

4b 3/10/1013/OP – Demolition of existing buildings and the erection of up to 220 residential properties and associated infrastructure at The Bishop’s Stortford High School, London Road, Bishop’s Stortford for Countryside Properties PLC.

Date of Receipt: 14.06.10

Type: Outline-Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD - SOUTH

RECOMMENDATION

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

1. The proposed development would result in the loss of the existing High School as a community facility and its associated playing fields and other sports facilities and the loss of the Blues Pre School 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, exceeding highway trip rates 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, TR1, TR4 and HSG3 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site comprises the Bishop’s Stortford High School site which is located in the southern part of the town on London Road and is shown on the attached OS plan.
- 1.2 The application site is divided into two distinct parts that together form a total land area of some 6.2 hectares. The eastern part of the site is dominated by a collection of existing school buildings which form a complex of interlinked and detached structures ranging between one and three storeys in height. In addition there are various hard standings being used for parking or informal recreation. The western part of the site comprises the school playing fields and a detached sports pavilion which sits close to the

3/10/1013/OP

eastern boundary adjoining Twyford Gardens.

- 1.3 Each distinct part of the site is roughly square in shape and linked by a pathway that runs along the southern boundary of The Thorley Hill Primary School site that effectively divides the application site into two parts. Both parts of the site are roughly level apart from near the eastern boundary with London Road where the land drops sharply. The main vehicular access to the site is from London Road. There is a secondary access to the playing fields from Twyford Gardens, although this appears to be used mainly for grounds maintenance purposes.
- 1.4 The application site is almost entirely surrounded by residential development with private gardens for the most part adjoining the site boundaries. Surrounding streets include Twyford Gardens and Grace Gardens (south), Thorley Park Road, Park Lane and Mitre Gardens (north), London Road (east), and Park Avenue and a footpath linking Park Avenue and Thorley Park Road (west). The site surrounds the Thorley Hill Primary School.
- 1.5 Existing boundary treatment is mostly chain link fence of between 1.2 and 1.4m in height and a hawthorn hedge. In the western part of the site there are a number of established trees along the east, west and north-west boundaries. The woodland belt along the west boundary is covered by a group Tree Preservation Order. The boundaries to the north and south are much more open with just a few trees marking the boundary. In the eastern part of the site there are a number of established trees along the southern boundary adjoining the back gardens of properties on Twyford Gardens. The London Road boundary is marked by a number of large trees forming a group Tree Preservation Order. The northern boundary adjoining the backs of properties on Park Lane is marked by a chain link fence (2.4m high) and a hedgerow (average of 2.5m in height). Existing landscaping will, for the most part, be retained although a limited number of trees along the London Road boundary will need to be removed to allow the access to be widened.
- 1.6 In addition to the school's use of the site there are a number of buildings at the site that are used by public and community groups. The **Gym** is used by local youth football teams 3 evenings a week and by a separate organisation for football training on Saturday mornings and schools holidays. The **Hall** is used on Sunday mornings by a Baptist Church, various local interest groups on occasional evenings throughout the year, and a Concert Club 4 or 5 times a year. The **Turning Computer Suite** is used for regular daytime and evening sessions by Business Link clients, and some **Classrooms** are used 2 or 3 evenings per week and occasional Saturdays by Open University and Hertford Regional College.

3/10/1013/OP

- 1.7 Additionally, the Blues Pre-School Nursery is based at the site offering nursery places for children from the age of 2 and a half years. Information has been submitted from the Chair of the Development Group at the Blues Pre-School Nursery to advise that it has 80 children registered and is in high demand. The Blues Pre-School Nursery seeks assurances that it will be relocated as part of the proposals. The representations received from the Blues Pre-School Nursery are summarised within Appendix A of the preceding report on the new schools proposal at Whittington Way (3/10/1012/OP).
- 1.8 Members will be aware that the Bishop's Stortford High School has additional playing fields located at its Jobbers Wood site approximately 2 miles to the south west on the B1004 leading to Much Hadham. The use of these facilities is restricted to use by Bishop's Stortford High School only under Condition 2 of 3/97/0520/FP. Members are advised that one of the related applications (3/10/1044/OP) seeks the variation of this condition to extend the permitted use of these facilities to include The Herts and Essex High Schools and local organisations.

The Proposal

- 1.9 The proposal consists of the demolition of the existing complex of school buildings and the erection of residential development (up to 220 dwellings) comprising a mixture of dwelling types and sizes, access road, associated infrastructure and open space.
- 1.10 This proposal is intrinsically linked to the four other outline applications within the town that seek to allow the relocation and expansion of the two existing secondary schools (The Bishop's Stortford High School and The Herts & Essex High School) to a new joint campus on land south of Whittington Way, Bishop's Stortford. It should be noted that the existing school sites at London Road and Warwick Road would not be vacated until such time as the new school campus has been provided.
- 1.11 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 as part of this outline application, the submitted plans seek to demonstrate that 220 dwellings is a suitable amount of development for the site.
- 1.12 The submitted parameter plans are indicative and show the approximate locations of each building, routes and open spaces, and the upper and lower limits for the height, width and length of each proposed building. It must be noted that the submitted plans are *indicative* only, and the final layout could take a different form.

3/10/1013/OP

- 1.13 The indicative plans show the eastern area as being the part of the site where higher densities could be achieved. Development in this part of the site is a mixture of flatted development and small family size houses. The western area is shown as accommodating a broader range of housing including a mix of different sized dwellings, and what is described as a series of open spaces running through the site. The proposed buildings include a mixture of two, two and a half and three storey development.
- 1.14 The net density of residential development is approximately 38 dwellings per hectare. This compares with existing development in the vicinity that ranges between 20 and 40 dwellings per hectare.
- 1.15 The submitted Design and Access Statement sets out some basic development principles that includes: vehicular access route from London Road; a new link road between the two main parts of the site; new/retained pedestrian access points into Thorley Hill Primary School; new pedestrian accesses from Twyford Gardens and Grace Gardens; pedestrian access into the site from the woodland belt; and, a green corridor running from east to west between London Road and the woodland belt which adjoins the western site boundary.
- 1.16 In terms of vehicular access and movement through the site, the proposed site access will be from London Road in the same position as the current vehicular access point. There will be a new signaled junction and highways improvements at the site entrance on London Road. The proposal also incorporates various new pedestrian and cycle routes into the site. The existing footpath and avenue of trees close to the Thorley Hill Primary School boundary will be retained.
- 1.17 One of the main features of the scheme is the new access road proposed to link between the eastern and western parts of the site. The current land corridor between the eastern and western parts of the site is too narrow for the proposed new access. Therefore, The Thorley Hill Primary School has agreed to allow a narrow strip of its land to be used to create the new access road. In return The Bishop's Stortford High School has agreed to exchange a similar size piece of land from the east side of its playing fields so that the total area of land occupied by The Thorley Hill Primary School will not be reduced.
- 1.18 Public consultation on the package of related proposals was undertaken with a variety of statutory and non-statutory consultees at the pre-application stage of the previous application submitted under lpa reference number 3/08/1103/OP. Events included meetings with key stakeholders and the public exhibitions. Information was made available on the 08th and 09th

3/10/1013/OP

of April 2008 at the London Road and Warwick Road school sites and on the 12th April 2008 at the Rhodes Centre, Bishops Stortford. The full details of the pre-application consultations can be found in the Statement of Public Consultation.

1.19 In relation to the development proposal the subject of this application, the following supporting documents were submitted:

- Environmental Statement;
- Transport Assessment;
- Open Space, Sport and Recreation Assessment;
- Statement of Public Consultation;
- Design and Access Statement;
- Transport Assessment;
- Sustainability Statement;
- Report on Utilities and Site Conditions;
- Ecological Appraisal and Protected Species Surveys;
- Draft Section 106 agreement.

Environmental Impact Assessment

1.20 This application together with the package of related applications has been the subject of an Environmental Impact Assessment (EIA) prepared by the applicants as a requirement of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

1.21 The submitted Environmental Statement reports the findings the EIA 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.

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

- Ecology and Nature Conservation
- Visual and Landscape impacts
- Cultural Heritage (Historic Environment) and Archaeology
- Transport
- Noise and Vibration
- Air Quality
- Drainage and Flood Risk
- Pollution

3/10/1013/OP

- Open Space Sport and recreation (in a separate document)
- Socio-Economics
- Sustainability; and
- Cumulative impacts (of all the applications put forward)

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

Ecology and Nature Conservation

1.24 No protected species were recorded and hedgerows were found to be species-poor. The Habitat and species diversity is also poor. The hedgerows were found to be likely to perform a green corridor linking to the area of open space. The woodland strips on the eastern boundary may also provide some ecological interest. Following the development and the implementation of appropriate mitigation and enhancement measure, the application site in future is likely to be an area of greater wildlife interest than at present. The proposed tree removals along London Road to enhance the access may make this particular environment less attractive to bats and birds however this could be mitigated by bat and bird boxes.

Visual and Landscape impacts

1.25 Overall the low rise and high quality nature of the development should integrate well with surrounding spaces and access routes development. The removal of trees along the frontage to make space for access improvements will have a major visual impact which can only be lessened with time and growth of replacement trees. The overall impacts are only those that would normally be associated with urban infill of this kind.

Archaeology/Historic Environment

1.26 The desk-based surveys identify the eastern part of the site as being unlikely to contain archaeological remains due to having been heavily disturbed by gravel extraction in the past and the subsequent school development. In contrast, the western part of the site is likely to have been largely unaffected by previous ground disturbance and on-site surveys revealed the northern and western parts of the playing fields contain a number of archaeological features including Romano-British and Bronze Age remains. The proposed development will result in the truncation of archaeological features and deposits from these periods.

Transport

- 1.27 The cumulative modelling assessment has identified a slight improvement in traffic conditions in the town centre during the AM Peak, and a worsening of conditions in the PM Peak, although most junctions continue to operate below maximum capacity. The new signalised junction for the High School site on London Road operates well within capacity. The proposed package of measures to encourage non-car based trips should ensure that a culture of travel by non-car means becomes established.

Noise and Vibration

- 1.28 Measurements of existing noise taken along the London Road frontage and on the playing fields indicate that noisier conditions are likely to be experienced at London Road and quieter conditions in the area of the playing fields compared to current conditions. In terms of aircraft noise, the site is located well outside the $L_{Aeq, 16hr}$ 57dB contour. Intermittent aircraft noise was observed on site but did not affect the main parameters assessed. It was concluded that noise was of no particular constraint on the sites development for housing.

Air Quality

- 1.29 There is the likelihood of some air bourn emissions during construction phase adding to pollutant levels in the immediate vicinity of the site and access routes. The impact could be mitigated through the appropriate environmental controls under site management controls. The predicted changes to traffic flows on the local road network as a result of the development would have a negligible impact on local air quality.

Drainage and Flood Risk

- 1.30 The site is in Flood Zone 1 (the lowest risk of flood) and at low probability of flooding. Various drainage techniques can be used to ensure sustainable drainage conditions on site and avoid off site flooding. Adoption of mitigation measures in accordance with Environment Agency requirements should ensure existing water resources would be unaffected during construction and thereafter. Minor impact to the public sewer has been identified but the system has the capacity to sustain the development.

Socio-Economics (including Open Space Sport and recreation)

- 1.31 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, particularly at the new schools site at Whittington Way.

Sustainability

- 1.32 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

- 1.33 The EIA Regulations require the cumulative impacts of development to be properly assessed. The ES has particular regard to the cumulative impacts of the developments in the following areas: transport, local air quality, open space, sport and recreation and noise and vibration. 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.

Open Space and Recreation Facilities

- 1.34 The Open Space, Sport and Recreation Assessment that has been submitted states that a Local Equipped Area of Play (LEAP) is proposed to be created at the site.
- 1.35 With regards to the provision of indoor sports facilities instead of providing an on-site provision or a financial contribution towards off-site facilities it is proposed to enhance the provision that is proposed at the Whittington Way site and to make this available for community use.
- 1.36 In relation to the provision of outdoor sports facilities, the Open Space, Sport and Recreation Assessment that has been submitted states that it is proposed to mitigate against the impact of the additional residential units by allowing a community use of the proposed schools facilities at the Whittington Way site; allow a community use of the facilities at the Jobbers Wood site and provide a financial contribution for outdoor sports facilities

3/10/1013/OP

based on Table 8 of the East Herts Planning Obligations SPD. However, the draft Section 106 agreement that has been submitted fails to commit to a financial contribution towards offsite outdoor sports facilities.

Draft Legal agreement

- 1.37 The draft Section 106 that has been submitted states that the developer will provide a total number of affordable dwellings that shall be not more than 40% of the total number of dwellings; that an onsite open space provision shall be made and a maintenance fee paid for the subsequent adoption of this open space by the Council; a travel plan shall be submitted; a sum of £7500 shall be paid in respect of Traffic Regulation Orders; fire hydrants shall be provided and a highways contribution shall be made of £625 per 1 bedroom unit, £750 per 2 bedroom units, £1125 per 3 bedroom unit and 1500 for units of 4 bedrooms or more. The draft agreement states that the developer shall make financial contributions in relation to primary, secondary and nursery education and childcare services based upon the Hertfordshire County Council's Planning Obligations Toolkit (2008).

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 existing High School as a community facility and its associated playing fields and other sports facilities and the loss of the Blues Pre School 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.

3/10/1013/OP

- 2.2 However, members will be aware that the package of applications including the above was withdrawn prior to consideration by the committee.
- 2.3 The Bishop's Stortford High School has occupied the site since the late 1960's. The planning history therefore relates to a range of buildings required for educational/ancillary purposes.

3.0 Consultation Responses

- 3.1 County Highways have commented that they do not wish to restrict the grant of planning permission subject to conditions in respect of: all highway works; phasing of highway works; construction vehicle movements; hard surfacing; completion of access roads and parking areas; completion of bus stops; visibility splays; introduction of a SCOOT traffic control system on London Road, Green Travel Plan. A s106 agreement is required to secure financial contributions towards sustainable transport measures at a rate of £625 per one-bed unit, £750 per two-bed unit, £1,125 per three-bed unit, and £1,500 for per four-bed unit. The s106 should secure a financial contribution of £7500, index linked by SPON from July 2006, which shall be payable upon commencement of the development towards Traffic Regulation Orders in the vicinity of London Road and should require the details of a Residential Travel Plan and Car Sharing Scheme.

County Highways comment that 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.

In relation to the proposed residential development of the existing Bishop's Stortford High School, the subject of this application, County Highways accept that the development of 220 new dwellings at the site will generate around 176 AM peak hour trips and 210 PM peak hour. The existing school use is shown to be much busier during the AM peak with a decrease of 282 and there would be an increase of 199 during the PM peak hour trips. However, it is noted that the trip prediction is based on trip rates for 312 dwellings as originally discussed in September 2007 and the application for up to 220 dwelling will actually generate less traffic than modeled.

In terms of accessibility, County Highways comment that the site has 2 nearby bus stops and shops are within a walkable distance. 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.

3.2 The County Planning Obligations Officer confirms that this application for 220 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:

- Primary Education – towards future expansion of Thorley Hill Primary School
- 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 phase 3 children centres in the area;
- 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.

3.3 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

3/10/1013/OP

applicants on financial grounds and they consider that the funding of the development is not a material planning consideration.

- 3.4 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.
- 3.5 The Housing Development Officer comments that 40% affordable housing and 15% lifetime homes should be provided at this site. The affordable housing provision should be divided equally between 29No. 1 bedroom 2 person units, 29No. 2 bedroom 4 person houses and 30No. 3 bedroom 5 person houses. The accommodation should be provided with a tenure mix of 75% rented and 25% intermediate housing.
- 3.6 The Environmental Health Unit advises that any permission should be subject to conditions in respect of construction hours of working, air quality measures, contaminated land, refuse disposal and piling works.
- 3.7 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 Herts and Essex 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.

3/10/1013/OP

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 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.

3/10/1013/OP

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.

- 3.8 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
- 3.9 The County Archaeologist confirm that the site has been subject to recent archaeological field investigations and geophysical surveys which exposed the potential that the playing fields could contain extensive and well preserved archaeological remains from 3rd and 4th centuries. The full extent and complexity of remains have yet to be established but may be of regional importance and therefore further investigation will be required. In this case an appropriately worded condition would be sufficient to provide the level of investigation that this proposal warrants.
- 3.10 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.
- 3.11 Hertfordshire Biological Records Centre has commented that surveys found no evidence of protected species i.e. roosting bats, reptiles, and badgers. They recommend that site clearance should be conducted during the period 1st March – 31st August.
- 3.12 Thames Water has no objection to the proposals in respect of sewerage infrastructure. In respect of surface water it is recommended that storm water flows should be attenuated or regulated into the receiving public network through on or off site storage.
- 3.13 Go-East is unable to comment on the application as it may come before the Secretary of State for his consideration as a Departure.
- 3.14 The Council's Landscape Officer recommends refusal of the application and raises concerns in relation to the proposed access road connecting the two areas of housing which would result in the removal of existing mature trees and the loss of the existing open space provision.
- 3.15 Uttlesford District Council has no comments to make on the application.

3/10/1013/OP

3.16 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.

3.17 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 object to the application on the following grounds:

- The development would impose an unacceptable impact on the infrastructure of the Town with a negative effect on the quality of life for both adult and child residents of the Town;
- The proximity of the housing to Thorley Hill Primary School would result in an unacceptable, intrusive and permanent over-looking of the School by residents as well as unacceptable disruption during the construction;
- The resulting impact on traffic on London Road is unacceptable.

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 the 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.

5.3 Thorley Hill Primary School's comments relate specifically to this application and they comment that they have concerns with the impact of the demolition and construction works at the Bishop's Stortford High School. They also have concerns that their outdoor swimming pool would be overlooked during the construction of the proposed development.

6.0 Policy

6.1 The 'saved' policies of the East Herts Local Plan that are most relevant to the consideration of this application are as follows:

3/10/1013/OP

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites Not Allocated in This 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
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Developments
ENV11	Protection of Existing Hedgerows and Trees
ENV21	Surface Water Drainage
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC11	Retention of Community Facilities
BIS2	Housing Allocations – Bishop’s 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
PPS 3	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 related 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

3/10/1013/OP

(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 Bishop's Stortford High 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 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 related applications seeks to demonstrate that there is an increasing and urgent need for additional school capacity 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 (i.e. The Bishop's Stortford High School & The Blues Pre-School Nursery) 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. It

3/10/1013/OP

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, it would of course be more accessible to those residents in the west 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.
- 7.8 In relation to the loss of facilities for the Blues Pre-school, this issue has been raised during public consultation and is referred to in the supporting Statement of Public Consultation. In response to the issue “Concern regarding what will happen to the Blues Pre-school” the response was given that that “Options are currently being explored for ensuring that the Blues Pre-school is relocated appropriately”. The supporting Planning Statement outlines that the school is committed to offering the pre-school the opportunity to relocate to the new campus at Whittington Way. However, the plans submitted for the new schools development at the Whittington Way site do not substantiate this. Officers are concerned that no options for the relocation of the Blues Pre-school have been put forward as part of this application or for that matter as part of the related application for the relocation/expansion of the existing schools to the new schools site at Whittington Way (3/10/1012/OP). In the absence of a proposal for the relocation of the Blues Pre-school at an appropriate site there can be no guarantee that suitable alternative facilities will be provided elsewhere in the locality, and for this reason Officers view the proposal as being contrary to Policy LRC11.

Loss of sports facilities

- 7.9 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.
- 7.10 As this application forms an intrinsic part of the wider Bishops 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.

3/10/1013/OP

7.11 In respect of replacement outdoor sports facilities, the submitted Open Space Assessment indicates that across the two existing sites (Bishops Stortford High School and Herts & Essex High School) there is the following provision:-

Grass pitches	– 7.72ha
Hard play areas (multi-use courts)	– 0.36ha
Informal recreation areas	– 1.6ha

7.12 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

7.13 Insofar as **quantity** of the new outdoor 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 of 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.

7.14 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.

7.15 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.

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

3/10/1013/OP

- 7.17 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 indicate that they are also satisfied that the replacement shared facilities at Whittington Way would be acceptable in terms of quantity.
- 7.18 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. 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.
- 7.19 Sport England are also satisfied that the quality of other replacement sports facilities, such as the Multi-Use Games Areas (MUGA); 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.
- 7.20 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.
- 7.21 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.
- 7.22 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.

- 7.23 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 London Road site on the grounds of loss of the school and its associated sports facilities and this part of the proposal. However, the objection to the loss of the Blues Pre-school would still stand and as such the development would remain contrary to Policy LRC11.
- 7.24 However, as the application for replacement facilities for the relocation and expansion of the Bishop's Stortford High School and Herts and Essex School to land 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

- 7.25 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.
- 7.26 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 four sites proposed for residential development.
- 7.27 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

3/10/1013/OP

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.

- 7.28 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 commit to a figure 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.
- 7.29 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

- 7.30 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 1.33 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.
- 7.31 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 other financial contributions which are discussed below.
- 7.32 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.

3/10/1013/OP

- 7.33 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, housing and tenure are to be agreed and that the total number shall not be "more than 40% of the total of the 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.
- 7.34 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; primary, secondary and nursery education; childcare services; library services; fire hydrants; and sustainable transport and the implementation of highway improvement works identified in the Bishops Stortford Transport Plan.
- 7.35 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.
- 7.36 The applicants have indicated initially that they will provide contributions in respect of open space maintenance for those spaces that are identified on the planning drawings only; and that they will provide contributions in respect of primary education; secondary education; nursery schools, childcare and fire hydrants. In relation to the requested Section 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.
- 7.37 The draft Section 106 that has been submitted by the applicant suggests that they are willing to enter into an agreement to provide the construction of a new signalised junction to London Road, staggered pedestrian crossings, the construction of SCOOT traffic control system, a new bus stop to London Road, 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 will be made by the applicant and a financial contribution is proposed in relation to traffic regulation orders in the vicinity of London Road. Subject to trip rates exceeding the predicted levels County Highways has requested that the

3/10/1013/OP

developer agrees to pay the sum of up to £10,000 per year for a maximum period of 5 years in respect of additional measures. However, the draft Section 106 agreement that has been submitted fails to commit to these payments being made.

- 7.38 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.
- 7.39 The applicant has failed to commit to make financial contributions towards the local library, youth care, parks and community centres/halls and it is unclear that adequate provision would be made for affordable housing, exceeding highway trip rates 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, LRC3, TR1 and HSG3 of the Local Plan.

c) Relationship with adjoining development

- 7.40 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.
- 7.41 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, particularly in respect of the potential overlooking of the Thorley Hill Primary School and the siting of new development in close 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

- 7.42 Details of the proposed accesses to the site are required to be considered within this outline application. As mentioned in paragraph 1.3 of this report, the main vehicular access to this site would be from London Road and pedestrian/cycle only access from Twyford Gardens and Grace Gardens.

3/10/1013/OP

- 7.43 County Highways have raised no objections to the proposed access arrangements subject to various conditions (see paragraph 3.1 of this report) and Officers are satisfied that the suggested conditions would ensure that the proposed accesses are provided without detriment to highway safety or amenity.
- 7.44 The main vehicle access for the development would be from a signalised junction on London Road with a right turn for vehicles travelling southbound wishing to turn into the site. The junction is intended to ensure continued highway safety/capacity, as well as allowing facilities for pedestrians, particularly to and from the bus stops on London Road.
- 7.45 The new access will require some cutting back and widening at the existing entrance to make more space available for vehicles to turn in and out of the junction. Officers are satisfied with the details of the proposed access subject to a condition to ensure its satisfactory implementation.
- 7.46 County Highways are satisfied that the internal road layout should be dealt with at the reserved matters stage, however, the new link road between the eastern and western parts of the site is an intrinsic part of the scheme and should therefore be given consideration at this outline stage.
- 7.47 Officers have considered the impact of the proposed new access on the living conditions of adjoining residents who could be affected, in particular those on Twyford Gardens. The relatively short distance between the proposed new access road and the backs of properties on Twyford Gardens (around 14 metres at its closest point) is a consideration. It is accepted that a new potential source of noise/disturbance/pollution will be introduced where none currently exists, however it is envisaged that vehicle speeds could be limited through careful highways engineering solutions at the detailed application stage. If vehicle noise were considered to be an issue some form of acoustic screen along the boundary might be appropriate.
- 7.48 Officers conclude that the details submitted with regard to access are acceptable, subject to the imposition of suitable planning conditions.

e) Other Matters

- 7.49 Officers welcome the inclusion of on site renewable energy measures and sustainable drainage in accordance with policy SD1 of the Local Plan.
- 7.50 The Councils Environmental Health Unit has raised no objections to the proposal on air quality grounds and it is considered therefore that it complies with policy ENV27 of the Local Plan.

3/10/1013/OP

7.51 It is noted that the Landscape Officer objects to the proposal and his concerns relate to the principle of the access road that connects the housing development to the east of Thorley Hill Primary School to London Road as this would run through a line of existing mature trees. However, the Landscape Officer does accept that there does not appear to be any alternative locations for this access. Concerns are also raised in relation to the loss of open space and sports provision, however 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 satisfactorily be achieved at the Whittington Way site. Officers consider that it would be possible to develop the site for residential development whilst still maintaining adequate soft landscaping and tree planting to replace some of those that would be lost by the proposed access 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.

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 proposal (Ref: 3/10/1012/OP) were to be granted, Officers consider that the new schools and sports/recreation facilities proposed there would represent an acceptable replacement for those facilities that would be lost at this site. Notwithstanding this, the proposed development would still result in the loss of the Blues Pre-school and in the absence of a proposal for the relocation of the pre-school to an appropriate site there is no guarantee that suitable alternative facilities would be provided elsewhere. Therefore regardless of whether permission is granted for the Whittington Way proposal (Ref: 3/10/1012/OP) it is recommended that planning permission for this application be refused due to the loss of the pre-school.

8.3 However, as that application for the Whittington Way site is recommended for refusal, the required replacement facilities for both the school, the sports and recreational facilities and the pre-school 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.

3/10/1013/OP

- 8.4 The applicant has failed to commit to make financial contributions towards the local library, youth care and community centres/halls and it is unclear that adequate provision would be made for affordable housing, exceeding highway trip rates 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, LRC3, TR1 and HSG3 of the Local Plan and this comprises the second reason for refusal.