrastructure.

- 3.11 Hertfordshire Biological Records Centre have commented that they welcome the newly reduced footprint of the development as this will no longer destroy the western semi-improved neutral/calcareous grassland field or impact on the semi-natural broadleaved woodland to the south. They recommend that a management plan for both Skelleys Wood and the playing field is produced outlining prescriptions and proposals for the ecological enhancement and on-going management for both these areas. They also comment that since all ecological and protected species surveys submitted with the application were undertaken in 2007, any future applications for full permission will need to be accompanied by updated survey information, and that the Ecological Impact Assessment chapter of the Environmental Statement should be updated. Finally they go on to comment that they would welcome the creation of any new wildlife habitats within the proposed development site.
- 3.12 Thames Water have no objection to the planning application with regard to sewerage infrastructure. In respect of surface water drainage they comment that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer, and that the drainage strategy for the site should be agreed with Thames Water Developer Services and that foul drainage should be through multiple connections to the existing sewerage system.
- 3.13 Go-East are unable to comment on the application as they may come before the Secretary of State for their consideration as a Departure.
- 3.14 County Highways have commented that they do not wish to restrict the grant of planning permission subject to conditions; the completion of a S106 agreement for financial contributions of £625 per one bed unit, £750 per two bed unit, £1125 per three bed unit and £1500 per four bed unit and the production of a residential travel plan. Highways have commented that the Hadham Road/Patmore Close junction is not heavily used and the junction analysis indicates that it will operate within capacity without the need for any modifications.

General off site highway impact

- 3.15 Highways have commented that the modelling undertaken for the traffic for this proposed development along with the re-distribution/increase of traffic to/from the relocated schools and further housing developments associated with the existing school grounds have indicated that the Hadham

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Road/A120 bypass junction will operate with a slight increase in delay during the am pm peak periods, although it should still be within capacity. The development would also generate traffic further afield, however Highways are satisfied that this traffic should not have a significant impact on the operation of any additional junctions, although there will be an increase in queues and delays and therefore it is considered to be essential that financial contributions towards sustainable transport measure and the Bishop's Stortford Transport Plan are gained to mitigate the off-site impact of the development.

Accessibility

- 3.16 Highways have commented that there are two bus stops on Hadham Road which are within 400 metres of the site. There is a further bus stop at the Tesco site in Lancaster Way but this is some 800 metres from the site. Due to the location of the site on the western edge of Bishop's Stortford, access to local facilities are limited. The Tesco store at Bishop's Park is well outside the 400 metres which would be considered to be a reasonable walking distance, with many of the local amenities being located within the town centre which is some 1.3 miles away. The applicant proposes several measures to encourage the use of more sustainable forms of transport. The success of such initiatives would be dependent on there being good bus, pedestrian and cycle routes in the vicinity of the site for people to use. Highways have therefore commented that it is essential that sustainable transport contributions are made for improvements to such initiatives.
- 3.17 Environmental Health have commented and requested a number of conditions to be included in any grant of permission.
- 3.18 The Council's Landscape Officer has commented that the site is classed as low in sensitivity in landscape terms to this type of change of use, and would be suitable in principle for a suitably designed housing development. They commented further that there are no obvious concerns with the access in landscape terms.
- 3.19 Uttlesford District Council have commented that they have no comments to make on the application.
- 3.20 The Council's Housing Development Manager has commented that it is expected that 40% affordable housing will be provided and 15% lifetime homes on the site. The affordable housing should represent 66 units divided equally between 1 bed 2 person units (45 to 50 sq metres), 2 bed 4 person houses units (67 to 75 sq metres) and 3 bed 5 person units (82 to 85 sq metres). They also comment that the accommodation should meet the Homes and Communities Agency (or future equivalent) Design and

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Quality Standards (or future equivalent) and should be provided as 75% rented and 25% intermediate housing.

3.21 The Council's Engineer's Team have commented that the site is entirely situated within zone 1 flood risk area and is therefore away from fluvial flood risk zones (zones 2 and 3). The site has no records of historical flooding and the site is mostly unaffected by overland flows. They also comment that the site has potential for above ground SUDs drainage and it is recommended that the developers contact the Council to discuss how the surface water drainage solutions can be facilitated particularly with regard to E HDCs ability to adopt SUDs as constructed by developers.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council object to the application for the following reasons:

- It is an excessive application on a site which was never intended for this sort of development;
- The resulting increased traffic was unacceptable and hazardous;
- The resulting development appears to incur a severe risk of flooding in Marsh Barns;
- The development has a density which would be out of keeping with the surrounding area;

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and notification of local residents who had submitted a representation on the 2008 application.

5.2 A summary of the third party responses in relation to the package of proposals and this application are attached as appendix A to report ref. 3/10/1012/OP. Members are reminded that these representations are to be taken into account when dealing with all of these proposals.

6.0 Policy

6.1 The relevant saved Local Plan policies in this application include the following:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing

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HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR3	Transport Assessments
TR7	Car Parking Standards
TR8	Car Parking – Accessibility Contributions
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Developments
ENV11	Protection of Existing Hedgerows and Trees
ENV21	Surface Water Drainage
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
BIS2	Housing Allocations – Bishop’s Stortford
BIS7	Reserve Secondary School Site, Hadham Road
IMP1	Planning Conditions and Obligations

6.2 The following planning policy guidance notes and statements are most relevant:

PPS1	Delivering Sustainable Development
PPS 5	Planning for the Historic Environment
PPG13	Transport
PPG17	Open Space, Sport and Recreation
PPG24	Planning and Noise

7.0 Considerations

7.1 As Members will be aware this application forms part of a package of applications which were submitted to the Council, relating to the relocation and expansion of the Herts and Essex School and the Bishop’s Stortford High School on land to the south of Whittington Way (ref. 3/10/1012/OP), the redevelopment of the existing school sites (refs. 3/10/1013/OP, 3/10/1014/OP and 3/10/1015/OP), and the variation of a condition at the Jobbers Wood site to allow additional use of the sporting facilities at the site (ref. 3/10/1044/FO).

Principle of development and Policy BIS7

7.2 The application site is located within the built-up part of Bishop’s Stortford wherein there is no objection in principle to development. The site is allocated within the adopted Local Plan as part of a housing allocation site, with Policy BIS7 being the relevant site-specific policy. This policy states

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that the site is reserved for residential development as a Phase II site (sites available for development after 2006 and only if monitoring shows that they are required to satisfy the dwelling requirements of the Structure Plan, as allocated to each settlement by the Proportional Catchment Based Distribution methodology) will only be released for development if sufficient additional secondary school capacity is provided elsewhere in the town.

- 7.3 As outlined above, Policy BIS7 states that this site will only be released for development if sufficient school capacity is provided elsewhere in the town. As it is recommended that the application for the proposed relocated and expanded schools be refused, additional secondary school capacity fails to be provided elsewhere within the town. Therefore, until such time as a successful application is made to provide additional secondary school capacity within the town, the development of this site would be contrary to Policy BIS7.
- 7.4 A significant number of the third party representations received relating to the proposed developments have expressed the view that this site should be used to provide the additional secondary school capacity and not the site on Whittington Way. The Education Authority, Hertfordshire County Council, had previously expressed the view that the Hadham Road site due to its size would not be able to provide a viable secondary school to address the identified need and this resulted in the change in the designation of the site in the review of the Local Plan. Whilst I understand that this site does not appear to be the preferred option to provide for the required capacity, it would be inappropriate of the Council to allow alternative development on a site which could in itself address in some way the educational capacity issues that the town is facing, until such time that an alternative site has been granted permission or alternative options found. Clearly this application site only forms part of the whole allocated site, and part of the site that would be required if this site were to be used to provide for the additional educational capacity required. However, if residential development were to be permitted on this part of the site, it would prejudice the possible educational use of the whole of the allocated site, and having regard to this it is not considered to be appropriate to grant permission for alternative development on any part of this site.
- 7.5 If this application for residential development on the site is refused, this will obviously have an impact on the amount of land available for residential development within the town. The housing allocation site as identified in the Local Plan identifies that the whole of the allocated site could provide for an estimated number of 250 dwellings. This application site forms only part of this allocated site. Therefore, although not bringing this site forward for development within the foreseeable future will have an impact on the Council's housing land supply, it should be noted that there may be other

identified housing sites that may also not come forward for development due to differing reasons. Therefore in Officers opinion, although not developing this site for residential purposes at this time would result in a reduction in the amount of land available for residential development within the District, it is considered that the need for this site to remain undeveloped until such time that additional education capacity is provided elsewhere in the town, or indeed on this site, outweighs the impact that it has on the Housing Land Supply. This approach would also accord with the wording of BIS7.

Impact of the development on local infrastructure

- 7.6 The proposed new residential development on this site (and the other existing schools sites) would generate its own needs for community and sports facilities which if not met by the development, would place additional pressures on existing facilities in the local area.
- 7.7 In respect of *indoor* sports facilities, the applicants propose that the additional needs of the residential developments would be met by making the new indoor facilities at the Whittington Way site available for community use. Sport England consider this to be acceptable, as the new indoor facilities would provide for more facilities than the combined additional demand generated by the three sites proposed for residential development.
- 7.8 In respect of *outdoor* sports provision however, Sport England comment that the additional outdoor sports facility needs of the development should be met through a combination of financial contributions being made towards outdoor sports facilities in accordance with the Planning Obligations SPD and through secured community use of the proposed outdoor sports facilities at the Whittington Way schools site and the use of the existing facilities at the Jobbers Wood site if the restrictive condition on the use of the site is lifted. In justifying this, they comment that in terms of quantity the new outdoor sports facilities at Whittington Way are mainly proposed to replace existing facilities that would be lost by the residential development of the existing school sites. Furthermore, they comment that the dual use of outdoor facilities can be constrained by capacity issues such as surface quality, waterlogging etc. Their capacity for community use at the weekends is therefore generally less than a comparable playing field in purely community use.
- 7.9 Officers agree with the comments of Sport England in this respect and consider that the proposals at Whittington Way and Jobbers Wood would not provide adequate sport and recreation facilities for the new residential developments proposed on the existing schools and this site. However, in contrast to the 2008 application, the applicant has now agreed to pay the

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financial contribution as set out in the Planning Obligations SPD in relation to outdoor sports facilities, and therefore in accordance with the comments of Sport England would be adequate to provide for the additional outdoor sports facility needs of the development.

- 7.10 Members will note that the application relating to Jobbers Wood (3/10/1044/OP) is recommended for refusal. However, Sport England have confirmed that if Jobbers Wood was not made available for community use, provided the full financial contribution for outdoor sports facilities as set out in the SPD is provided, then they would not have an objection to this application. They consider that the community use of the Whittington Way and Jobbers Wood sites should be viewed as additional to the payment of the full financial contribution.
- 7.11 Officers have reviewed the information in the applicants Environmental Impact assessment (EIA) with regard to the impact of the proposed development. Having considered these, and the representations received following public consultation, Officers are satisfied that, with suitable planning conditions imposed and a s.106 agreement providing for essential mitigation measures, the proposed residential development of this site would not have any significant adverse impact on the surrounding area or the wider town as a whole.
- 7.12 In considering the 2008 application, it was concluded that there were two important omissions in the applicant's submissions regarding those essential mitigation measures - sport and recreation facilities provision and the scope of proposed financial contributions. As outlined earlier in this report, the Applicant has now agreed to make a full contribution towards outdoor sports facilities as required by the SPD thus overcoming the second reason for refusal of the 2008 application.
- 7.13 The proposed residential development of this site (and the other existing schools sites) would also impact upon other local services and infrastructure, and the lack of contributions towards these matters formed the third reason for refusal on the 2008 application. Officers consider that, in order to satisfactorily mitigate for the new residential development financial contributions would be needed towards open space provision and maintenance; parks and play provision and maintenance; community facilities; secondary and nursery education; childcare services; library services and sustainable transport schemes. These contributions are considered to be essential in mitigating the impact of the proposed relocation of the schools and the residential development of the existing school sites. County Highways, in particular, have stressed that contributions towards off site highway works are essential if the proposals are not to cause unacceptable impacts on the local road networks.

- 7.14 The Applicant has now indicated that they are willing to make the required contributions (as outlined above) in accordance with the Planning Obligations SPD and Officers therefore consider that the proposed package of s.106 contributions is now adequate to satisfactorily mitigate the impact of the proposed development on the services provided by both the County Council and the District Council, and as a result, therefore, complies with policy IMP1 of the Local Plan.

Layout of proposed development and relationship with adjoining development

- 7.15 Although this application is in outline only, and the details of the proposed layout of the site do not fall to be considered at this stage, Officers have of course given some consideration to its relationship with, and likely impact upon, adjoining development which largely consists of other residential properties. Taking into account the existing landscaped boundaries and the proposed siting of the dwellings, it is considered that in general the proposed layout would not result in any significant detriment to the amenities of adjoining residents, in terms of overlooking, loss of privacy or overbearing impacts.
- 7.16 It is considered however that there are some elements of the indicative layout which could be improved. These matters would be subject to further consideration at any detailed planning stage and negotiations would need to be entered into in order to achieve an improved and acceptable layout for the site.

Access/Highway Safety Issues

- 7.17 Details of the proposed access to the site are required to be considered within this outline application. As outlined earlier in this report, the proposed access to the site is via the existing access to Patmore Close from Hadham Road. Only minor alterations are proposed to the access, and County Highways have commented that they consider that the junction can operate within capacity. Having regard therefore to County Highways comments, officers are satisfied that the proposed access to the site is acceptable and would not result in any detriment to highway safety.

8.0 Conclusion

- 8.1 In conclusion, although the site is located within the built up area of Bishop's Stortford wherein there is no objection in principle to development, having regard to policy BIS7 of the Local Plan this site should not be developed until such time that additional secondary school capacity is

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provided within the town. As the application for the relocated school at Whittington Way is recommended for refusal, the development of this site for residential purposes would be contrary to policy BIS7, and the first reason for refusal on the 2008 application has therefore not been overcome.

- 8.2 Turning then to the requirements of the proposed residential development, Officers are satisfied that the application would now make adequate provision in respect of financial contributions to satisfactorily mitigate for the new residential development. It is therefore considered that two of the three reasons for refusal on the 2008 application have now been overcome and in this respect the application would now comply with policy IMP1 of the Local Plan.
- 8.3 Having regard therefore to the above considerations it is recommended that the application be refused as the development of the site would result in the loss of a site which could contribute towards the provision of the specified need for additional education capacity within the town, contrary to Policy BIS7 of the Local Plan.