

**4d 3/10/1014/OP – Demolition of existing buildings and the erection of up to 180 dwellings and associated infrastructure at Herts and Essex High School Beldams Lane Sport Pitches, Bishop’s Stortford, CM23 5LQ for Countryside Properties Ltd**

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**Date of Receipt:** 08.06.2010

**Type:** Outline - Major

**Parish:** BISHOP’S STORTFORD

**Ward:** BISHOP’S STORTFORD – All Saints

**RECOMMENDATION**

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

1. The proposed development would result in the loss of an outdoor sports and recreation facility without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.
2. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development, and it is unclear that adequate financial provision would be made for affordable housing and towards the provision of appropriately located outdoor sport and recreation facilities for the new residential development. It would thereby be contrary to the provisions of policies IMP1, LRC3 and HSG3 of the East Herts Local Plan Second Review April 2007.

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**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises the school playing fields for the Herts & Essex School, the main educational base of which is located some 500m away in Warwick Road, Bishop’s Stortford.
- 1.2 The site is generally rectangular in shape with its southern boundary abutting Beldams Lane from which it takes its main vehicular access. This boundary is delineated by chain link fencing and trees/hedging. A few metres within this boundary is a row of mature trees which are covered by a group Tree Preservation Order. The eastern boundary abuts four cul-de-sacs which terminate at the site’s boundary and these access onto Linkside further to the east. The western boundary of the site abuts the rear gardens of houses in The Hedgerows and Cavell Court.

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- 1.3 To the north of the site lies the Herts & Essex Community hospital and the residential development that replaced the larger former hospital.
- 1.4 The site itself comprises close mown open playing field with no formal public access although an informal pedestrian access appears to have been created in the north west corner which accesses onto the public footpath along the northern boundary of the site and the Herts and Essex Community Hospital site. There is a line of semi-mature trees running north to south through the site, just within the eastern boundary.
- 1.5 The playing fields provide for approximately 3.74 ha of sports pitches with a limited area for informal recreation space. No formal community use is currently made of these facilities, although it is apparent that informal public access is achievable and Members are advised that Hertfordshire County Council has received an application to register the site as a town or village green under the Commons Act 2006. Such an application can be made to register land which has been used by the public for informal sports and pastimes for at least 20 years.

#### Proposal

- 1.6 This application is for the residential redevelopment of the playing fields, a proposal that is intrinsically linked to five other outline applications within the town which seek to relocate two existing secondary schools (The Herts & Essex High School and the Bishop's Stortford High School) to a new site on land at Whittington Way, Bishop's Stortford.
- 1.7 The proposal the subject of this particular application is for outline planning permission with all matters reserved except for access. Although design and layout are not to be considered in this outline application, the indicative proposals seek to demonstrate that up to 180 dwellings can be achieved on the site which equates to a density of 42 dwellings per hectare. It is intended that there would be a mixture of house types ranging from apartments through starter homes to larger family housing. The proposals do also specify that no development will be higher than three storeys.
- 1.8 The submitted illustrative layout indicates that the line of trees close to the eastern boundary of the site would remain, as would all but one of the protected trees on the southern boundary of the site.
- 1.9 The main vehicular access to the site would be from Beldams Lane with a potential emergency vehicle access from Highfield Avenue and pedestrian/cycle only access from Greenway and Highfield Avenue. The indicative site layout includes several areas where bollards, or a similar arrangement, could be employed in order to prevent vehicles using the site

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as a through-route.

1.10 Due to the need to create an appropriate vehicular access into the site, the applicants state that the proposals would involve the loss of one of the trees on the southern boundary covered by the group TPO.

1.11 The application was submitted with the following supporting documents:-

- Supporting Planning Statement
- Statement of Public Consultation
- Design and Access Statement
- Environmental Statement
- Sustainability Statement
- Transport Assessment
- Open space Assessment

1.12 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.

1.13 In this case, the Environmental Statement reports on the following topic areas:

- Ecology and Nature Conservation
- Visual and Landscape impacts
- Archaeology
- Transport
- Noise and Vibration
- Air Quality
- Drainage and Flood Risk
- Open Space Sport and recreation (in a separate document)
- Socio-Economics
- Sustainability (in a separate document); and
- Cumulative impacts (of all the applications put forward)

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

Ecology and Nature Conservation

- 1.15 No protected species were found on the site. Habitat and species diversity were found to be poor although the hedgerows and the woodland strip on the eastern boundary may provide some interest for birds. After the proposed development and the implementation of mitigation and enhancement the report states that the application site will be an area of greater wildlife interest than at present for certain species which have adapted well to urban and sub-urban environments.

Visual and Landscape impacts

- 1.16 The landscape/townscape and visual amenity impacts of such a development are said to be those normally associated with urban infill development. Through careful design, the report indicates, the privacy of adjoining properties should not be compromised. With the exception of one tree on the Beldams Lane frontage, the most significant existing trees will be protected and visual amenity impacts “will not be significant in general planning and Environmental Impact terms”.

Archaeology

- 1.17 A geophysical survey was carried out on the application site which recorded several areas where archaeological remains may exist and a subsequent trial trench revealed some possible archaeological features at the site. However, the report indicates that there is little evidence for the presence of significant archaeological remains within the site.

Transport

- 1.18 The Transport Assessment considers the cumulative traffic impacts of the proposed relocation of the two existing schools and their development for residential purposes. The Assessment identifies a slight improvement in traffic conditions in the town centre during the AM Peak but a worsening in the PM Peak, due largely to the Dane Street – Hockerill Street junction. However, the report indicates that delays at this location are a result of the general increase in traffic from other new developments outside the scope of the EIA. The reduction of traffic on the Dunmow Road, due to the relocation of the school means, the report states, that the proposed development would not have a material implication on the operation of the Dunmow Road/Haymeads Lane junction. Notwithstanding this, the proposals are supported by a package of measures to encourage non-car trips, such as initial free travel for residents on the bus services along Beldams Lane; a cycle training/buddy scheme; a car sharing scheme; and a Residents Travel pack.

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### Noise and Vibration

- 1.19 The assessment carried out was to establish the suitability of the site for residential development. It did not identify any significant adverse noise issues from either road traffic or from current levels of aircraft noise.

### Air Quality

- 1.20 The assessment indicates that the projected changes in traffic flows on the local road network would have negligible or minor impacts on local air quality. Localised minor adverse impacts were predicted for residences in the vicinity of the Linkside Road – Beldams Lane access road junction. Minor beneficial impacts were predicted at other junctions, most notably at the Hockerill junction.

### Drainage and Flood Risk

- 1.21 The proposed development is located within Flood Zone 1 and will therefore be at low risk of flooding. No significant constraints were identified relating to existing water resources, drainage or sewerage networks, subject to adopting appropriate mitigation measures implemented through a management plan.

### Open Space, Sport and recreation

- 1.22 The Open Space assessment argues that the proposals represent an excellent opportunity to substantially improve the quantity and quality of sport and recreation facilities provided for educational purposes as well as enhancing the provision for the local community. The EIA report concludes that there will be a reduction of 0.41 in the overall area of land allocated to grass playing pitches (7.72ha currently reducing to 7.31ha). However this, it states, can be off set by the provision of the all weather artificial grass pitch and by the potential for community use of both Whittington Way and the Jobbers Wood site. There will also be some quantitative gains in other sports and recreation facilities such as netball courts (increasing from 4 to 6) and tennis courts (increasing from 5 to 18).
- 1.23 As regards the demand for increased sport and recreation facilities associated with the additional population resulting from the redevelopment of the existing sites, it states that the proposed increase in indoor facilities at Whittington Way would exceed the projections for Bishops Stortford as identified in Sport England's Sports facility Calculator. This, together with a Community Use Agreement in respect of Jobbers Wood (if the relevant planning restrictions could be lifted) and financial contributions is put forward as adequate mitigation for the new development.

**Socio-Economics**

- 1.24 The assessment states that the new development would allow access to and support local services, community facilities, social and cultural facilities in the town centre. It would also substantially improve community access to a range of new community and sports facilities.

**Sustainability**

- 1.25 The Statement indicates that the proposals were assessed for their sustainability credentials. It concludes that the development satisfies the significant majority of sustainability criteria including on site renewable energy; sustainable urban drainage and energy performance. Furthermore, the provision of new residential development within and close to existing urban areas is, in itself, sustainable.

**Cumulative impacts**

- 1.26 The assessment concludes that, if the appropriate mitigation measures are in place and necessary financial contributions are made, the cumulative impacts of the proposals involved in the schools relocation could be described as positive.

**2.0 Site History**

- 2.1 Members will recall that a similar package of applications to relocate the two schools to Whittington Way and for residential development on the existing two schools sites were submitted in June 2008. Officers recommended refusal of the application at this application site for refusal for the following reasons:-

1. *The proposed development would result in the loss of an outdoor sports and recreation facility without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.*
2. *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.*

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3. *The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development, and it is unclear that adequate provision would be made for affordable housing. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.*

2.2 However, members will be aware that the package of applications including the above was withdrawn prior to consideration by the committee.

### **3.0 Consultation Responses**

3.1 County Highways raise no objections to the proposal subject to conditions relating to the approval of details of all highways works; phasing of development; details of construction vehicle movements; internal housing layout; hard surfacing materials; wheel washing facilities; parking, storage and delivery of materials; visibility splays; the implementation of off-site highway works and traffic calming measures; and the submission of a Green Travel Plan.

3.2 They also recommend that any permission shall be subject to the applicants entering into a s.106 agreement covering the following matters:

- A financial contribution of £625 per one bed unit, £750 per two bed unit, £1125 per three bed unit, and £1500 per four (four+) bed unit, index linked by SPON (a standard construction cost and price index) from July 2006, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site.
- A Residential Travel Plan to include: travel information for residents; the provision of initial free travel for residents using local bus services; the provision of cycle training and a cycle buddy scheme; and a car sharing scheme
- In addition to the general travel plan monitoring time period which is to be agreed, for the first 5 years following occupation of the development monitoring of trip rates should be linked to further s106 payments if predicted trip rates are exceeded. Measures up to a maximum of £10,000 shall be payable each year of the 5 years if predicted trip rates are exceeded.

3.3 In reaching this recommendation, County Highways have commented as follows:-

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A new simple T-junction will be formed with Beldams Lane as indicated on drawing no. 'Highfield Ave & Beldams Lane Accesses', 25/02/2008 (rev A). The new junction arrangements are to be agreed at the detailed design stage and must comply with standards in HCC's 'Roads in Hertfordshire', including appropriate visibility splays. The existing access to the field from Beldams Lane should be closed and the dropped kerb returned to a standard level footway.

The new junction will require the relocation of traffic calming features along Beldams Lane and proposals must be agreed prior to commencement of the development.

The proposed development of up to 180 dwellings will generate around 113am and 123pm peak hour trips. The trip attraction for the proposals has been agreed with the County Council. This is a new junction with the public highway and the junction analysis indicates that it will operate within capacity.

#### **General offsite Highway Impact**

Traffic for this housing development along with the re-distribution/increase of traffic to/from the re-located schools and further housing developments associated with the school grounds has been considered in the TA.

The modelling indicates that the Beldams Lane/Hallingbury Road junction will operate with a slight increase in delay during the am and pm peak periods, although it should still be within capacity.

The Haymeads Lane/Dunmow Road and Hockerill Street/London Road junctions currently operate above capacity. As growth occurs over future years the level of traffic passing through these junctions will obviously increase. It is therefore essential that measures outlined in the Bishop's Stortford Transport Plan are implemented to enhance the performance of the highway network around the town and encourage a shift towards more sustainable modes of transport.

At the Haymeads Lane / Dunmow Road junction the modelling indicates that overall there will be an increase in delay during the am and pm peak periods without any intervention, although the relocation of the schools does relieve some traffic travelling eastbound/westbound along Dunmow Road.

As part of the travel plan measure monitoring should be set up to ensure predicted trip rates for the site are not exceeded. If trip rates are exceeded further contributions should be gained through an appropriate s106 agreement. The provision of a new bus service as part of the school proposals should also reduce vehicle trips around this area.



At the Hockerill Street / London Road junction the modelling indicates that overall there will be a decrease in delay during the am peak period and a mixture of increased / decreased delay during the pm peak period (varying for the different arms) without any intervention. The decrease in delay during the am peak is due to the relocation of the Herts and Essex High school reducing traffic around this area, however during the pm peak extra traffic is generated by the housing developments.

Considering the above, it is essential that financial contribution towards sustainable transport measures and the Bishop's Stortford Transport Plan are gained to mitigate the overall off-site impact of this development.

### **Accessibility**

There are various bus stops on Beldams Lane, which are within the 400m distance criteria, and are served by the No.5 bus route (Bishop's Stortford – Saffron Walden). None of these stops meet DDA requirements for accessibility. The site is 1.4 kilometres (0.9 miles) from Bishop's Stortford station.

Given that the development is on the edge of the town of Bishop's Stortford, access to local facilities is not ideal. The site is more remote than the site at Warwick Road and accordingly there is less convenient access to the main shopping areas and local amenities. Whilst the site has 2 bus stops close by, accessibility to services needs to be improved, services along Beldams Lane are poor with one bus per hour each way.

The applicant proposes several measures designed to encourage use of more sustainable forms of transport – travel information, initial free bus travel for one month, cycle training, and car sharing which is welcomed. 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.

Bus services are limited along Beldams Lane and are contracted by Essex County Council with no early morning provision and a basic hourly provision at other times. If free travel is to be of significant benefit to residents, consideration needs to be given to the level of service provision, and the applicant should discuss this further with HCC and ultimately Essex CC as present service provider.

To address the deficit in bus services a new service is proposed as part of the schools development which will run along Beldams Lane. As this provision will be provided as part of the obligations of that application, and the re-development of the school site cannot occur unless the school is relocated, measures in respect of additional service provision have not been requested specifically for this application.

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In order to encourage the use of alternatives to the car it is necessary to ensure that pedestrian and cycle links to the nearby town centre and rail station are of a high quality, it is therefore essential that sustainable transport contributions are made for improvements to these initiatives. Contributions should also be used towards upgrading bus stops along Beldams Lane to full DDA standards. It may also be appropriate to use part of any contribution towards publicity and marketing of bus services, not just within the development itself, as this would assist in trying to change people's perceptions of travel.

As part of the site layout, which will need to be agreed at the detailed design stage, the applicant is proposing pedestrian/cycle links and emergency access onto Highfield Avenue. Consideration should also be given to a pedestrian/cycle link to the north of the site to the existing Right of Way linking with Thorn Grove and Haymeads Lane.

Although the text of the TA states pedestrian/cycle access will only be to Highfield Avenue, drawing number 05.124/101 also indicates a link to Greenway. Clarification will be required at the detailed design stage if this is still proposed.

#### **Financial Contributions**

I consider that it is not unreasonable for the development to make a financial contribution towards the promotion of sustainable transport measures. In this respect and in compliance with guidance contained in the CIL Regulations, Circular 05/05, PPG 13, and East Herts Local Plan Policy IMP1, the highway authority is seeking financial contributions to promote sustainable transport measures/schemes or to implement schemes identified in the local transport plan.

Implementation of schemes developed through local transport plans will assist to mitigate the impact of development-related traffic on the local road network and work towards improving accessibility and alternatives to the car.

It should be noted that the cumulative impact of a large number of smaller developments can often be more significant than the impact of a small number of large developments, therefore for smaller developments contributions are sought on a unit rate basis and are pooled where appropriate. For residential developments the Highway Authority seek a standard charge contribution of £625 per one bed unit, £750 per two bed unit, £1125 per three bed unit, and £1500 per four (four+) bed unit.

Listed below are initiatives this contribution could be used for, however this list is not exhaustive as it is anticipated further initiatives will arise:

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- Accessibility improvements for passenger transport provision and publicity;
- Improvements to bus infrastructure;
- Other schemes to encourage passenger transport use, including better information, ticketing initiatives such as combined bus and rail tickets.
- Improvements to pedestrian facilities and cycle links in the vicinity of the site;
- Other transport schemes arising from the Bishop Stortford Transport Plan to improve safety and capacity.

3.4 Sport England makes no objection, as a statutory consultee, to the proposal subject to conditions. They indicate that they have considered the proposals (together with those relating to the Bishop's Stortford High School and Whittington Way) with regard to their policy "A Sporting Future for the playing fields of England" and they comment as follows:-

"Exception E4 [of the above policy] permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

At present, 7.71 hectares of grass playing field provision collectively exists on the school sites...It is proposed that a new playing field with 7.31 hectares dedicated to grass playing pitch provision would be provided on the Whittington Way site to serve both schools. In addition, a full size floodlit all weather pitch would be provided of 0.69ha in area...At present, neither school has an all weather pitch on any of their sites. Collectively, the new natural turf playing field and the all weather pitch would provide a playing field of 8.00 ha which would result in the replacement playing field being larger in area (by 0.29ha) than the existing playing fields that would be lost to the residential developments.

In relation to other outdoor sports facilities, the existing schools have a total of 0.35 hectares of hard surfaced multi-courts suitable for 4 netball or 5 tennis courts. In the new schools, a large floodlit multi-use games area (MUGA) would be provided of 0.44 hectares which would be suitable for six netball courts"

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In view of the above, Sport England are satisfied that the development proposed at the Whittington Way site would result in at least equivalent replacement playing field provision being made in quantitative terms for those lost at both the Herts & Essex and the Bishop's Stortford High School sites.

In respect of the quality of provision, Sport England consider that this would also be at least equivalent to the existing provision subject to an assessment of ground conditions at Whittington Way which, they consider, could be covered by a planning condition.

In respect of the location, Sport England note that the existing school playing fields are only used by the school and both schools would be relocated to the Whittington Way site, the site is considered to be a suitable location for the replacement playing field provision. From a community use perspective, whilst the site is not as central to Bishop's Stortford as the existing schools playing fields, it is on the edge of the urban area and would be accessible to potential community users by a range of travel modes.

Sport England raises no objections to the proposals on the grounds of the location or management arrangements. They would expect to see a s.106 agreement to ensure that no development can commence on the playing fields of the three existing school sites until the new playing fields at the Whittington Way site are completed and operational.

Sport England supports the approach to provide the additional outdoor sports facility needs of the residential developments through a combination of a financial contribution and the secured community use of the proposed outdoor sports facilities at Whittington Way schools site and the use of the existing facilities at the Jobbers Wood site.

Sport England recommends a number of conditions relating to the phasing of development; detailed design and layout of the new sports facilities; and an assessment of the ground conditions at Whittington Way. Without the suggested s.106 agreement and these conditions, they state that they would, as a statutory consultee, formally object to the current applications at the existing school sites.

In addition, as a non-statutory consultee, Sport England also request conditions relating to the Sports facilities management arrangements for the new schools; and a Community Use agreement.

- 3.5 The Environment Agency has no objection in principle to the proposal subject to a condition regarding the submission of a detailed surface water management scheme.

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- 3.6 The Council's Engineers section comment that the site has potential for above ground SUDs drainage and it is recommended that the developers contact the engineers to discuss how the surface water drainage can be facilitated.
- 3.7 The Campaign to Protect Rural England (CPRE) object to the linked Schools applications and in particular object to the application to build a combined new school at Whittington Way, which is inappropriate development in the Green Belt for which they consider that the necessary very special circumstances have not been demonstrated. They comment that the figures in the supporting documents indicate that the resulting increase in schools places will be only 45, which they consider is not sufficient justification for the removal of 20 hectares of land from the Green Belt. They consider that the accompanying documents indicate that there are other viable alternatives but that these have been rejected by the applicants on financial grounds and they consider that the funding of the development is not a material planning consideration.
- 3.8 They conclude that, in their opinion, it is clearly demonstrable that the current and future secondary education needs of Bishop's Stortford could be met quite satisfactorily by redeveloping the Bishop's Stortford High School site and building a new school on the Hadham Road site.
- 3.9 The County Planning Obligations Officer confirms that this application for 180 residential dwellings is above the threshold where financial contributions are sought to minimise the impact of development on Hertfordshire County Council Services for the local community. Accordingly, the County Council will require financial contributions in respect of the following matters:
- 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;
  - 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.

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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.

- 3.10 The County Development Unit raises no objections to the proposal but suggests that conditions are imposed regarding the sustainable management of waste generated from the development in accordance with the provisions of the adopted Waste Local Plan
- 3.11 Herts Biological Records Centre have raised no objections to the proposal subject to reptile surveys being carried out and that potential bird nest sites are protected from disturbance and harm during site clearance and construction.
- 3.12 The County Archaeologist has commented that archaeological remains may be present within the development area and recommends that a condition requiring further archaeological evaluation of the site to be carried out prior to the commencement of any works.
- 3.13 The Council's Environmental Health unit raises no objections but recommends a number of conditions relating to the construction process, and the need to carry out a further land contamination assessment.
- 3.14 The Housing Development Officer confirms that the provision of 40% affordable housing and 15% lifetime homes is required. This should represent 72 units divided equally between:-
- 1 bed 2 person (45 to 50 sqm) – 24 units
  - 2 bed 4 person houses (67 to 75 sqm) - 24 units
  - 3 bed 5 person houses (82 to 85 sqm) – 24 units

The accommodation should meet the Homes and Communities Agency Design and Quality Standards (or future equivalents) and should be provided as 75% rented and 25% intermediate housing.

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- 3.15 Go-East are unable to comment on the applications as they may come before the Secretary of State for his consideration as a departure.
- 3.16 The Council's Landscape Officer recommends refusal of the application. He raises concerns over whether the principle of the development is socially and environmentally responsible in terms of the negative impact upon green space infrastructure, and the loss of open space provision in this part of Bishops Stortford. Whilst the indicative layout incorporates the provision of a central amenity open space with proposed dwellings set in plots of fairly generous proportion to the size of dwelling as well as new tree planting, he feels that this does not outweigh the harm caused by the permanent loss of the existing open space which plays a vital role in promoting healthy living and is used by casual dog walkers etc. despite the lack of any obvious public access.

The Landscape officer also comments that, as well as offering the athletic facility of a grass running track, the site also allows for a pleasant green space within the existing housing and enhances the appearance of the residential area. This is an area of open space close to people's homes that can in theory at least, be enjoyed permanently by the local community. This is a breathing space – a place for relaxation, play and enjoyment of pleasant surroundings. It is a relatively large open space on the edge of a suburban setting.

- 3.17 As indicated earlier in this report, the County Rights of Way Service have advised that they have received an application to register the land as a town or village green. The validity of the application will be checked in a meeting to be held on 31<sup>st</sup> August 2010. Should the application meet the required criteria, it will be entered on the list of cases to be determined. At the current rate of progress, I am advised that work would not commence on the case until the end of this year.
- 3.18 The Ramblers Association are opposed to the plans submitted for the package of applications and state that now that plans for a new runway at Stansted Airport have been withdrawn there's not so much need for the new housing estates which are planned to be built on the schools' present sites.
- 3.19 Natural England has no objection to the proposed development in respect of legally protected species and has recommended that a master plan is produced to include details of the proposed layout of open spaces and sustainable drainage systems within the site.
- 3.20 Thames Water comment that they have been unable to determine the waste water infrastructure needs of this application and request conditions requiring further details of drainage works.

#### **4.0 Town Council Representations**

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

- i) There were no current buildings on this site which was widely used by the local community 24/7 as recreational land and which represented an essential 'lung' for the eastern side of Bishop's Stortford. As evidence of the importance this open space now accommodates the open space requirements displaced due to the Hospital site development and the residents had petitioned to have this area declared as a village/town green;
- ii) The resulting additional congestion on the already congested Beldams Lane/Haymeads Lane route would cause queues of unacceptable length in an area which was already very heavily congested and recognised as so by Herts Highways and others. The proposed development would force traffic onto congested and dangerous junctions.

#### **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 applications.

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' policies of the East Herts Local Plan Second Review (April 2007) are:

SD1	Making places more sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of sites not allocated in the Local Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic reduction in new developments
TR2	Access to new developments
TR3	Transport Assessments



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TR4	Travel Plans
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
ENV11	Protection of existing hedgerows and trees
ENV21	Surface Water drainage
LRC1	Sport and recreation facilities
LRC3	Recreational requirements in new residential developments
LRC11	Retention of community facilities
BIS2	Housing Allocations – Bishops Stortford
BIS7	Reserve Secondary School site, Hadham road
BIS15	Eastern Hertfordshire Area Plan: Bishop’s Stortford
IMP1	Planning conditions and Obligations

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG16	Archaeology and Planning
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), and the redevelopment of the existing school sites (refs. 3/10/1013/OP, 3/10/1014/OP and 3/10/1015/OP) together with an application at the Hadham road site (Ref: 3/10/1009/OP) and an application at Jobbers Wood (3/10/1044/OP).

7.2 The determining issues in respect of this application relate to a) the principle of residential development and the loss of sports and recreation facilities on the site b) the impact of the new residential development on local infrastructure, c) its relationship with adjoining development and d) access/highway safety issues.

a) Principle of residential development and loss of sports/recreation facilities

7.3 The application site is located within the built-up part of Bishop's Stortford wherein there is no objection in principle to residential development. However, the site is currently occupied by an existing sports facility related to the educational use of The Herts & Essex School.

7.4 As the proposal would result in the loss of these existing facilities it must be considered against policy LRC1 of the Local Plan. This policy states that proposals which will result in the loss of such facilities will be refused unless suitable alternative facilities are provided on site or in the locality which are at least equivalent in terms of quantity, quality and accessibility to the ones that would be lost.

7.5 As this application forms an intrinsic part of the wider Bishop's Stortford Schools relocation proposals, I consider it appropriate to consider the overall impact of all the proposals on the provision of suitable replacement sports/recreation facilities in the town.

7.6 In respect of replacement outdoor sports facilities, the submitted Open Space Assessment indicates that across the three existing sites (Bishop's Stortford High School; Herts & Essex High School) there is the following provision:-

Grass pitches	– 7.72ha
Hard play areas	– 0.36ha
Informal recreation areas	– 1.60ha

7.7 The replacement facilities to be provided at Whittington way would be:-

Grass pitches	– 7.31ha
Hard play areas	– 1.13ha
Informal recreation areas	– 5.8ha

7.8 Insofar as **quantity** of provision is concerned, the proposals would result in a reduction of grass playing fields from 7.72ha to 7.31ha (a reduction of 0.41ha). However, the amount for space allocated to hard play and informal recreation areas would substantially increase by 4.97ha. Total sports and recreation provision at Whittington Way would be 14.24ha, compared to the 9.68ha existing on the existing schools sites and Hadham Road together.

7.9 The applicants indicate that, in their view, the proposed relocated schools would provide outdoor sport and recreation facilities far in excess of those provided at the existing sites in terms of both quality and quantity.

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7.10 In addition to the outdoor facilities, they highlight that the new schools site would also provide the following indoor facilities:-

- An eight (badminton) court sports hall
- A 25m by 13m swimming pool
- Two squash courts
- Two dance studios
- Two multi-purpose activity halls,
- A large health and fitness gymnasium and
- Six changing rooms

7.11 It is proposed that all of these facilities will be available for community use outside of school hours

7.12 Officers are satisfied that the combined developments would result in at least equivalent replacement playing field provision being made, in quantitative terms, to replace that lost at the existing schools sites. The comments of Sport England also indicate that they are satisfied that the replacement shared facilities at Whittington Way would be acceptable in terms of quantity.

7.13 As regards the **quality** of the replacement provision, Sport England has commented that the existing school playing fields all have significant qualitative problems which restrict their use by the schools and prevent community use. Furthermore, no ancillary changing and parking facilities are provided to serve the Beldams Lane playing field and ancillary provision on the main Herts & Essex site is poor in terms of capacity for meeting needs. They comment that, in order to ensure that a playing field of at least equivalent quality can be provided at Whittington Way, a detailed site assessment would need to be undertaken to assess the suitability of ground conditions at the new schools site, and any necessary mitigation measures would need to be agreed and implemented. This, they consider, could be dealt with by way of a planning condition as there do not appear to be any major constraints that would prevent high quality playing pitches being provided in principle.

7.14 Sport England are also satisfied that the quality of other replacement sports facilities, such as the Multi-Use Games Areas; sports hall; swimming pool; dance studios; changing facilities; and car/cycling provision, would be at least equivalent to the current provision at the existing schools sites. Indeed they consider that the new facilities would be superior to the ones that they would replace.

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- 7.15 In terms of **accessibility** of the replacement proposals, Sport England comment that, as the existing school playing fields are only used by the schools, their relocation to Whittington way would be equally accessible.
- 7.16 In respect of the other sports facilities on the existing sites which have significant community use they consider that, while the new site is not as central to Bishop's Stortford as the existing schools sites, it is on the edge of the urban area and would be accessible to potential community users by a range of travel modes. The provision and management of the community use arrangement would of course need to be controlled via a s.106 agreement.
- 7.17 Officers therefore conclude that the replacement community and sports facilities proposed at the Whittington Way site would be acceptable in terms of quantity, quality and accessibility and would therefore adequately compensate for the facilities being lost as a result of the residential development of this site.
- 7.18 If the application for the new schools site at Whittington Way were granted permission therefore, Officers would not object to the residential development at the existing Beldams Lane site on the grounds of loss of community and sports facilities and the proposal would comply with policy LRC1 of the Local Plan.
- 7.19 However, as the application for replacement facilities for 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) is recommended for refusal, this application must also be recommended for refusal as the necessary suitable replacement sports/recreation provision cannot be shown to be provided elsewhere within the town and the proposal does not therefore currently accord with policy LRC1 of the Local Plan.

#### **b) The impact of the new residential development on local infrastructure**

- 7.20 In addition to the requirement to provide replacement sports facilities for those being lost on the site, 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.

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- 7.21 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.
- 7.22 In respect of *outdoor* sports provision and in terms of quantity, Sport England comment that the new outdoor sports facilities at Whittington Way are mainly proposed to replace existing facilities that would be lost by the residential development. Unlike the indoor sports facilities proposed there would not be a significant net increase in the quantity of provision. Furthermore, 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. Sport England supports the approach to provide the additional outdoor sports facility needs of the residential developments through a combination of a financial contribution and the secured community use of the proposed outdoor sports facilities at Whittington Way schools site and the use of the existing facilities at the Jobbers Wood site.
- 7.23 Officers agree with the comments made by Sport England that the combination of a financial contribution and the secured community use of the proposed outdoor sports facilities at Whittington Way schools site and the use of the existing facilities at the Jobbers Wood site would be sufficient to ensure that an adequate provision for outdoor sports and recreation is made for the proposed residential development. However, the applicant has failed to confirm that they would be willing to contribute towards the provision of outdoor sports facilities in accordance with the adopted SPD and in the absence of a suitable proposal in relation to this obligation, Officers consider that it is unclear whether adequate provision can be made and therefore cannot support the proposed developments on these grounds.
- 7.24 Furthermore, the application relating to Jobbers Wood (3/10/1044/FO) is recommended for refusal and this, together with the lack of certainty around contributions, leads officers to the conclusion that inadequate provision would be made for outdoor sport and recreation to meet the needs of the new development. The proposal is therefore contrary to policy LRC3 of the Local Plan and should not be supported.

Other infrastructure impacts and contributions

- 7.25 Officers have reviewed the information in the applicants Environmental Impact assessment (EIA) with regard to the proposal's impact on those matters listed in paragraph 1.13 of this report. 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 infrastructure of the surrounding area or the wider town as a whole.
- 7.26 There are, however, two important omissions in the applicants' submissions regarding those essential mitigation measures. These relate to sports and recreational provision (as outlined in the previous section) and the scope of proposed financial contributions which are discussed below.
- 7.27 In addition to sports and recreation facilities, the proposed residential development of this site (and the other existing schools sites) would impact upon other local services and infrastructure.
- 7.28 In respect of affordable housing provision, the applicants have acknowledged that the Council's policy is to seek up to 40% affordable housing. They have not proposed any level of provision themselves but comment that the precise level, tenure and mix are to be agreed and that the total number shall not be "more than 40% of the total number of dwellings". In the absence of any detailed submissions to the contrary, however, Officers consider that 40% provision would be appropriate in this case if the application were to be recommended for approval. Accordingly, as the applicants have not confirmed that they are willing to provide the required level of affordable housing, this is included as part of the second reason for refusal.
- 7.29 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; fire hydrants; and sustainable transport and the implementation of highway improvement works identified in the Bishop's Stortford Transport Plan.
- 7.30 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.

- 7.31 The applicants have indicated initially that they will provide contributions in respect of open space maintenance for those areas that are identified on the current drawings only; and that they will provide contributions in respect of secondary education, nursery schools, childcare “subject to HCC demonstrating need in accordance with Circular 05/2005” and will provide fire hydrants. In relation to the requested s.106 monies for the expansion of youth services at the Northgate Centre; the funding of Phase 3 children’s centres and the improvements to the IT suite at the existing library, the applicant argues that these facilities have no direct geographical or functional link with the application and therefore does not agree to these obligations.
- 7.32 The draft heads of terms that has been submitted by the applicant suggests that they are willing to enter into an agreement to provide the construction of a new T junction to Beldams Lane; relocation of traffic calming measures along Beldams lane; the construction of SCOOT traffic control system, the construction of pedestrian/cycle accesses and a financial contribution to mitigate against the offsite highways implications that the development would have. A residential travel plan is also proposed by the applicant. In addition, where trip rates exceed the predicted levels in the TA, the developer has agreed to pay the sum of up to £10,000 per year for a maximum period of 5 years in respect of additional measures.
- 7.33 The applicant has made no commitment to make financial contributions towards parks/gardens and community centres/halls which are both identified within the East Herts Planning Obligations SPD as local services towards which planning obligations are required for proposals for new residential developments.
- 7.34 The applicant has failed to commit to make financial contributions towards the local library, youth care, parks/public gardens and community centres/halls and it is unclear that adequate provision would be made for affordable housing and for the provision of appropriately located outdoor sport and recreation facilities. Officers therefore consider that the proposed package of s.106 contributions is inadequate at present to satisfactorily mitigate the impact of the proposed development on the services provided by both the County Council and the District Council. As a result, therefore, it is contrary to policies IMP1 and HSG3 of the Local Plan.

**c) Relationship with adjoining development**

- 7.35 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

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upon, adjoining development which largely consists of other residential properties.

- 7.36 It is considered that there are some elements of the indicative layout where the relationship between the new and existing developments would not be acceptable (for example in respect of the siting, height, scale and potential for overlooking of some buildings adjoining existing houses and the siting of new development in proximity to existing trees and landscaping). 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 acceptable layout for the site.

#### **d) Access/Highway safety issues**

- 7.37 Details of the proposed accesses to the site are required to be considered within this outline application. As mentioned in paragraph 1.9 of this report, the main vehicular access to this site would be from Beldams Lane with pedestrian/cycle only access from Highfield Avenue and Greenway.
- 7.38 County Highways have raised no objections to the proposed access arrangements subject to various conditions and Officers are satisfied that planning conditions could be imposed to satisfactorily ensure that the proposed accesses are provided without detriment to highway safety or amenity.
- 7.39 Concern has been expressed that the housing development would result in an increase in traffic, particularly in Haymeads Lane and at the 'Nags Head' (Dunmow Road) road junction. County Highways accept that there would be an increase in delay during the am and pm peak periods here (and at the Hockerill Street/London Road junction) although they consider that the relocation of the schools would relieve some traffic traveling eastbound/westbound along Dunmow Road. In view of these concerns, they consider it essential that measures outlined in the Bishop's Stortford Transport Plan are implemented to enhance the performance of the highway network around the town and to encourage a shift towards sustainable modes of transport. Financial contributions towards these measures are therefore considered to be essential.
- 7.40 Officers are also satisfied that the traffic generated by the new development would not have any significant adverse impact on the living conditions of nearby residents.
- 7.41 On balance therefore Officers conclude that the details submitted with regard to access are acceptable, subject to the imposition of suitable planning conditions.



**e) Other issues**

- 7.42 Whilst it is noted that the Landscape Officer objects to the proposal, he acknowledges that the site is suitable for residential development. His concerns relate to the loss of open space and sports provision and to the impact that the proposal would have on the appearance of the area. In respect of the outdoor sports facilities, I have already commented on this earlier in this report. Policy LRC1 requires those facilities lost to be provided elsewhere and in this case, Officers are satisfied that this could satisfactory be achieved at the Whittington Way site. The comments regarding the appearance of the area are noted. However, Officers consider that it would be possible to develop the site for residential development whilst still maintaining adequate soft landscaping to ensure that the character and appearance of the area was satisfactorily maintained. Such matters could be considered at any Reserved Matters stage or within any future application for full planning permission. It is not considered, however, that it would be appropriate to refuse outline permission on these grounds.
- 7.43 Officers also welcome the inclusion of on site renewable energy measures and sustainable drainage in accordance with policy SD1 of the Local Plan.
- 7.44 The Councils Environmental Heath Unit has confirmed that they have no objections to the proposal on air quality grounds and it is considered therefore that it complies with policy ENV27 of the Local Plan.

**8.0 Conclusion**

- 8.1 In conclusion, there is no objection in principle to the proposed residential development of this site provided that suitable replacement sports/recreation facilities can be provided elsewhere to replace those which would be lost.
- 8.2 If the Whittington Way proposals (Ref: 3/10/1012/OP) were to be granted, Officers consider that the new sports/recreation facilities proposed there would represent an acceptable replacement for those facilities that would be lost at this site.
- 8.3 However, as that application is recommended for refusal, the required replacement facilities cannot be provided and in these circumstances, this application must also be recommended for refusal as it would result in the loss of the existing facilities contrary to policy LRC1 of the Local Plan.

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- 8.4 The applicant has failed to commit to making financial contributions towards the local library; parks/gardens; youth care and community centres/halls and it is unclear that adequate provision would be made for affordable housing and for the provision of appropriately located outdoor sport and recreation facilities. Furthermore, the Jobbers Wood application is also recommended for refusal elsewhere on this agenda. Officers therefore consider that the proposed package of s.106 contributions is inadequate at present to satisfactorily mitigate the impact of the proposed development on the services provided by both the County Council and the District Council. As a result, therefore, it is contrary to policies IMP1 and HSG3 of the Local Plan and this comprises the second reason for refusal.