

4c 3/10/1015/OP – Retention and refurbishment of building fronting Warwick Road; demolition of other existing buildings and the erection of up to 125 residential properties and associated infrastructure at Herts and Essex High School, Warwick Road, Bishop’s Stortford Herts CM23 5NH for Countryside Properties Ltd

Date of Receipt: 07.06.2010

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 The Herts and Essex School, a community facility and its associated playing fields and other sports facilities, 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 policies LRC1 and LRC11 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.
3. The local planning authority considers that the application site constitutes a Heritage Asset as defined in PPS5. Insufficient information has been submitted in respect of the historic significance of the buildings on the site to enable the authority to adequately assess the impact of the proposed demolition on the significance of the Heritage Asset. In the absence of that information and appropriate investigation, the proposal is contrary to national guidance contained in PPS5: Planning for the Historic Environment.”

_____ (101510OP.AY)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is bounded by Warwick Road to the south (an unadopted highway), Dunmow Road to the

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north, Grange Road to the west and Urban Road to the east.

- 1.2 The site is roughly rectangular and is reasonably level. Its southern section currently accommodates the Herts and Essex High School buildings, along with associated car parking, courtyards and tennis courts. The caretaker's cottage is also located in the southern section. All of the buildings on the site amount to a footprint of some 6,200m² which is coverage of 25% of the site. The northern part of the site mainly comprises the School's playing field (0.65ha) and a "grasscrete" car park located at the far northern end of the site with access off Dunmow Road.
- 1.3 The main existing access point to the site is from Warwick Road to the south.
- 1.4 The site is almost entirely enclosed by existing residential development and its boundaries, in most cases, adjoin the back or side of those private gardens. The density of residential development in the surrounding area varies considerably. In the vicinity, development in Warwick Road is at a very low density of around 9 dwellings per hectare. The neighbouring roads of Pine Grove and Avenue Road are at approximately 5 dwellings per ha. Grange Road is approximately 18 dwellings per hectare, whilst Dunmow Road and the culs-de-sac that are accessed from it have a density of between 30 and 35 dwellings per hectare.
- 1.5 There are a number of mature trees on the boundaries of the site and there is also a row of fine specimen Limes and a Horse Chestnut marking the boundary between the north and south parts of the site. These are protected by a Tree Preservation Order. A row of Lombardy Poplars dominates the eastern boundary together with a hedge screen. The north and western boundaries are defined mainly by timber boarded fences with sporadic shrubs and small trees. The southern boundary is typified by specimen trees of a variety of species with an evergreen hedge boundary. A group of trees in the south eastern corner of the site are also protected.
- 1.6 The site is currently occupied by the main school complex of the The Herts and Essex High School – a 5 Form Entry (5FE) school with a large sixth form and a school roll of 1,017 pupils. It contains a number of old buildings, some dating back to the Victorian era including the main 1910 building fronting Warwick Road, as well as a variety of more modern buildings.
- 1.7 In addition to the school buildings there are 6501m² of playing fields on the site and various existing sports and recreation facilities such as a gymnasium; indoor swimming pool; dance studio; and informal recreation areas. Some community use is made of the school hall and the indoor pool is regularly hired out for approx. 16 hours per week. The gymnasium is used

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by a local Judo club for 2 hours a week.

Proposal

- 1.8 This application is for the residential redevelopment of the school, 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.
- 1.9 The proposal the subject of this particular application is for outline planning permission with all matters reserved except for access. It seeks consent for the retention and conversion of the 1910 section of the main school building fronting Warwick Road; the demolition of other existing buildings on the site and the creation of up to 125 residential dwellings (including those in the converted school building), open space and infrastructure.
- 1.10 Although design and layout are not to be considered in this outline application, the indicative proposals seek to demonstrate that up to 125 dwellings can be achieved on site which equates to a density of 44 dwellings per hectare. It is intended that there would be a mixture of house types ranging from apartments (including the conversion of the retained building) through starter homes to larger family housing. The proposals do also specify that no development will be higher than three storeys.
- 1.11 The submitted illustrative layout indicates that the protected trees on the site would remain and that areas of formal open space would be provided, principally within the centre of the site.
- 1.12 The main vehicular access to the site would remain from Warwick Road with limited secondary access from Dunmow Road (such that there could be no through route across the site) and pedestrian/cycle only access is proposed from Grange Road.
- 1.13 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

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1.14 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.

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

- Ecology and Nature Conservation
- Visual and Landscape impacts
- Archaeology/Historic Environment
- 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)

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

Ecology and Nature Conservation

1.17 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

1.18 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. The most significant existing trees will be protected and visual amenity impacts “will not be significant in general planning and Environmental Impact terms”.

Archaeology/Historic Environment

- 1.19 No archaeological remains have previously been recorded within the application site. There may be some potential for deposits to be found however, particularly in the northern part of the application site. In terms of buildings, the post war and later 20th Century buildings have limited architectural significance, but the 1930's buildings are more significant and they form a coherent group with each other and with the retained 1910 building.

Transport

- 1.20 The Transport Assessment considers the cumulative traffic impacts of the proposed relocation of the two exiting 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. It indicates however that most of the junctions would continue to operate below capacity and the traffic delay at the Warwick Road site is insignificant. 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 London Road; a cycle training/buddy scheme; a car sharing scheme; and a Residents Travel pack.

Noise and Vibration

- 1.21 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

- 1.22 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.

Drainage and Flood Risk

- 1.23 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 drainage or sewerage networks.

Open Space Sport and recreation

- 1.24 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).
- 1.25 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

- 1.26 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

- 1.27 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

- 1.28 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 site for the following reasons:-

1. *The proposed development would result in the loss of The Herts and Essex School, a community facility and its associated playing fields and other sports facilities, 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 policies LRC1 and LRC11 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.*
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 further details of the proposed access and other highways works; provision of visibility splays; phasing of development; hard surfacing materials; wheel washing facilities; parking, storage and delivery of materials; a restriction on the number of parking spaces served from the Dunmow Road access (to a maximum of 35 spaces); and the submission of a Green Travel Plan.

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3.2 They also recommend that any permission shall be subject to the applicants enter 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+ bed unit, index linked by SPON (a standard construction cost and price index) from July 2006 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

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

The application is similar to that made in 2008. The Transport Assessment outlines that since the application in 2008 there has been limited traffic growth and even reductions in traffic, DfT growth factors and HCC traffic counts sites have been checked to verify this statement. The Transport Assessment as presented in 2008 is therefore still robust with future growth and impact being over estimated.

The access from Dunmow Road is currently used as a car park for the school. Considering the hierarchy of Dunmow Road as a main distributor road it is essential that use of this access is not intensified. It is understood a maximum of 18 dwellings may be served by this access, however the size of dwellings is unknown. A condition should be imposed to limit the amount of development from this access based on required parking spaces in line with East Herts Standards, e.g. 18 two bed flats requiring 27 spaces may be acceptable however 18 four bed dwellings requiring 54 spaces would not. Following consultation with the traffic consultant a maximum of 35 spaces has been agreed.

The application plan for the site access at Dunmow Road indicates that the access will be moved to the east, however it would appear the corner radii encroaches onto 3rd party land (although by a small amount, 0.2m). Moving the access to the east also reduces the visibility available from the junction and a minimum of 43m as recommended in Manual for Streets for a 30mph speed limit may not be achievable.

Whilst the principle of access from Dunmow Rd is acceptable subject to the use by vehicles not increasing from what currently exists, the detailed design will need to take account of the points raised above, which will require the junction to be moved slightly to the west. This has been

discussed with the applicant's traffic consultant and it will be ensured that a minimum of 2.4m x 43m is achievable as part of the detailed design.

Overall the proposed development of up to 125 dwellings will generate around 90 am and 90 pm peak hour trips, this is a decrease of 367 am and increase of 79 pm peak hour trips. The junction analysis indicates that the site access with Dunmow Road and Warwick Road 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.

As part of the application, changes are proposed to the Crescent Road/London Road access, however safety audit has raised several concerns regarding this. Junction improvements are not required specifically to improve capacity and the current priority arrangement should remain, although safety audit have suggested that improvements could be made to pedestrian links in this area. General improvements to this junction should be agreed through a s278 agreement at the detailed design stage.

The modelling indicates that the Warwick Road/London Road junction will operate with a decrease in delay during the am peak period and similar delay during the pm peak period.

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.

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 Dunmow Rd, which are within the 400m distance criteria, however none of these stops meet DDA requirements for accessibility. The site is 0.5 kilometres (0.4 miles) from Bishop's Stortford station.

Given that the development is near to the edge of the town centre of Bishop's Stortford access to local facilities is relatively good, the site is close to the main shopping areas and also has access to local amenities.

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. However, the provision of free travel could be difficult to offer as there are a multitude of operators all with their own season ticket arrangements. 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.

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 the two stops along Dunmow Road 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.

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 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

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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:

- 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. 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

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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”

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

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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 development subject to a condition regarding the submission of a detailed surface water drainage scheme.
- 3.6 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.
- 3.7 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.
- 3.8 The County Planning Obligations Officer confirms that this application for 125 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;

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- Childcare Services – s106 contribution would be used to increase the out of school childcare provision based at Thorn Grove School.
- Library Services – Monies would be spent on improving the existing library facility, particularly the IT suite.

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.

- 3.9 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.
- 3.10 Herts Biological Records Centre comment that a bat survey carried out in 2007 found no evidence of bats at the site. However, they recommend that an up to date survey is carried out prior to any demolition on the site. They also consider that any clearance of trees, shrubs or hedgerows should not take place during the bird breeding season (March to the end of August).
- 3.11 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.
- 3.12 Thames Water has no objections with regard to sewerage infrastructure and comment that it is the responsibility of the applicant to make proper provision for surface water drainage at the site.
- 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 for further land contamination assessments.
- 3.14 The Housing Development Officer confirms that the provision of 40% affordable housing is required which would represent 50 units divided equally between:-

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- 1 bed, 2 person (45 and 50 sqm) – 16 units
- 2 bed, 4 person houses (67 to 75 sqm) – 17 units and
- 3 bed, 4-5 person houses (82 to 85sqm) – 17 units

The accommodation should meet the Homes and Communities Agency Design and Quality Standards and should be provided as 75% rented units and 25% intermediate housing. 15% Lifetime Homes provision is also required.

- 3.15 The County Archaeologist recommends that further archaeological evaluation of the proposed area of development and the buildings on the site is necessary before any work commences on site and this can be secured by condition
- 3.16 English Heritage have not commented on the application and stated, in relation to the 2008 proposal, that it considered that it should be determined on the basis of the council's own specialist conservation advice.
- 3.17 The Council's Conservation Officer comments that although the School is an unlisted building, it is considered significant enough through its historic and architectural value to be considered as an undesignated heritage asset in accordance with PPS5. She fully supports Hertfordshire's Historic Environment Unit in their request for further assessment and recording of the historic buildings. She objects therefore to the demolition of any structures on the site prior to the submission of a historic building survey and recording programme in accordance with PPS5 and related policies and recommends refusal of the application on those grounds.
- 3.18 Go-East are unable to comment on the applications as they may come before the Secretary of state for his consideration as a departure from the Development Plan.
- 3.19 The Council's Landscape Officer recommends that conditions are imposed on any permission granted relating to the provision of a full tree survey; tree protection measures; the submission of a detailed landscaping scheme and landscape maintenance arrangements. He comments that the trees on the site are shown to be retained and accommodated within the outline proposals.
- 3.20 The Hertfordshire Constabulary County Architectural Liaison Officer (commenting on the design of the development and its impact on crime) has requested a condition to require the architects to contact them before detailed plans are drawn in order to discuss matters such as rear court parking and rear access to gardens along with footpaths that are open to abuse by burglars

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- 3.21 Uttlesford District Council has no comments to make on the application.
- 3.22 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.
- 3.23 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.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council objects to the proposal for the following reasons:-
- i) The proposed development represented excessive overdevelopment which would 'tear the heart' out of a beautiful and historic area of the Town;
 - ii) It would result in the removal of historic buildings in the core of the Town;
 - iii) The proposed development would cause unacceptable traffic problems
 - iv) The density of this development, higher than that on any of the other sites, was completely out of keeping with the Warwick Road area and the height of the buildings was likewise completely out of keeping with the area
 - v) There was no safe means of ingress and egress to the proposed development onto London Road for the additional volume of traffic which would be caused;
 - vi) The bulk of the traffic would exit into Dunmow Road, immediately opposite a school and a pelican crossing, resulting in an unacceptable level of risk to pedestrian traffic;
 - vii) It was also noted that the developers would not be allowed to use Warwick Road (a private road) and instead would be obliged to travel via Dunmow Road, emerging opposite Hockerill College, causing unacceptable traffic problems during construction and risk to pedestrian traffic

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.

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

SD1	Making places more sustainable
SD2	Settlement Hierarchy
HSG1	Assessments of site 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
TR4	Travel Plans
TR7	Car Parking Standards
TR8	Car Parking Accessibility Contributions
TR9	Cycling – Cycle routes
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities provision (Residential)
TR16	Powered two wheelers
TR17	Traffic calming
TR18	Home zones
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime
ENV4	Access for disabled people
ENV11	Protection of existing hedgerows and trees
ENV17	Wildlife habitats
ENV21	Surface Water drainage
LRC1	Sport and recreation facilities
LRC3	Recreational requirements in new residential developments
LRC11	Retention of community facilities
BIS15	Eastern Hertfordshire Area Plan: Bishop's Stortford
IMP1	Planning conditions and Obligations

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6.2 The most relevant Policies of the East of England Plan (May 2007) are:

SS1	Achieving Sustainable Development
SS4	Towns other than Key Centres and Rural Areas
T2	Changing Travel Behaviour

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

PPS1	Delivering Sustainable Development
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 on the site and the loss of existing sports and community facilities, 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 community and sports 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 development. However, the site is currently occupied by an existing community facility – the Herts & Essex School and incorporates indoor and outdoor sports and recreation facilities which are used both by the school and also for some dual community use.

7.4 As the proposal would result in the loss of these existing facilities it must be considered against policies LRC1 and LRC11 of the Local Plan. Both these policies state that proposals which will result in the loss of such facilities will

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be refused unless suitable alternative facilities are provided on site; in the locality; or in a relevant catchment area or that it can be demonstrated that the facility is no longer needed.

Loss of school facility

- 7.5 Clearly the need for the school and its associated playing field is not in question, and indeed the package of current applications seeks to show that there is an increasing and urgent need for additional school provision in the town. This part of policies LRC1 and LRC11 is therefore not considered to be in dispute. However, the proposed residential development of the site would result in the loss of the existing school facility here and this is a key material consideration in this case. The Local Plan is clear that, in these circumstances, permission should only be granted if suitable alternative facilities can be provided elsewhere in the locality or relevant catchment area.
- 7.6 In terms of replacement educational facilities, Officers consider that the proposed relocated schools at Whittington Way (Ref: 3/10/1012/OP) would provide suitable alternative facilities to compensate for the loss of the existing schools at London Road and Warwick Road in terms of quantity. Indeed, the proposed relocation will allow each school to expand from their existing size (5FE), initially to 6FE (180 pupils per year intake) and ultimately to 8FE (240 pupils per year intake). It is also accepted that the quality of provision would be improved in that the new schools site would clearly provide new modern school accommodation.
- 7.7 In terms of accessibility, Officers are satisfied that the proposed new schools at Whittington way would be within a relevant catchment area as required by policy LRC11 of the Local Plan. Although the Whittington Way site would be less accessible for the residents in the north east of the town than the existing school site in Warwick Road, it would of course be more accessible to those residents in east and south of the town. Officers consider therefore that, on balance, the new schools site would be as accessible within the town as a whole as is the existing site. Furthermore, with the range of transport and infrastructure improvements proposed in this package of applications, Officers consider that the new schools site would be accessible by a variety of transport modes.

Loss of sports facilities

7.8 In respect of the loss of sports/recreation facilities, policy LRC1 makes it clear that replacement sports facilities should also be at least equivalent in terms of quantity, quality and accessibility to those facilities that would be lost.

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

7.10 In respect of replacement outdoor sports facilities, the submitted Open Space Assessment indicates that across the 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

7.11 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

7.12 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.

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

7.14 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

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- Two squash courts
- Two dance studios
- Two multi-purpose activity halls,
- A large health and fitness gymnasium and
- Six changing rooms

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

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

7.17 As regards the **quality** of the replacement playing field 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.

7.18 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.

7.19 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.

- 7.20 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.
- 7.21 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. These would adequately compensate for the facilities being lost as a result of the residential development of this site.
- 7.22 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 Warwick Road site on the grounds of loss of community and sports facilities and the proposal would comply with policies LRC1 and LRC11 of the Local Plan.
- 7.23 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 secondary school and sports/recreation provision cannot be shown to be provided elsewhere within the town and the proposal does not therefore currently accord with policies LRC1 and LRC11 of the Local Plan.

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

- 7.24 In addition to the requirement to provide replacement community and 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.
- 7.25 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

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demand generated by the three sites proposed for residential development.

- 7.26 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.
- 7.27 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.
- 7.28 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

- 7.29 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 1.15 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

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residential development of this site would not have any significant adverse impact on the surrounding area or the wider town as a whole.

- 7.30 There are, however, two important omissions in the applicant's submissions regarding those essential mitigation measures. These relate to open space provision (as outlined in the previous section) and the scope of proposed financial contributions which are discussed below.
- 7.31 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.
- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 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

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centres and the improvements to the IT suite at the existing library, the applicant has not agreed to these obligations.

7.36 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 policy IMP1 of the Local Plan.

c) Relationship with adjoining development

7.37 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.

7.38 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.

7.39 Considerable concern has been expressed regarding parking problems likely to occur in Warwick Road and the applicant would need to demonstrate, at any detailed planning stage, that the proposed development would provide sufficient parking such that this problem would not occur.

7.40 Concerns expressed regarding the future maintenance costs of Warwick Road, which is an unadopted highway, are noted although Members should be aware that this is a private matter for the developer to resolve with the owner(s) of Warwick Road.

d) Access/Highway safety issues

7. 41 Details of the proposed accesses to the site are required to be considered within this outline application. As mentioned in paragraph 1.12 of this report, the main vehicular access to this site would be from Warwick Road with limited secondary access from Dunmow Road (such that there could be no through route across the site) and pedestrian/cycle only access from Grange Road.

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- 7.42 County Highways have raised no objections to the proposed access arrangements subject to various conditions (see paragraph 3.3 of this report) 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.
- 7.43 The access onto Dunmow Road would require slight re-siting from that shown on the current plans in order to ensure that the required sight lines could be provided. However, there is adequate space within the application site to achieve this, and Officers are therefore satisfied that this matter can be adequately controlled through the imposition of a condition. This access would be restricted to providing access to a maximum of 35 parking spaces, such that the proposed development would not have any detrimental impact on traffic flow on this important distributor route.
- 7.44 So restricted, the access would also have no greater impact on nearby residents in Dunmow Road than the existing access to the school parking.
- 7.45 As regards the Warwick Road access, County Highways are again satisfied that, with suitable conditions, this would not adversely impact on highway safety in the vicinity. They comment that the traffic generated to the site would decrease in the AM peak but increase in the PM peak. Notwithstanding this, they indicate that there is sufficient road capacity to ensure that this increase in PM peak hour trips would not be detrimental to highway safety.
- 7.46 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.
- 7.47 Whilst concerns have been raised regarding the increased use of Grange Road as an access point, it should be noted that this would be a cycle and pedestrian access only and that as such officers consider that its use would have no significant impact on the amenities of residents in Grange Road. Furthermore, the use of this access can be satisfactorily conditioned to restrict its use in the future to cycle and pedestrians only.
- 7.48 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

- 7.49 Officers welcome the retention and refurbishment of the 1910 building at the frontage of the site. In addition, however, it is noted that there are other early 20th Century buildings on the site that are acknowledged to be of some architectural merit and Officers would wish to encourage the retention of these where that is possible and appropriate. However, the applicant has not submitted a detailed buildings impact assessment and officers cannot therefore accurately assess whether the loss of other buildings on the site is justified. The Conservation Officer has recommended refusal on these grounds and I am satisfied that this is appropriate in this case and in accordance with PPS5 (which Members will note has been published since the previous 2008 applications and did not therefore form a recommended reason for refusal at that stage).
- 7.50 Officers welcome the inclusion of on site renewable energy measures and sustainable drainage in accordance with policy SD1 of the Local Plan.
- 7.51 The Councils Environmental Health 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 community and 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 community and 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 policies LRC1 and LRC11 of the Local Plan.
- 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

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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, LRC3 and HSG3 of the Local Plan and this comprises the second reason for refusal.