

- 4a **3/10/1012/OP – Comprehensive development comprising the change of use of land to educational use (Class D1) and the erection of buildings with a combined total gross external floorspace of 26,000 square metres plus related site works consisting of the construction of an internal road, car parking areas, a temporary construction access onto Obrey Way, a floodlit multi-use games area and all weather pitch, formation of playing fields and associated drainage works. Associated infrastructure works to Whittington Way to include; construction of 2 new roundabouts; provision of cycleway and footway links, and enhanced bus stop facilities at Land South of Whittington Way, Bishop’s Stortford, Herts for the Governors of the Bishop’s Stortford and Herts and Essex High Schools.**
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Date of Receipt: 07.06.2010

Type: Outline - Major

Parish: BISHOP’S STORTFORD
THORLEY

Ward: BISHOP’S STORTFORD – SOUTH WARD

RECOMMENDATION

That planning permission be refused for the following reasons:-

1. The proposed development involves the provision of two schools located within the Green Belt which represents inappropriate development within the Green Belt. The extensive scale and amount of development would result in the site becoming dominated by buildings and extensive areas of hard surfacing. This impact would be emphasised by the extensive nature of the proposed changes in site levels and the limited opportunities for landscaping in between buildings, outdoor recreation areas and along the southern boundary. If permitted the proposal would be detrimental to the openness of this part of the Green Belt and the wider landscape setting of the town. Other harm is associated with the development which relates to the impact of traffic movements and general activity within the site, the impact on landscape features and rights of way. Whilst there is accepted to be an educational need for additional school places within the Bishop’s Stortford Educational Area, this issue is not considered to outweigh the inappropriateness of the development and harm to the openness of the Green Belt or the other harm. The proposed development is therefore contrary to policy GBC1, ENV1, ENV2, ENV11, GBC14 and LRC9 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance 2: Green Belts.
2. The Council is not satisfied, on the basis of the submitted information, that the impact of aircraft noise nuisance has been properly considered, in

terms of the impact on internal teaching spaces. The Council is not therefore in a position to determine whether an acceptable educational environment would be created by the proposed development. If permitted the proposals would be contrary to Policy ENV25 of the East Herts Local Plan Second Review April 2007 and guidance in PPG24.

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1.0 Background

1.1 Outline planning permission is sought for the relocation and expansion of the Bishop's Stortford High School and Herts and Essex High School from their existing sites at London Road and Warwick Road respectively to a new 55 acre site south of Whittington Way, Bishop's Stortford. The application site is shown on the attached OS extract.

1.2 The application proposals can be fully described as follows:

1. The change of use of land from agricultural to educational use (Use Class D1) with a combined maximum total gross external floorspace of 26,000 square metres, to provide two 6FE schools (FE – means forms of entry – the number of forms within any annual intake of the school and will normally involve up to 30 pupils per form) and the potential to expand to two 8FE when and if the need arises.
2. Related works including:
 - a) The construction of an internal access road, car and coach parks, servicing and dropping off facilities, cycle sheds, cycleways and footways.
 - b) The construction of a floodlit multi-use games area.
 - c) The formation of grass playing fields plus hard and soft landscaping, wildlife habitats, balancing ponds, drainage ditches and boundary fencing.
3. The formation of new roundabouts at the Whittington Way /Bishop's Avenue and Whittington Way/ Pynchbek junctions providing direct vehicular access to the proposed schools site.
4. The provision of cycleway and footway links plus enhanced bus stopping facilities within highway land in the vicinity of Whittington Way and Thorley Lane.

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- 1.3 The total area of land within the application site is some 22.42 hectares (55.40 acres). The main body of the site (49.72 acres) lies south of Whittington Way, although some land is included around the junctions of Whittington Way/Pynchbek and Thorley Lane/Whittington Way in order to provide the associated accesses, footpaths and cycle paths.
- 1.4 The application site forms a body of open farm land. The site is bounded by open farmland to the south, Thorley Park housing estate to the north, and properties on Thorley Street and London Road to the east. The Grade II listed building known as Thorley House adjoins the north-eastern boundary.
- 1.5 The Hertfordshire Way runs in an east to west direction across the site approximately 55-60m south of Whittington Way.
- 1.6 A key feature of the application site is the sloping nature of the land which falls by approximately 10 metres in a west to east direction and by more than 15m in a generally north to south direction south of the Hertfordshire Way.
- 1.7 There is little landscaping within the application site, save for the hedgerow marking the course of the Hertfordshire Way. Boundary vegetation includes a belt of trees and an oak copse along the frontage with Whittington Way. There is a small copse in the north-west corner and established trees and hedges mark the boundaries of adjoining properties on London Road/Thorley Street.
- 1.8 This application (3/10/1012/OP) follows from the withdrawal of a previous planning application (3/08/1117/OP – provision of two 8FE schools and related planning applications (3/08/1395/FO, 3/08/1101/OP, 3/08/1102/OP, 3/08/1103/OP, 3/08/1115/OP and 3/08/1116/OP).
- 1.9 Although the applications were withdrawn before a decision could be made on them, the Officer Committee Reports pertaining to those applications were published. Officers recommendation was for refusal and, in respect of LPA reference 3/08/1117/FP (the previous 2008 application for the two new 8FE schools), the recommended reasons for refusal were as follows:-

The application site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given except in very special circumstances. The Council considers that the particular circumstances in support of this application do not justify the harm that would be caused to this part of the Green Belt. Therefore if planning permission were granted it would conflict with the purposes of Policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.

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The extensive scale and amount of development would result in the site becoming dominated by buildings and extensive areas of hard surfacing. This impact would be emphasised by the extensive nature of the proposed changes in site levels and the limited opportunities for landscaping in between buildings, outdoor recreation areas and along the southern boundary. If permitted the proposal would be detrimental to the openness of this part of the Green Belt and the wider landscape setting of the town. As a result of the intensity of development there is considered to be inadequate scope for replacement mitigating landscape planting and the character of the footpath forming the Hertfordshire Way will be significantly changed to its detriment. The proposals therefore are contrary to Policies ENV1, ENV2, ENV11, GBC1, GBC14 and LRC9 of the East Herts Local Plan Second Review April 2007.

The Council is not satisfied, on the basis of the submitted information, that the impact of aircraft noise nuisance has been properly considered having regards to the proposed growth of Stansted Airport and the proposed changes to air traffic routes in the vicinity. If permitted the proposals would be contrary to Policy ENV25 of the East Herts Local Plan Second Review April 2007 and guidance in PPG24.

- 1.10 Some time has passed since those withdrawn applications, and the applicants have re-submitted the proposed development in the form of the applications now presented to the Committee. As before, this application for the provision of two new schools, forms part of a package of related outline applications for development of a number of other sites within the town for residential purposes, which are intrinsically linked to this application. The full details of the related applications are set out here:

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

3/10/1013/OP Demolition of existing buildings and the erection of up to 220 residential properties and associated infrastructure at Bishop's Stortford High School, London Road, Bishop's Stortford

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- 3/10/1015/OP Retention and refurbishment of building fronting Warwick Road, demolition of existing buildings and the erection of up to 125 residential properties and associated infrastructure at Herts and Essex School, Warwick Road, Bishop's Stortford
- 3/10/1014/OP Demolition of existing buildings and the erection of up to 180 residential properties and associated infrastructure at Beldams Lane sports pitch, Bishop's Stortford
- 3/10/1044/OP Variation of condition 2 of planning permission 3/97/0520/FP that states that the facility should be used solely for the beneficial use of the applicants, the Bishop's Stortford High School, and for no other persons, institutions or organisations to allow it to be used by both Bishop's Stortford High School and Herts & Essex High School and for local organisations. Jobbers Wood, Great Hadham Road, Bishop's Stortford

- 1.11 However, as will become clear, the starting point for planning considerations relating to those applications is fundamentally dependent on the planning considerations relating to this application – the two proposed schools at the Whittington Way site. The planning merits relating to the above applications at the two school sites, Hadham Road, Beldams Lane and Jobbers Wood are discussed fully in the reports following this report.
- 1.12 In relation to this application (3/10/1012/OP), the following documents are included:
- Environmental Impact Assessment;
 - Transport Assessment;
 - Open Space Study, Sport and Recreation Assessment;
 - Statement of Public Consultation;
 - Design and Access Statement;
 - Planning Statement.
- 1.13 In addition and, to address the previous views made in the Officers Committee Report, the applicant has also provided a supporting educational report from Hertfordshire County Council and an appraisal of alternative sites. Both of which should be read in conjunction with the Planning Statement.

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- 1.14 The Education Report provides information relating to the forecasting of school places in the area, evidence pertaining to the identified need for such places within the Bishop's Stortford Area and an evaluation of the alternative schemes and strategies which have been considered since the withdrawal of the previous application. The alternative sites appraisal looks at other sites within the locality of Bishop's Stortford and different options as part of a sequential assessment of the acceptability of this particular site at Whittington Way for the two new schools.
- 1.15 Members should note that this is an outline application, and what is therefore being considered is the principle of the change of use of farmland to educational use (Class D1) and the construction of up to 26,000 square metres of school buildings and associated works (this figure represents floorspace not footprint, so that multiple floors of development reduce the overall footprint). Also being considered is access matters. All other details relating to appearance, landscaping, layout and scale are reserved matters.
- 1.16 If successful in this application, the schools will be able to expand from their existing size (5FE), initially to 6FE (180 pupils per year intake) which will accommodate 1,206 pupils per school and up to 180 staff per school also. The development will also allow the schools to expand further to 8FE, should a need be identified for additional school places. A difference between the previously withdrawn application and that now proposed is that the previous scheme involved the provision of two 8FE schools, where as this current application proposes two 6FE schools, with the ability to expand up to 8FE, should an identified educational need arise.
- 1.17 The applicants are keen to highlight that each school will retain their separate identities on the Whittington Way site, although a number of core facilities will be shared, including a sports hall, swimming pool, multi-use games area, and certain sixth form facilities. The swimming pool, sports hall and multi use games area are proposed to be made available for community use outside of school hours. The applicants also highlight that the provision of two schools on the same site will allow more educational opportunities in the form of a broader spectrum of courses available for pupils.
- 1.18 The application proposals include an indicative layout and an extensive Design and Access Statement, however, it must be emphasised that this represents only one possible layout option and others may come forward at the reserved matters stage, should the Council be minded to approve this outline application.

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- 1.19 The key features of the indicative layout are that:
- Bishop's Stortford High School is located on the western side of the site;
 - Herts & Essex High School is located in the eastern part of the site and;
 - The shared facilities building is located between the two schools buildings.
- 1.20 The indicative layout drawings show the main school buildings located to the south of Hertfordshire Way, with car parking in-between the Hertfordshire Way and Whittington Way. Hard surfaced/multi-use games areas, and grass playing fields are shown south of the main buildings. The proposed layout has not altered significantly from the previously withdrawn application.
- 1.21 The design and access statement indicates that the layout is based on the majority of buildings being 3 storeys in height with upper roof heights of 12 metres plus an allowance of 2.5 metres for plant which will be concealed by a screen and give an overall maximum height of some 15.5 metres. In addition a number of smaller ancillary buildings such as cycle sheds, stores, ground source heat pump house etc will be required, and these will need to be clearly shown on a subsequent reserved matters application.
- 1.22 The sloping nature of the site will require land to be leveled to enable the construction of the schools and the sports pitches. It is anticipated that the ground floor level of the buildings will be between 2.0m and 4.5m below existing ground levels. The main playing field will need to be terraced owing to the topography of the site, to create a series of gently sloping sports pitches.
- 1.23 Site levels in the area shown for parking between Whittington Way and Hertfordshire Way are likely to remain relatively unchanged, and only limited terracing/leveling is envisaged around access roads and car parks.
- 1.24 The oak copse along Whittington Way (the subject of a Tree Preservation Order) will be mostly retained although some parts will be cut back to allow the proposed accesses in between the school and Whittington Way.
- 1.25 The car parking layout (between Hertfordshire Way and Whittington Road) has been revised since the previous submission. The previous scheme offered a rectilinear layout. Now proposed is an irregular layout with clusters of parking in a woodland setting.

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- 1.26 Landscape belts approximately 5m wide will be introduced south of Whittington Way with some planting in the parking area between Whittington Way and Hertfordshire Way to soften the impact of hard surfacing and parked cars.
- 1.27 Landscape belts are proposed on the eastern/western boundaries with deeper landscape belts adjoining residential properties on London Road. Additional planting is proposed in and around the buildings and hard play areas to soften the appearance of the buildings and the changes in levels.
- 1.28 The applicant has outlined within the design and access statement that structured planting has been reviewed since the application previously withdrawn, to provide stronger planting both within the site and at the boundaries.
- 1.29 As this application seeks only outline permission, limited information has been submitted in respect of the proposed use, amount of development, indicative layouts and scale parameters. The application has nevertheless been accompanied by a detailed Design and Access Statement setting out the principles and concepts for future development.
- 1.30 Since the withdrawal of the 2008 application, the proposals relating to the 2008 submission has been discussed through a design review panel with Inspire East. The panel commented that co-location of the two schools to a new purpose built facility where much can be made of shared facilities and to meet a growing need is a positive and encouraging move. However, it was felt by the panel that it had not been demonstrated that the site in particular presents the best location. The panel commented that they understood that much of the expansion of the town will be to the north of the site and it will therefore need to be robustly demonstrated that development on the site is sustainable rather than opportunistic. In addition it was felt that the configuration of the proposed buildings did not meet the site constraints, the possible future context as well as reflecting the schools identity. The panel commented that the quality of the arrival space of the schools could be improved by reconfiguration of the internal roads to provide an environment that is more pedestrian friendly and encourages and prioritises cycling and walking.

Access

- 1.31 The site will be served from Whittington Way by two new roundabouts to replace existing 'T' junctions opposite Bishop's Avenue and Pynchbek. The access has been altered since the previously withdrawn application and allows for 'improved views from Whittington Way' (Design and Access Statement).

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- 1.32 The Pynchbek roundabout will serve Bishop's Stortford High School and the Bishop's Avenue roundabout will serve The Herts & Essex High School.
- 1.33 The two vehicular accesses will be linked by a road which provides access to the car parking areas and bus waiting areas.
- 1.34 The two vehicular junctions also provide pedestrian and cycle access. A further pedestrian and cycle access is provided in the central part of the site. There is a permissive footpath running along the north east boundary to provide a new pedestrian link between Whittington Way and the Hertfordshire Way. The Hertfordshire Way will be widened with hard surfacing on its existing alignment through the site. A new paved area which creates a 'pedestrian focused car free area' is proposed to the north of the buildings.
- 1.35 Associated highway works include a Toucan crossing, footpaths, and cycle routes along Whittington Way. Existing open bus stops along Whittington Way will be improved by provision of shelters.
- 1.36 The associated highway works require that a number of trees and landscaped areas be removed along Whittington Way with the vegetation (and mounding) significantly cut back, re-contoured and re-landscaped as necessary.
- 1.37 Also proposed with this application is the provision of a temporary access road of Obrey Way to be used for the construction works of the proposed development.

Environmental Impact Assessment

- 1.38 This application for the new schools site at Whittington Way together with the related applications have been the subject of an Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).
- 1.39 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.
- 1.40 In this case, the Environmental Statement reports on the following topic areas:

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- Landscape and visual impact;
- Ecology and nature conservation;
- Trees;
- Geology,
- Mineral and ground conditions;
- Water;
- Agriculture;
- Social and economic impacts;
- Historic buildings,
- Conservation and archaeology;
- Transportation;
- Rights of way;
- Noise and vibration;
- Air quality;
- Utilities and infrastructure; and
- Use of natural resources and waste.

1.41 The following is a summary of the main points raised under each topic area.

Landscape and visual impact

1.42 The site does not fall within an area of nationally or locally designated landscape importance or quality. The short-term effect is described as of moderate significance and adverse in nature. The long-term effect is described as of moderate significance and neutral in nature. There will be a significant effect on the visual amenity of views from Hertfordshire Way as it passes through the site. Proposed mitigation includes retaining and enhancing existing vegetation within the site, around its boundaries, and adjacent to the Hertfordshire Way. Proposed extensive planting within the site to should help screen development and help it integrate into the landscape.

Ecology and nature conservation

1.43 The application site is not the subject of any statutory or non-statutory nature conservation designations. A site of Special Scientific Interest (SSSI, designated for its wetland habitats and associated fauna (Thorley Flood Pound SSSI) lies some 400m to the east although it is physically separated from the site. The land is intensively farmed for arable and there are few semi-natural habitats, which are themselves generally species poor. Badger habitats will be affected and subject to damage. The site is of generally low interest to birds although possibly one or two pairs of Skylarks may be lost. There is limited use of the site by bats and their

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habitats will be little affected. Suggested mitigation includes retention/reprovision of trees and hedges where possible. The proposals include the provision of a wildlife habitat area, including water bodies, on the eastern side of the site.

Trees

- 1.44 It is noted that a number of individual trees and tree groups within the site are the subject of a Tree Preservation Order (TPO). A tree survey has identified the majority of trees within the main body of the site are middle-aged species located along boundary edges and field ditches. The Arboricultural Impact Assessment carried out to inform the EIA process advises that the proposals will directly result in the loss of 147 trees, 11 groups of trees and part of 2 further groups, of these, 1 tree is identified as Category A (high quality) and 1 other as Category B (moderate tree). The Arboricultural Impact Assessment advises that the proposed layout retains principle landscape features within the site and respects the existing Hertfordshire Way corridor through the site. The loss of a number of trees, particularly in the Whittington Way highway improvements is acknowledged but is small in the context of the site. Suggested mitigation includes the submission of an Arboricultural Method Statement and Tree Protection Plan as part of a planning condition and proposed tree planting.

Geology, Minerals and Ground Conditions

- 1.45 The site is underlain by Glacial Till (Boulder Clay), Kesgrave Sands and Gravels, Lower London Tertiaries, and Upper Chalk. There is no evidence of past quarrying activities and the site does not contain sufficient minerals to warrant commercial extraction. Possible geotechnical issues include shrinkable clay soils and soil desiccation (drying out). Tests for soil/groundwater contamination shows no significant risk to human health. The investigations find no significant geo-environmental risk.

Water

- 1.46 The site is not located in an area identified by the Environment Agency as liable to river or coastal flooding and is located in a low risk flood zone. The drainage strategy has been prepared for controlling surface water runoff based on Sustainable Urban Drainage Systems (SUDs). The overall strategy is to drain the site to the existing drainage ditch to the south via a series of attenuation measures included a swale, ponds and ditches. It is noted that an existing drainage ditch crossing the site will be removed and other ditches culverted where crossed. Site investigations indicate a low risk of contaminants leaching to groundwater. Measures proposed to prevent run-off and pollution during construction.

Agriculture

- 1.47 The proposal would result in the loss of approximately 20.2 hectares of grade 2 farmland, which is defined as best and most versatile farmland, although around half this area would comprise playing fields and so could in theory revert to farmland if necessary. The impact to the viability of existing farming operations is assessed as being insignificant.

Socio Economic

- 1.48 The application proposals will increase the capacity of both the Bishop's Stortford and the Herts and Essex High Schools. The increase in capacity is unlikely to affect the viability of the other existing secondary schools in the area as schools in the area are currently at or near capacity. The increase in employment levels at the two schools is considered to be unlikely to adversely affect other existing employers in the area. The community use of new sporting facilities is considered unlikely to adversely affect the viability of existing sports and leisure facilities in the town.

Cultural Heritage and archaeology

- 1.49 The proposals have no implications for any conservation areas, historic parks and gardens or historic battlefield. There are a number of listed buildings located to the east of London Road in the immediate vicinity of the site, including Thorley House, Sparrow Nest Moorlands and Glen View, Elm Trees, and Thorley Wash Cottage. The proposed buildings have been designed so as to minimise the affect on the adjoining nearest listed building, Thorley House. In other cases the distance involved and the intervening vegetation is seen as mitigating the impact.
- 1.50 The proposals have no implications for any Scheduled Ancient Monuments or locally designated Areas of Archaeological Significance. The site has been subject to a number of investigations and remains from the Bronze Age, Iron Age and Roman periods have been identified. The remains so far have been found close to the surface and so the leveling required will result in the total removal of archaeological remains across the whole site and it is not possible to preserve the remains in-situ. The assessment advises that the site should be fully excavated and recorded and the results published and artifacts deposited with the local museum.

Transportation

- 1.51 The EA has been accompanied by a Transport Assessment which seeks to establish the likely implications for transport movement during the construction and operation phases. During construction suggested mitigation includes the identification of routes to be used by vehicles accessing the site and times when vehicle movement and deliveries will be allowed. If necessary a temporary construction access road could be provided to Obrey Way. In the operational phase mitigation is aimed at minimising congestion due to vehicle trips, measures include: introducing highway management measures along Whittington Way and a traffic control system along London Road; providing pedestrian and cycle links and crossing along Whittington Way; providing new scheduled bus services to the site; introducing dedicated school bus services; introducing a comprehensive School Travel Plan; introducing a Traffic and Car parking Management Plan for the School.

Rights of Way

- 1.52 Two footpaths cross the site, footpath 4/34 (The Hertfordshire Way) and footpath 3. There will be a direct impact on footpath 4/34. Its character will inevitably change from one of a path running through arable fields to one passing through a school site which is crossed in a number of locations. Proposed buildings would obscure a number of views south from the path and this impact cannot be mitigated, however the Environmental Statement identifies the proposed new footways and permissive footpath as positive benefits of the proposals.

Noise and Vibration

- 1.53 Noise assessments have been carried out to assess the noise 'climate' in the vicinity of the site which takes account of current aircraft movements associated with Stansted Airport as well as the proposed Generation 1 growth of the airport, road traffic noise and rail noise, but do not take account of the Generation 2 expansion, as this proposal has been withdrawn, or the National Air Traffic Services (NATS) consultation exercise, which has not yet been concluded.
- 1.54 The assessments found that the local noise climate is dominated by air traffic noise associated with Stansted Airport, with louder noise levels experienced during takeoff procedures and with some flight paths relatively close to the south eastern corner of the site. During lulls in aircraft movements, road traffic noise dominates the local noise climate.

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- 1.55 The noise assessment finds that current levels of noise at the site comply with recommended external guideline noise levels for playing fields, with noise levels low enough towards the middle of the site to enable outdoor teaching, when aircraft are landing.
- 1.56 The Environmental Statement supporting the planning application for the Generation 1 expansion of Stansted confirms that noise levels across the school site would increase but would still generally comply with the recommended upper guideline value for playing fields when aircraft are taking-off. However, when aircraft are landing noise levels towards the middle of the site would marginally exceed the lowest guideline noise level. The assessment advises that such a small increase above the guideline value would not be detrimental to school children during outdoor teaching activities.
- 1.57 Construction activities may give rise to noise disturbance for a temporary period and a number of good site practices are suggested to reduce the impact of noise (and vibration) on existing properties, including a Construction Code of Conduct.
- 1.58 The assessments demonstrated: a) noises associated with the school (road traffic noise, car park noise and general school noise) would have a negligible impact on neighbouring residents, and on local amenities, and b) The development could increase levels of road traffic noise on surrounding roads but this change would not be perceptible, and would not cause disturbance.

Air Quality

- 1.59 An assessment of air quality has been carried out for the site. It considers that road traffic is likely to be the primary local source of air pollution in the immediate vicinity of the site. Nitrogen Dioxide concentrations are lower at Whittington Way than at the existing schools sites. Therefore the proposals would have beneficial impacts for pupils, staff and visitors at the schools.
- 1.60 The assessment finds that aircraft are not a significant source of air pollutants in the vicinity of the site given the distance to Stansted Airport. This finding would not be affected by proposals for expansion of the airport or changes in flight paths at the airport.
- 1.61 During construction dust could possibly be generated on occasions, which could lead to some dust nuisance to residential properties. A number of measures are proposed to mitigate this possible impact, including limiting vehicle speeds; minimising movements; cleaning wheels and damping un-surfaced construction haul routes and dusty surfaces. Exhaust emissions

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could also have an impact and therefore a number of measures are recommended to minimise this impact, including restricting construction vehicle routes, switching engines off when not in use; using well maintained construction plant; and minimising plant/vehicle activities, especially near residential properties.

- 1.62 The assessment finds that changes to traffic flows on the local road network and the associated exhaust emissions could give rise to an impact on local air quality. It finds that they would cause an increase in Nitrogen Dioxide and particulates at some junctions/locations, and a decrease at others. The predicted changes would be slight or negligible. Mitigation measures are suggested to incorporate measures to minimise car use and encourage more sustainable modes of travel. Retention of most existing trees and hedgerows and supplementary planting will contribute to improving local air quality. Further mitigation measures are suggested during construction (see above).

Infrastructure Services

- 1.63 There are existing gas, electricity, water, foul sewer, telecommunication, cable TV and surface water sewers in the vicinity of the site which could serve development. Connections will generally be taken from services in Thorley Lane and/or London Road, except for electricity which will come from a Primary Sub-Station to the south of the site.
- 1.64 The proposed highway works may require the diversion or protection and strengthening of an existing gas main and cable TV services. An existing overhead electricity line which currently crosses the site will need to be diverted around the site to accommodate the proposals.

Use of Natural Resources and Waste

- 1.65 Efforts will be made to minimise the use of natural resources consistent with efficiency and cost minimisation and recycled materials will be used (subject to meeting necessary specifications). Due to the sloping nature of the site it will be necessary to re-grade much of the site, particularly to the south of the Hertfordshire Way, to provide level areas suitable for the proposed buildings, parking areas, and playing fields. The overall intention is to balance the amount of cut with the amount of fill so that there will be no need to dispose of surplus waste off site or to import materials from elsewhere. However, it is likely to be necessary to import suitable top soil, drainage material and possibly sub-soils to provide suitable surfaces for the playing field. It is unlikely that the development will generate significant surplus material. Any un-reusable soil will be disposed of at an appropriate off site landfill site.

2.0 Site History

- 2.1 Other than the previously withdrawn application (LPA reference 3/08/1117/OP) this application represents the only planning history pertaining to the site.

3.0 Consultation Responses

- 3.1 The Campaign to Protect Rural England (CPRE) objects to the proposed development. They outline that the proposed development of a large complex of schools is inappropriate development and would have a significant impact on the Green Belt. The very special circumstances put forward do not justify the inappropriateness of the development. CPRE comment that the current and future secondary educational needs of Bishop's Stortford could be met quite satisfactorily, and more sustainability on the existing school sites and that the main driver behind the proposals is financial and not educational.

CPRE notes that the development would be contrary to East Herts Councils stated intention "to maintain and consolidate the Metropolitan Green Belt around Bishop's Stortford, with additions to it where appropriate" (East Herts Local Plan paragraph 11.1.4).

Commenting on the decision by the Local Plan Inspector not to alter the Green Belt boundary to enable the secondary school needs of the town to be met, CPRE draw attention to the Inspector's comment: "the removal of the site from the Green Belt to accommodate the identified need weakens the Councils position in safeguarding the principle and permanence of the Green Belt. Other pressing needs could just as well prevail on this approach in arguing for further Green Belt releases" (paragraph 11.48.9).

CPRE consider that alternative sites exist, as has been demonstrated in the information submitted with the application. It would be possible to extend or redevelop both Bishop's Stortford High School and Herts and Essex on their existing sites.

CPRE comment that from the information available, there is a need for an additional 45 school places, which seems a very low return on the investment and is not justification for inappropriate development in the Green Belt.

Commenting further on the educational need, CPRE acknowledge that Bishop's Stortford High School and Herts and Essex High School are

foundation schools where the land and buildings are owned by the governing bodies rather than the Local Education Authority, however, the LEA is clearly a key player in determining the need for the two schools to relocate.

- 3.2 The Commission for the Built Environment (CABE) comments that the principle of two new schools on this Green Belt site is acceptable, in principle. However the application does not demonstrate a successful educational environment appropriate to the Green Belt is to be created. The revised scheme has not overcome CABE's overarching concerns of the previous scheme.

The provision of the schools on the site presents an exciting opportunity to provide an attractive and uplifting place to learn, teach or use sports facilities. The project needs to be justified through a design that reflects the sites existing character and role in the wider landscape, and which demonstrates how the development enhances this part of the Green Belt.

CABE considers that the site planning and highway infrastructure proposals are detrimental to the area. The provision of new footpaths along Whittington Way are positive features of the scheme, however the two new roundabouts are a highway engineering driven solution to the movement challenges of vehicles and pedestrians rather than a place-making approach which is damaging to the area.

The provision of an informal car parking area to the front of the site is recognised however this limits the ability of the schools to make a positive contribution to the edge of town environment. Thinking in transport planning and place making have moved towards the creation of animated, overlooked streets that encourage green modes of transport such as walking or cycling.

CABE considers that important aspects of the sites character and role within the Green Belt is its topography, vegetation and views in and out of the site. Whilst the proposed plans indicate contouring around the sports pitches the scheme could react more sensitively with the contours.

- 3.3 The County Development Unit comments that, should the Council be minded to grant planning permission a number of detailed matters should be taken into account. There is unlikely to be significant mineral (sand and gravel) deposits within the application site, however policy 5 of the Hertfordshire Minerals Local Plan Review (2002-2016) outlines that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised. In this respect, the development of the site may give rise to opportunistic use of some poorer

quality materials at the site that could be utilized in the development, which is consistent with the principles of sustainable development.

- 3.4 County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that the application is similar to that made in 2008, although the internal layout of the site has been amended and a temporary access is included. The Transport Assessment outlines that since the 2008 application there has been limited traffic growth and even traffic reductions. The previous Traffic Assessment submitted with the 2008 application is therefore still robust with future growth and impact being 'over estimated'.

Two new roundabout junctions are proposed to be formed with Whittington Way at the current junction with Pynchbek and Bishops Avenue. During the life of the application, amended plans for the roundabouts have been submitted, which are acceptable to County Highways, in principle. The amended plans essentially increase the size of the two roundabouts off Whittington Way.

Currently, Herts and Essex High School generates 457 am trips and the Bishop's Stortford High School generates around 458 am trips, 915 in total. It is estimated that off these, 229 use Whittington Way/London Road from the south west and 131 use London Road from the south.

The proposed schools increased to 8FE will generate 743 and 711am trips respectively, 1454 trips in total. The junction analysis indicates that the two new roundabout junctions with Whittington Way will operate within capacity.

The Highways Officer provides detailed information regarding the impact of the development on specific highway junctions. The Officers sets out that the provision of two schools will obviously increase traffic flows around the area of the schools. However, improvements proposed by the applicant are considered sufficient to mitigate the impact of the development, although they may not provide free flowing conditions along London Road, when considering future development.

The Highways Officer recommends conditions in respect of: phasing of highway works; construction vehicle movements; wheel washing facilities; parking and storage areas; a SCOOT traffic control system; Car Parking and Traffic Management Plan; Green Travel Plan; and cycle storage areas; access/egress works, new footways/cycleways, new toucan crossing, signage, and improvements to bus stops. (SCOOT traffic control is a system which provides linkages between separate traffic light controlled junctions, and other traffic management elements if appropriate,

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to ensure that they act in a coordinated way to best manage the flow of traffic)

The s106 planning agreement is recommended in respect of: provision of a new bus service (operating along Stansted Road, Parsonage Way, Dunmow Road, Haymeads Lane, Beldams Lane and London Road to the school); increasing the frequency of the existing 308 bus service to 20 minutes (currently every 30 mins. and running between the airport, the town centre and Bishop's Park); the provision of a bond or financial contribution to cover those services; a School Management Plan aimed at optimising sustainable modes of transport; a Car Parking and Traffic Management Plan aimed at minimising disruption to other road users; an annual monitoring report to measure modes and times of travel to school; and, a financial contribution of £7,500 in respect of Traffic Regulation Orders along Whittington Way.

- 3.5 The Environment Agency comments that the proposed development will only be acceptable if planning conditions are attached. The conditions suggested relate to a surface drainage water scheme based upon sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.
- 3.6 The Environmental Health Officer has recommended that any permission granted by the Council includes conditions relating to construction hours of working, dust, contaminated land, lighting details and piling works.
- 3.7 Essex County Council (ECC) comment that, since the withdrawal of the previous application, ECC have been in discussions with Hertfordshire County Council regarding the educational situation in Bishop's Stortford and the surrounding area adjacent to the boundary.

ECC acknowledges the proposed increased in the schools and the potential to expand further to 8FE although it is understood that any future enlargement of either or both schools would only be funded at an appropriate time and to the extent required to meet the anticipated additional places arising from any new housing development in Bishop's Stortford. Such a commitment will ensure that any additional places provided at the two schools will meet the additional demand generated by the new housing in the town.

The Council outline that many children residing in Essex attend schools in Hertfordshire including Bishop's Stortford. Mountfitchet College is currently in a formal collaboration with Saffron Walden County High School which is hoped to bring about improvement at the College and will lead to its increased popularity. The Council hopes that with expansion now and

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possibility in the future, the two schools will determine admission arrangements that continue to strike a balance between making additional places available for the demand in Bishop's Stortford and meeting wider parental preference.

Essex County Council comment that they do not object to the educational justification for this application which is considered to provide additional places in the area in the short term and flexibility for further places should they be needed in the medium and long term.

- 3.8 The Government Office for the East of England comment that as any of the applications could be referred to the Secretary of State for determination as part of the consultation process, it is not appropriate to comment at this stage.
- 3.9 The Hertfordshire Biological Records Centre acknowledge that an up to date Ecology Report has not been submitted and comments are therefore made in response to the Ecology Report (March 2008). HRBC recommend that the site should be resurveyed for badger setts and paths and the potential demolition of the badger sett should only take place under license from Natural England and the updated report should be submitted with any reserved matter application. HRBC also recommend that the site should be resurveyed for reptiles and an up to date report submitted with any reserved matter application. HRBC further suggest that clearance of trees, shrubs, and ground vegetation is restricted between 01st March - 30th August to protect breeding birds, their nests, eggs and young.
- 3.10 The Historic Environment Unit comments that the proposed development site was the subject of an archaeological geophysical survey and field evaluation via trial trenching. However, the investigation did not include the area of the proposed temporary construction access onto the site from Obrey Way.

The investigation did however establish that the entire area of the proposed development contains very extensive archaeological remains of Bronze Age, Iron Age and Roman date, which merit full publication in an appropriate format. The investigations revealed a Bronze Age ring ditch and a track or driveway, cremation burials and very extensive remains of a probable Roman farmstead and associated agricultural activity. These remains are considered by the County Archaeologist to be of at least regional importance.

The County Archaeologist outlines that the full extent and complexity of the archaeological remains present within the proposed development area has not yet been fully established and, in addition, the possibility cannot be

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excluded at this stage that such investigations may reveal heritage assets of such significance that require their preservation in situ. The County Archaeologist considers that it is necessary and reasonable to attach planning conditions in relation to these matters.

- 3.11 The Housing Development Manager comments that, as the proposals do not involve the provision of housing no comments are made.
- 3.12 The Landscape Officer recommends refusal of the application and comments that the application appears to differ little in terms of indicative layout and landscape planting from that previously submitted. Specific tree issues and impact upon the Hertfordshire Way therefore remain similar to those previously outlined.

The site is sloping and undulating and open to long views from the south. The site forms part of a coherent, unified landscape despite being located on the urban fringe. The Landscape Officer acknowledged that there is some limited potential for mitigation by way of tree planting and screening but the immediate and short term impact will be severe. Along Whittington Way there is an existing light tree/hedgerow screening with intermittent views into the site as seen in the summer although the screening effect will be much reduced during autumn and winter months. The Officer outlines that the indicative tree planting proposed could, in theory at least help to bolster this.

The site is located in the high ground plateau of the north eastern corner of landscape Character Area 85 of the Landscape Character Assessment SPD. The salient characteristics of that area are that there are few settlements or buildings and the areas main feature is arable agricultural production. The character area is described as rural, almost isolated, with negligible impact from the southern edge of Bishop's Stortford, although there is constant noise from Stansted Airport. Although views of the area from the outside are very limited, views within the area are extensive. In terms of rarity and distinctiveness, this is described as a most unusual area, elemental and simple and of a scale undreamed of in the cluttered south west of the county.

Due to the topography and landform, the proposed development will be prominent in the surrounding landscape. The site is exposed and likely to appear bleak and windswept in the winter months and is not considered to be a favorable setting for schools and associated playing fields. Any woodland planting in this area should be of an appropriate scale. The indicative layout within the confines of the site however does not allow for such landscaping and the indicative landscape plan is deficient taking into account the scale of development. The Landscape

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Officer supports the Strategy and Guidelines for managing change in the SPD which advises to resist development proposals that would permanently damage the character of the area by altering its scale and landscape pattern.

- 3.13 The Planning Policy Team have outlined that since the submission of the previous application, little has changed in the relevant planning policy context. The Policy team outlines that the site lies within the Green Belt where there is a general presumption against inappropriate development and specific reference is made to paragraph 3.2 of PPG2:-

‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development’.

The Planning Policy Team identify that in principle, it is therefore possible for harm to be caused to the Green Belt, provided that this is outweighed by very special circumstances. A careful assessment of both the extent of the harm caused and the very special circumstances will need to be made and the arguments balanced.

The Planning Policy Team outline that in the 2004 Re-Deposit Local Plan the Council argued for the redrawing of the Green Belt boundary in order to accommodate a site for the new schools

However the Inspector at the Local Plan Inquiry refused to alter the Green Belt boundary because

- *The site represents a long-established area of protected land, serving well-defined Green Belt functions;*
- *Its removal from the Green Belt weakens the Council’s position in safeguarding the principle and permanence of the Green Belt*

The Policy team outline that the Inspector did not however rule out the possibility of a planning application for the development:-

‘the circumstances of educational need, as well as the impact on the Green Belt, could be considered in the context of a planning application. After all, there are examples of educational establishments within the Green Belt elsewhere in the District, and the Council is able to exercise the

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level of control necessary in such locations...the long term needs of the town could be pursued either at Whittington Way or in other locations, should other options arise'. [Local Plan Inspector's Final Report, paragraphs 11.48.7-9].

Therefore, provided that very special circumstances can be demonstrated, it is in principle possible for the proposed new schools to be built in the Green Belt without weakening the Council's position in safeguarding the principle and permanence of the Green Belt. In practice, this will involve a requirement to demonstrate that the benefits of the proposal clearly outweigh any harm to the Green Belt.

The Policy team identify the submission of two further documents submitted as part of the current application:-

Firstly, the Education Needs Assessment reviews pupil forecasts to 2031, including a projection of additional pupils from planned new housing (including the ASRs – Area of Special Restraint, which are designated as part of the East Herts Local Plan Second Review April 2007, as reserved for housing, when an identified need arises), and suggests that there is a clear need for additional places to meet the sustained increase in demand. However, this is insufficient to warrant a whole new school, particularly because long term demand is forecast to be lower than short-medium term demand. The Assessment then looks at the County Council's preferred strategy and a number of alternative options.

Secondly, the Alternative Site Options Appraisal considers the advantages and disadvantages of three different approaches. Firstly, it appraises the expansion potential of the existing secondary school sites. Secondly, it appraises eight sites for a single 6FE or 8FE school. Thirdly, it appraises three sites for two 8FE schools.

The applicants argue that in the absence of a suitable non-Green Belt site, and given the stated urgent educational need, the very special circumstances exist to justify release of the Green Belt site at Whittington Way.

The Planning Policy Teams position remains unaltered from the previous application. From a Planning Policy point of view, bearing in mind the Council's position at the 2004 Re-Deposit Local Plan, that the educational needs of Bishop's Stortford warranted development of new schools on this Green Belt site, it is considered that the principle of such development might be viewed favourably, subject to appropriate development and design details. This recommendation is made on the basis that Hertfordshire County Council (the Local Authority) and Foundation

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Schools' proposals for relocation and expansion are fully justified, on all relevant counts.

- 3.14 NATS aeronautical information service have commented that the proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.
- 3.15 Natural England comment that, based on the information provided they have no objection, in principle, to the proposed development with regards to the Thorley Flood Pound SSSI. They comment that drainage and lighting issues can be adequately addressed within any subsequent reserved matters application.

Natural England notes the ecological survey which was carried out in 2007. In view of the low levels of protected species interest present within or adjacent to the site, this is considered to be acceptable for the purposes of determining the current application. However, any future application will need to be accompanied by an up to date survey.

- 3.16 The Ramblers Association object to the proposed development. They comment that the existing site is attractive countryside which will be lost as a result of the development. The proposed development will result in extra traffic and the current infrastructure is incapable of coping with this
- 3.17 A detailed and comprehensive response has been received from Sport England. They comment that their comments are based on Sport England's policy, 'A Sporting Future for the Playing Fields of England (1997)'. The main aim of that policy is to ensure that there is no further reduction in the supply of conveniently located, quality playing fields to satisfy current and likely future demands.

Sport England outline that the proposed development allows the potential to accord with exception E4 of the aforementioned policy, which permits the loss of playing fields if the playing fields 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.

There is currently 7.71 Ha of grass playing field provision collectively at the schools sites (3.33ha at Bishop's Stortford High School, 0.65ha at Herts and Essex High Schools main site and 3.73ha at Beldams Lane). The proposed development includes the provision of a 7.31ha playing field. This would involve in a relatively small net loss in grass playing field provision, however, it is expected that the replacement playing fields would

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be significantly better than those that they would replace, which have identified deficiencies.

In addition, a full size floodlit artificial grass pitch would be provided (0.69ha) which would be suitable for a range of outdoor sports, particularly hockey, football and tennis. Collectively, the new natural turf playing field and the artificial pitch will provide 8ha, which would result in the replacement playing field being larger in area than the existing playing fields the schools currently benefit from. With regards to hard surfaced multi use courts, the schools on their current sites benefit from 0.35ha of such space and the proposed development of a floodlit multi use games acres (MUGA) will provide 0.44ha.

The quality of the existing schools playing fields are identified as having significant qualitative problems which restrict their use by the schools and prevent community use. Sport England accept that the Whittington Way site will require extensive groundwork to ensure suitable conditions, although they accept that the replacement facilities can be of at least equivalent quality to the existing provision.

3.18 Thames Water have commented that, with regards to surface water drainage, this is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. Thames Water recommend that, in respect of surface water, the applicant should ensure that storm flows are attenuated or regulated into the sewer system. Where discharge into a public sewer is required, this will require consent from Thames Water.

3.19 Uttlesford District Council have responded outlining that they have no comments to make with regards to the proposed development.

4.0 Parish/Town Council Representations

4.1 Bishop's Stortford Town Council objects to the development on the following grounds:-

- The case has not been adequately made for the inappropriate development on the Green Belt, contrary to national and local planning policies;
- It is not accepted that the provision of two schools on this site is the only way to meet the identified need;
- Increased traffic generation;
- Impact of aircraft noise on the schools.

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4.2 Thorley Parish Council objects to the proposed development. Their comments can be summarised as follows:-

- The previous recommendations by Officers have not been adequately addressed;
- Proposed development is contrary to Green Belt Policy;
- No convincing educational justification;
- Aircraft noise will create a harmful impact on the schools;
- Insufficient road infrastructure;
- Impact on historic assets and archaeological remains;
- Proposed development will impact detrimentally on visual amenity, existing landscape features, trees, public rights of way.

5.0 Other Representations

5.1 Most residents and community bodies who have responded have done so in relation to the entire package of development proposals. As a result, full details of the third party responses are attached as appendix A to this report and should be taken into account by Members when considering this application and all of the related development proposals.

6.0 Policy

6.1 The most relevant Local Plan Policies in respect of the consideration and determination of this application are:

SD1	Making Development More Sustainable
SD3	Renewable Energy
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking Standards
ENV1	Environment and Design
ENV2	Landscaping
ENV3	Planning Out Crime
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
ENV23	Light Pollution and Flooding
ENV25	Noise Sensitive Development
BH1	Archaeology and New Development

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BH2	Archaeological Conditions and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC2	Joint Provision and Dual Use
LRC9	Public Rights of Way
BIS7	Reserve Secondary School Site, Hadham Road
IMP1	Planning Conditions and Obligations

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

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS5	The historic Environment
PPS9	Biodiversity and Geological Considerations
PPG13	Transport
PPG17	Open Space, Sport and Recreation
PPG24	Planning and Noise
PPS25	Development and Flood Risk

6.3 Members will be also be aware of the Bishops Stortford 20:20 Vision document which provides a vision for future development in Bishops Stortford which sets out as a vision to see the good schools that already exist in the town reinforced and strengthened, and the capacity of the town increased as a source of skills and achievement.

6.4 Members may also be aware that Bishop's Stortford Town Council have prepared a Town Plan which expresses concern with the relocation of the two schools within the Green Belt.

7.0 Considerations

The main Issues

7.1 The main considerations in this application relate to the following broad topics:-

- **The impact of the development on the Green Belt and whether there are any very special circumstances to outweigh such an impact;**
- **The impact of the development on highway safety;**
- **The impact of noise on the proposed schools, particularly relating to aircraft.**

- 7.2 This report is set out into two broad topics of discussion: - the first part sets out the principle of the proposed development, having regard to Local and National Planning Policy, and provides a commentary of the planning considerations relating to the impact on the Green Belt and the other harm associated with the proposed development. The report then sets out the 'very special circumstances' which the applicant considers 'outweigh' the harm to the Green Belt, and balances those considerations with the impact on the Green Belt, in reaching a view on the acceptability of the proposed development.

The principle of development

- 7.3 The site is located within the Green Belt and the main planning issue in the case of this application is considered to relate fundamentally to Green Belt issues. It is appropriate therefore for this report to set out to Members the relevant national and local policy context with regard to Green Belt policy.

- 7.4 The guidance in PPG2 (Planning Policy Guidance 2) outlines the national planning approach for dealing with development within the Green Belt. Paragraph 1.4 of PPG2 sets out that the *fundamental aim* (Officers emphasis) of Green Belt Policy, is to prevent against urban sprawl by keeping land permanently open. The most important attribute of Green Belts is their openness. At paragraph 1.5 of PPG2 the five purposes of including land within the green belt are set out:-

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist urban regeneration, by encouraging the recycling of derelict and other urban land.

What must be considered in this application is how the development impacts on the openness of the Green Belt.

- 7.5 Within the Green Belt there is a presumption against inappropriate development, except in very special circumstances. Paragraph 3.2 of PPG2 outlines that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Furthermore, any 'very special circumstances' to justify inappropriateness will not exist, unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

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- 7.6 The relevant 'test' in relation to this application is to consider whether the development is, by definition, 'inappropriate development', having regard to the exceptions in PPG2 and the Development Plan, and whether there is any other harm to the Green Belt. If this is the case it must be assessed whether there are any 'very special circumstances' which exist, which outweigh the inappropriateness by definition and any other harm.

The construction of two new school buildings

- 7.7 PPG2 provides that the construction of new buildings in the Green Belt is inappropriate unless it is for one of the purposes set out at paragraph 3.4. However, the provision of two new schools is not included within that paragraph of PPG2. The proposal is therefore contrary to the national planning policy approach and represents inappropriate development in the Green Belt. Policy GBC1 of the East Herts Local Plan Second Review April 2007 broadly reflects the guidance in PPG2; accordingly the proposal is also contrary to the requirements of that policy. The provision of two schools therefore represents inappropriate development which, by definition, is harmful to the Green Belt.

Impact on the Green Belt

- 7.8 Having regard to the advice in Paragraph 1.4 of PPG2 the most important attribute of Green Belts is their openness. In Officers view, in assessing the material impact of the development on openness in this application, a comparison must be drawn between the characteristics of the site as existing and that proposed in this application. This is, to a degree, a subjective matter, and it is appropriate in this context to review the considerations of the applicant and balance those against the views of consultees and other third part representations, which is discussed below:-

The applicant's arguments

- 7.9 The applicant's arguments put forward in respect of this application with regards to the impact on the Green Belt do not, in Officers opinion vary significantly from those previously put forward with regards to the withdrawn application. In essence, the applicants view is that there would be an 'absence of a significantly harmful impact on the Green Belt'. They comment that the site is a 'relatively detached area of Green Belt and the recent construction of the A1184 St James Way has severed the area from the wider area of open agricultural land to the south of the road.'
- 7.10 The applicant considers that the provision of the two schools (in terms of the built form) adjacent to the existing urban edge of the Town, will reduce

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the degree of impact on the Green Belt and the provision of the school playing fields to the south of the buildings will assist further in reducing the impact on the Green Belt by providing an area of transition between the school complex and the retained agricultural area beyond. The applicant acknowledges that there will be 'some urban encroachment and consequent loss of openness', this is considered to be offset by the wider benefits of the development.

- 7.11 The applicant refers to other examples of secondary schools in the Green Belt locally, including Leventhorpe School in Sawbridgeworth, Simon Balle School in Hertford and The Broxbourne School St Marys High School in Cheshunt. The applicant sees no reason why the site should not remain within the Green Belt.
- 7.12 In terms of the relationship between the existing town envelope, the development site and the rural landscape the applicant has concluded that the proposed development would strengthen the association of the site with the town of Bishop's Stortford and weaken its current general association with the Thorley Uplands landscape character area, particularly in the short term. In the long term, when new planting has become established and begun to mature, the applicant has concluded that the site would provide a transitional area between the more rural landscape of the area and the urban area of Bishop's Stortford. The applicant considers that the proposals would be consistent with the grain of development in this fringe area of Bishop's Stortford as the site lies within the ring road and has existing developed areas on two sides.
- 7.13 With regards to visual impact of the development, the applicant outlines that eleven viewpoints (mainly to the south of the site) have been found to have potential substantial / moderate or higher visual effects at completion. In the long term, as planting begins to mature and screen the development, eight receptors have been found still to have potential substantial / moderate or higher visual effects.
- 7.14 With regards to the impact on the Hertfordshire Way, the applicant accepts that there will be significant effect on the visual amenity value of views from that public footpath. In respect of other footpaths, the applicant does not consider there to be a significant impact.

Officers views on the impact on the Green Belt

- 7.15 Officers comments to Members within the previously withdrawn application were that an assessment of the extent of the impact on the openness and character of this part of the Green Belt should have particular regard to the elevated and prominent position of the site in the landscape. Members

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should note that the siting of the buildings and layout of the site has not altered significantly from that previously submitted.

- 7.16 In considering this issue, Members should refer, in particular, to the comments made by the Landscape Officer above, and the details within the Landscape Character Assessment SPD, as well as policies GBC14, ENV1, ENV2 and ENV11 of the Local Plan.
- 7.17 The SPD outlines that the eastern half of the area consist of sloping arable farmland which is remote but lacks tranquility owing to the aircraft overhead from Stansted Airport. Views from within the area are extensive and the scale of landscape elements are large and vast but it is unified with no sense of enclosure. The SPD considers this to be a 'most unusual area, elemental and simple and of a scale undreamed of in the cluttered south west of the County'.
- 7.18 Within the Officers report of the previously withdrawn application, it was outlined that openness was, 'without doubt', a key aspect of the sites character which was considered to contribute significantly to openness and character of this part of the Green Belt. Those same opinions are still held by Officers.
- 7.19 With regards to the relationship of the development site with the edge of the town, whilst mindful of the applicant considerations within this current application, Officers consider that, viewed from the south the extent of the town appears to be curtailed along the southern boundary by Whittington Way. In no way can the construction of the by-pass be considered to have 'severed the area from the wider area'. As the Planning Inspector rightly pointed out as part of the Local Plan Inquiry, the land represents a long established area of protected land, serving well defined Green Belt functions'. The area of land is considered to serve an important function that forms a hard edge with the town with the adjoining agricultural landscape. The parcel of land does not, in Officers opinion, appear severed from the adjoining agricultural landscape, but appears as a continuation of the landscape which abuts with the green edge of the town. The town appears to be effectively terminated by the open farmland which rolls up to its southern boundary with Whittington Way. In Officers opinion, this is a clear and defensible boundary. The loss of this green boundary edge between the open rural landscape and the town envelope would have demonstrable impacts on the character of the Green Belt.
- 7.20 There is a clear contrast between the openness of land to the south and the built up area. The site is readily apparent in the landscape which slopes up and northward away from the by-pass to the south. The proposed plans indicate the location of the buildings to the south of

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Whittington Way, centrally within the site and on higher ground, relative to the surroundings. It is considered that, notwithstanding any terracing of the land to settle the buildings within the ground, the location of the buildings and their scale (in terms of floor space and height), will ensure that they appear dominating on the site and thus harm the openness of the site and the surrounding landscape. In this respect the proposed development would not accord to policies ENV1, ENV2 and GBC14 of the Local Plan.

- 7.21 The extent of the visual impact of the development is compounded by the sloping nature of the site, and the views of the site from the surrounding highway network and public rights of way. In particular, there are views of the site from the by-pass and roads leading around the site and into Bishop's Stortford, as well as along Whittington Way.
- 7.22 In addition to the buildings themselves the associated developments including extensive areas of hard surfacing for games courts, vehicle parking, and access roads will result in the extensive development of the site such that, in the view of officers, the development would appear to be an urban intrusion into the countryside. Officers contend that development on this scale would stand in stark contrast to the openness of the site and would diminish the wider openness and quality of this part of the Green Belt.
- 7.23 Officers previously raised concern with the inadequate scope for mitigating landscape planting to reduce the impact of the development on the open landscape. Officers recognise the proposed plans submitted with the current application include various landscape 'buffer' areas which the applicant indicates have been reviewed since the previously withdrawn application to providing stronger planting. Whilst Officers are mindful of the guidance in the Town and Country Planning (Green Belt) Direction 2005 which outlines that Authorities should take into account the extent to which the impact of the development will be reduced or mitigated by careful siting landscaping or planting (para14), Officers are of the opinion that such landscaping does not, in this case overcome the potential dominance of the buildings in the landscape. The claims the applicant makes that the siting of the sports pitches and landscaping would act as a transitional space between the urban edge and the rural landscape are acknowledged, however they would not adequately overcome Officers significant concerns with the impact of the development on the openness and rural character of the site.
- 7.24 For the reasons set out above, the proposed development is considered to result in demonstrable harm to the openness and rural character of the site, contrary to the requirements of PPG2 and Policy GBC1 of the Local Plan.

Other Harm

- 7.25 Paragraph 3.2 of PPG2 also requires that consideration is given to 'any other harm' which must also be considered in the case of this application. In Officers opinion the development is not only harmful in terms of the impact on openness, but it also harmful for other reasons, which are set out below.

Landscape impact/Rights of Way

- 7.26 The findings of the Arboricultural Impact Assessment undertaken as part of the EIA (as set out in paragraph 1.43) are noted along with suggested mitigation measures. It is regrettable that the proposals will result in such a large number of individual trees (147) and trees groups (11) having to be removed. The extent of the loss of existing vegetation (on the main body of the site and around Whittington Way) is indicative of the impact of development on this scale. The extent of the landscape intervention is determined by the need to provide highways engineering solutions on this scale which is in turn determined by the scope of development itself. The affect of the proposed level of intervention would be felt both immediately and in the long term. The entire soft urban edge to this part of the town would be sacrificed in favour of a highly engineered and traffic driven solution.
- 7.27 In respect of the impact on the Hertfordshire Way, the applicant accepts that there will be a significant impact on that path – a view shared by a number of letters of representation. Officers view is that it is likely to become an urban path as opposed to its existing country lane atmosphere/character. The combination of the limited space around the front of the site along the Hertfordshire Way and the space used up by the proposed buildings, paths, sightlines, access routes etc will urbanise this section of the Hertfordshire Way. This impact will emphasised by the curtailment of southern views along this section.
- 7.28 Local Plan Policy ENV2 expects development proposals to retain and enhance existing landscape features, and where losses are unavoidable provide compensatory planting elsewhere within or outside the development site. Whilst it is acknowledged that some habitat creation is proposed along the eastern boundary, this will not be sufficient to compensate for the significant loss of landscape features/character within the site. Due to the space demands of the development it will not be possible to provide sufficient planting within the site or along its boundaries, which if available might help to screen and break up the

development with interspersed planting. For the reasons outlined above, the proposed development will result in significant harm to existing trees and landscape features within the site, contrary to policy ENV2 and ENV11 of the Local Plan.

Traffic movements and general activity

- 7.29 Other than the technical documents and reports submitted with this application, there appears to be little consideration attached to the physical movements and activity within the site which, owing to the proposed use, are likely to be significant, in Officers opinion.
- 7.30 The provision of two schools, potentially up to 8FE, would result in a significant level of activity into and within the Green Belt site, in terms of traffic movements, pedestrian movements, etc throughout the day but in particular during school opening and closing times.
- 7.31 In addition, the applicant has indicated the provision of the shared facilities to be used by the community. In this respect, activities would unlikely to be restricted to the operating hours of the school, but are likely to continue throughout the day into the evening and possibly at weekends also.
- 7.32 Members must take into account that it is not only the physical presence of the buildings upon the site which is harmful to the character or the site, but it is also the activities as a result of those buildings which must also be balanced into their considerations. Those considerations would also be contrary to the purposes of including land within the Green Belt, in Officers opinion.
- 7.33 Officers do however recognise that the provision of outdoor sport and activities which is part of the development proposals is not necessarily contrary to the purposes of including land within the Green Belt on their own. It is accepted that such uses of the land would not be significantly harmful to the openness of the Green Belt, and would accord to PPG2 and policy GBC1 of the Local.

Highways impact

- 7.34 The Highways Authority confirm that the submitted Transport Assessment includes an assessment of the re-distribution/increase of traffic to/from the re-located schools and further housing developments associated with the existing school sites.
- 7.35 Relocation/expansion of the schools is expected to increase combined am trips for both schools from the current 915 trips to 1454 trips. Overall it is

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anticipated that there will be a movement of traffic away from the town centre onto the bypass, although there will be an increase in traffic along London Road southbound to the new school plus an increase in traffic turning northbound along London Road from Whittington Way.

- 7.36 The traffic modeling that has been carried out predicts the following off site highway impacts:
- 7.37 New roundabout junctions with Whittington Way: will operate within capacity.
- 7.38 London Road/Whittington Way junction: will operate with a slight increase in delay during the am and pm peak periods, although it should remain within capacity.
- 7.39 London Road from St James Way to Whittington Way: Traffic flows northbound along London Road will be significantly reduced compared to the general growth scenario for 2011 due to traffic diverting from these routes as a result of extra school traffic. With regards to northbound traffic flows, tested to higher levels than anticipated, showed that the junction was able to operate within capacity.
- 7.40 London Road/Thorley Hill junction: There will be an increase in delay during am and pm peak period, with queues on the Thorley Lane exit increased by 10 – 15 vehicles, and queues on London Road northbound increased by 10 vehicles. The limited road space prevents any physical intervention to improve capacity at this junction. The schools relocation combined with the introduction of measures to protect junction areas should assist the free flow of traffic. The linking of junctions along London Road via the SCOOT traffic control system should increase highway efficiency by 6 to 7%.
- 7.41 London Road/Pig Lane junction: increase in delays expected during the am peak period. Without any intervention queues northbound on London Road waiting to turn right into Pig Lane, are expected to increase by 13 vehicles. The Impact could be mitigated by the introduction of SCOOT and the breaks in traffic generated by the new signalised junction with the high school. Queues exiting from Pig Lane to London Road are expected to increase by 8 vehicles and the junction will continue to operate above capacity. Limited road space prevents further physical intervention at the Pig Lane junction. There is potential for Pig Lane junction to be signalised in future and linked to the SCOOT system. The Highways Officer does however comment that future traffic growth scenarios predict queues northbound along London Road with the Pig Lane junction could be up to 108 vehicles rising to 121 with the addition of the schools – although this

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is without intervention, such as the SCOOT system.

- 7.42 London Road northbound: a reduction in traffic flows due to diverting traffic. If traffic fails to divert predicted queues at London Road junctions will increase further. The SCOOT system has the ability to hold traffic queues on the outskirts of town limiting vehicle flow to ensure smoother tidal flows.
- 7.43 In terms of accessibility, the Highways Authority notes that there will be a number of improvements to access to the Whittington Way area, including an increase in frequency of the 308 service and new footways and cycle ways (subject to a separate s278 highways agreement). These works will form part of a strategy for effective pedestrian/cycle access encouraging use of alternative modes of transport to the car. The new proposed school bus service and improvement to the bus stops in the vicinity of the site should accommodate peak usage.
- 7.44 The Highways Authority comment that the extension to the 308 bus service is to be provided directly through the developer – which is welcomed by County Highways, on the provision that either a bond or financial payment is secured through a S106, if the service is not provided.
- 7.45 The Highways Authority also comment that a proposed dedicated school bus ‘service 2’ is secured, as this will serve areas of the town which are currently not well covered by existing bus routes. The applicant outlines that, details of this bus route are currently being reviewed, to assess whether they can be secured through a S106 agreement.
- 7.46 It is noted that around 110 pupils currently travel to the two schools by train. The Highways Authority consider Bishop’s Stortford train station to be within reasonable cycling distance (approx 1.36 miles away) and notes the generally good bus connections to the site.
- 7.47 It must be acknowledged that there have been high numbers of objections in respect of the anticipated increase in traffic in the vicinity of the site. The Highways Authority accepts that the re-location of the schools to Whittington Way will undoubtedly increase traffic flows around this area, and that free-flow conditions along London Road will be unlikely when considering future development. Nevertheless, the Highways Authority considers that the various improvements that are proposed as part of the application, i.e. bus services, footpaths, cycleways, and SCOOT traffic management systems are sufficient to mitigate the impact.
- 7.48 Officers are mindful that there is likely to be very high levels of traffic along London Road as part of future growth scenarios for the town. It is noted

that levels of traffic will increase as a result of the schools locating to Whittington Way, although this must be balanced against the predicted movement of traffic away from the town centre onto the bypass and the various improvements proposed as part of the development. It is also expected that current and future housing development will provide the financial contributions toward the provision of more sustainable transport usage which, in due course could contribute to lower car usage.

- 7.49 Officers consider that, on balance, the various improvements that are proposed as part of the application are sufficient to mitigate the impact of the expected higher levels of traffic in the vicinity. Officers therefore raise no objection to the development in highway terms.

Noise impact on the proposed school

- 7.50 As Members will have noted in section one of this report, Officers recommendation for the previous application was also based on noise issues. Officers previous concerns at that stage were that the noise assessments submitted with the previous application did not properly take into account or assess the implications for the proposed second runway (G2 – generation 2 development) at Stansted Airport or the NATS (National Air Traffic Services) proposals to alter the flight paths of aircraft. The inadequacies of the information submitted at that stage left a degree of uncertainty with regards to the potential impact of the development on the schools which was not considered to accord with policy ENV25 of the East Herts Local Plan Second Review April 2007.

The applications comments on the noise impact

- 7.51 Within the current application, the applicant has outlined that these matters have been clarified as follows:-
- The Government has approved the G1 proposals for Stansted Airport i.e. the expansion of the passenger throughput of the airport on a single runway to 25 million.
 - The planning application for the G2 proposals for a second runway at Stansted Airport has been withdrawn.
 - The NATS proposals for changes to the Stansted Airport departure and arrival routes have been withdrawn and a consultation on revised routes will not now take place until September 2010 'at the earliest'
- 7.52 The applicant outlines that, taking into account the above, the previously submitted noise survey (by Sharps Redmore) included a consideration of

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the G1 proposals and none of the other scenarios outlined by Officers and the associated concern are now no longer applicable and, as such no additional information in respect of noise has been submitted with the current application.

- 7.53 The applicant outlines that the Sharps Redmore's investigation submitted with the current application has demonstrated that current levels of ambient noise at the site comply with external guideline noise levels recommended in Building Bulletin 93 for playing fields, with noise levels low enough towards the middle of the site to enable outdoor teaching, when aircraft are landing. The applicant considers that the predicted increase in noise levels across the site would not be detrimental to school children during outdoor teaching activities.

Officer's consideration on the noise impact

- 7.54 The national planning approach in PPG24 (Planning Policy Guidance 24: Planning and Noise) provides the detailed National Planning Policy approach in dealing with noise issues. PPG24 recommends that 60 Leq dB(A) should be regarded as a desirable upper limit for major new noise sensitive development. In the case of replacement schools, PPG24 advises that expert consideration of sound insulation measures will be necessary. When determining applications to replace schools and build new ones local planning authorities should have regard to the likely pattern of aircraft movements at the aerodrome in question which could cause noise exposure during normal school hours/days to be significantly higher or lower than shown in average noise contours. Saved policy ENV25 of the Local Plan refers to the noise categories set out in PPG24 and outlines that in assessing development proposals, the Council will consider noise exposure categories; the proximity of existing or programmed noise generation developments and; the degree to which the layout and design of the proposals provides protection against noise.
- 7.55 As part of the process and considerations of this application, Officers have engaged a noise consultant, Walker Beak Mason (WBM), to provide professional guidance on issues of noise in relation to the development proposals at this site.
- 7.56 WBM outlines that all new school buildings are controlled under Building Regulations under the requirements of Building Bulletin 93 "The Acoustic Design of Schools" which is referred to hereon in this report as BB93. BB93 is a regulatory framework which sets out schools should be designed in respect of acoustics and noise and supports the requirements of Building Regulations. In this respect, it is a material consideration for which weight should be attached.

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- 7.57 BB93 sets out indoor ambient noise limits for teaching and learning spaces and for external teaching areas, which new schools should not exceed. In addition, BB93 also outlines requirements for the ventilation of school buildings.
- 7.58 WBM outline that, whilst the applicant has considered noise affecting external areas of the proposed school, no consideration in respect of the mandatory requirements of BB93 with regard to internal noise has been given. In addition, WBM outline that there are some discrepancies within the information submitted by the applicant which can be summarised as follows:-
- It is not clear from the report whether the measurements are in relation to aircraft taking off or landing;
 - There is inadequate information regarding the departure direction;
 - There is no information within the report as to the arrival route known as B2DR – which is the busiest route;
 - There is ambiguity regarding when noise measurements were taken on the site;
 - The measurements provide in the report indicates that measurements taken in one particular location are significantly higher than another, which may be influenced by traffic noise. The report then allows increased allowances at the point where there is higher traffic levels which could be an over estimate of the actual future noise in this location.
- 7.59 WBM outlines that, subject to clarification of the above issues and, on the assumption that the measurements put forward by the applicant are, indeed accurate and representative of the aircraft activity at Stansted Airport, then the measured noise levels were up to 55dB LAeq.30min close to Whittington Way and up to 55dB LAeq.30min within the site. The future growth of the airport through the Generation 1 increase in aircraft traffic, could lead to an additional 2dB in noise levels to those previously set out.
- 7.60 WBM set out that, taking into account the mandatory requirements of BB93, no information has been submitted in respect of the construction of the buildings or a ventilation strategy which would show how the indoor ambient noise levels as required in BB93 are to be achieved.
- 7.61 In terms of indoor teaching, with regards to any buildings near to Whittington Way and further within the site, those buildings my experience noise levels up to 57 or 60dB LAeq.30min. WBM advise that, if those buildings use natural ventilation (i.e. open windows), the majority of

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teaching rooms may experience noise levels which exceed the requirements of BB93. The use of natural ventilation for buildings on the site is therefore unlikely to be appropriate, in this case. In this respect, if artificial means of ventilation are to be relied upon, there may be resultant impacts on the efficiency of the building and resultant environmental impacts.

- 7.62 With regards to external teaching areas WBM outlines that the noise levels within the site are at or just below 60dB LAeq.30min, which is likely to be above the recommended levels for outdoor teaching areas and informal outdoor areas. However, WBM outlines that, with regards to external space, this is not a mandatory requirement.
- 7.63 In essence therefore, WBM have outlined that there is insufficient information regarding the buildings to properly assess whether indoor teaching spaces will be compliant with BB93. In addition, there is suggestion that they may only be compliant if limited natural ventilation is provided for the teaching spaces, in order to comply with the requirements of BB93. In addition, the external teaching and recreational areas on the site will be within an area that is not within the recommended guidelines, as set out in BB93 – although this is mandatory.
- 7.64 From the information submitted by WBM, there appears to not only be a level of ambiguity within the documents submitted by the applicant in respect of noise levels, but there also does not appear to be sufficient information with regards to how the internal teaching spaces will comply with the requirements of BB93.
- 7.65 If the Council were to take a strict view on the application and test against the mandatory requirements of BB93, it would appear that, in terms of external noise, the proposed development would appear to be acceptable. However, with regards to internal noise of noise classrooms, the advice from the Council's consultant is that there is insufficient information to properly assess this.
- 7.66 Officers recognise that such a lack of information is different to the concerns raised previously however, such information has only come about through the processes of this current application and the advice of a professional noise consultant, whose advice was not previously sought. This is however an important and fundamental planning matter – particularly as the application relates to the provision of a school – a sensitive development in terms of the learning needs for children to receive education in the proper environment. The proposal does not provide sufficient information regarding the layout and design of the buildings for an assessment of whether the proposal accords to the BB93

noise categories, which is a material consideration, and does not therefore accord with policy ENV25 of the Local Plan.

- 7.67 Taking the matter of noise levels further, it is important for Members to appreciate that one of the key arguments put forward by the applicant in support of the application, is the high level and quality of teaching space that the proposed development of the schools will provide to future pupils.
- 7.68 However, it has readily been highlighted above that the application site is subject to high noise levels as existing which is likely to increase in the future. Whilst Officers appreciate the location of Bishop's Stortford in relation to the airport, in which there may well always be a degree of impact in terms of noise, Officers would question whether the location of this particular site will, indeed provide the best learning opportunities for pupils.

Summary – the harm on the Green Belt and other harm

- 7.69 The above considerations have clearly outlined that the proposed development of this site represents inappropriate development which is contrary to national planning policy and the development plan and, by definition is therefore harmful to the Green Belt. The considerations of the applicant have been outlined and balanced against the views of consultees, third parties and the views of Officers, in reaching the view that there is significant material harm to the openness and rural character and appearance of the site.
- 7.70 The land currently provides a clear and well defined physical limit to the town. Not only that, it is visually apparent that it does so. The development would have a very significant impact on the openness of the area and change its character irrevocably. Whilst the proposals are in an outline form, it is considered that the requirement for outdoor sports provision of the site is such that there is little ability to reorder the parameters of the development proposed on the site. The impact then cannot be overcome, it would appear, by modification of the layout and height of buildings on the site. In addition, the view of CABI is that the opportunity to create an inspirational learning environment, capturing the potential of the site, is unlikely to be achieved here. In addition, the comments from Inspire East are that it has not been demonstrated that the site presents the best location and that the configuration of the buildings on the site meets the site constraints and the possible future context. The harm identified is considered to be contrary to the purposes for including land within the Green Belt.

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- 7.71 In addition, other harm has been identified. The proposed development will result in the loss of a significant number of trees and landscape features which are considered to be important characteristics of the site and set the site apart from the town envelope. In addition, the proposed development will result in significant harm to the character of the existing public right of way and will impact on peoples perception and the way they use that access way.
- 7.72 With regards to noise issues, having regard to the submissions made by the applicant and, taking into account the comments from WBM, Officers are of the opinion that the information submitted is not conclusive. It is not clear how aircraft noise will impact on the proposed schools – a noise sensitive form of development.
- 7.73 What remains therefore to be considered, is whether there are any very special circumstances which should outweigh the harm by reason of inappropriateness and any other harm.

Very Special Circumstances

- 7.74 The applicant argues that there are other material considerations which would outweigh the conflict with the Development Plan and which constitute very special circumstances sufficient to justify the inappropriate development in this instance. From the information outlined within the Planning Statement, the Applicants argument is understood to comprise of the following broad issues:-
1. The two schools will meet the immediate need for the provision of additional school capacity in the Bishop's Stortford area;
 2. The education benefits of the two new schools and the community benefits of the shared facilities;
 3. The flexibility that the scheme will allow for further provision of secondary school capacity within the Bishop's Stortford area;
 4. The absence of any further suitable / deliverable options for meeting the immediate / longer term capacity requirement;
 5. The proposals will not result in an significant harmful impact to the Green Belt.
- 7.75 The above planning considerations remain broadly similar to the previous application. However, as outlined in section 1.0 of the report, the applicant has sought to address previous concerns raised by Officers, with the submission of more detailed information to justify the proposed development in the form of a report from Herts County Council (HCC)

which provides evidence pertaining to the identified need for such places within the Bishop's Stortford Area and an evaluation of the alternative schemes and strategies which have been considered since the withdrawal of the previous application. Also included with the current application is an alternative sites appraisal which looks at other sites within the locality of Bishop's Stortford and different options as part of a sequential assessment of the acceptability of this particular site at Whittington Way for the two new schools. Those two documents as referred to in the Planning Statement are discussed below in a consideration of whether the very special circumstances put forward by the applicant outweigh the planning considerations outlined above.

Educational need

- 7.76 Within the previously withdrawn application the issue of need for additional school places was outlined by the applicant and considered by Officers. In broad terms, issues of demographics and the growth of Bishop's Stortford and related issues of previous and projected house building were attributed to the associated educational need for additional school places both in the immediate and long term future.
- 7.77 The position previously taken by Officers was that, 'based on current projections, there will be a shortfall in education capacity by 2011 that will be increased by 2021' (paragraph 7.6 of previous Officer Committee Report).
- 7.78 In addition, Officers outlined that 'The shortfall in educational provision in Bishop's Stortford is accepted by Officers as a strategic problem and unique in nature (to Bishop's Stortford). In the view of officers, given the particular circumstances of educational need it is reasonable to regard the issue as being of a 'special and pressing' nature, and therefore it is appropriate, in principle, to regard the nature of the problem as being a very special circumstance to which a certain amount of weight should be attached.' (paragraph 7.7 of previous Officer Committee Report).
- 7.79 Within the current application a report has been submitted by HCC which justifies in more detail the issues of educational need. That report helpfully outlines the way in which educational need is forecast. Whilst the information provided is useful, it is for HCC to provide adequate capacity to meet educational demand. Its policy approach and funding mechanisms are not however planning issues, although the impacts of those forecasts are a planning matter for which appropriate weight should, in Officers opinion, be attached.

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7.80 The table below is the information provided by the County Council, and explains the current number of school places within the EPA (Educational Planning Area), set against the forecasted numbers and explains the number of places which are required to be found, together with a 5% margin. HCC advise that the 5% margin is desirable as it assists with managing the supply and demand for places and provides flexibility to deal with anticipated rises in educational demand. The applicant outlines that from 2013/14 there is a shortage of places increasing to a maximum of 4FE by 2018/19 and thereafter decreasing.

Year	Places available	Forecast	Gap (f.e.)	Gap with + 5%
2010/11	985	964	21(+0.7)	-27 (-0.9)
2011/12	985	964	21 (+0.7)	-27 (-0.9)
2012/13	985	979	6 (+0.2)	-43 (-1.4)
2013/14	985	1011	-26 (-0.9)	-77 (-2.6)
2014/15	985	1030	-45 (-1.5)	-97 (-3.2)
2015/16	985	1066	-81 (-2.7)	-134 (-4.5)
2016/17	985	1102	-117 (-3.9)	-172 (-5.7)
2017/18	985	1057	-72 (-2.4)	-125 (-4.2)
2018/19	985	1103	-118 (-4.0)	-173 (-5.8)
2019/20	985	1068	-83 (-2.8)	-136 (-4.5)
2020/21	985	1048	-63 (-2.1)	-115 (-3.8)
2021/22	985	1061	-76 (-2.5)	(-129(-4.3)

The applicant advises that this application is part of HCCs three part strategy to meet this forecast:-

- The first stage was to expand the capacity of the St. Mary's Catholic School (to 5.2 FE). This was completed in 2006.
- The second stage was to expand the capacity of the Birchwood High School (to 8 FE). This was completed in 2008.
- The third stage (the subject of the current planning application) is to expand the capacity of the Bishop's Stortford and Herts & Essex High Schools, initially to 6 FE and ultimately (if required) to 8 FE, and to relocate the two schools to a new site at Whittington Way.

7.81 Having regard to the submissions made by the HCC, based on current projections, there will be a shortfall in education capacity by 2013 that will be increased by 2021. Additionally, these issues of need are considered to be unique to the Bishop's Stortford Area and may be considered as 'special and pressing' and represent a very special circumstance for which

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appropriate weight should be attached. However, Members should note that when the original application was submitted, there was said to be an immediate need for additional school places – which has now slipped in terms of need to 2011.

- 7.82 It is however the balancing of educational need issue against the wider planning matters such as the impact on the Green Belt and other planning considerations which must be made. The following comments and considerations in this report provide an analysis of the arguments put forward by the applicant in respect of this ‘need’ and the various options that have been considered in reaching the judgment that the relocation of the two schools at the Whittington Way site is the most appropriate and justified approach. Officers would however highlight to Members that such considerations are complex, layered and finely balanced which ultimately makes it challenging to reach a view on the merits of the application.
- 7.83 Officers note the comments made by third party representatives which question the accuracy of the information and forecasts set out by HCC. Matters of Schools admission policies and the way in which HCC assess and forecast the need for education places are not planning considerations. Within the considerations of this application, it is for the Council to take into account and attach weight as it sees appropriate as to the level of need within the Bishop’s Stortford area.
- 7.84 Through the consultation period of this application, what has materialised, is that changes to admissions policies of the schools may well provide additional school places to ‘fill in’ some of the short fall. A letter of objection from Leventhorpe School identifies this, and states...”We believe that any apparent shortage of school places for local children could be addressed by the consortium of schools working together and modifying their admission criteria to ensure that priority is given to local children”. The letter from Leventhorpe indicates that this could provide more than 60 places for local children.
- 7.85 On this issue, the applicant has commented that HCC have entered into dialogue with the schools in the Bishop’s Stortford area to assess the scope for changes to admissions policies. They have concluded that changes to admissions rules could make an impact on the demand for places and could play a role in association with the other elements of its strategy, although the impact is likely to be small and may vary from year to year.
- 7.86 Officers would reiterate the above comments that matters in relation to admission policies are not planning considerations. It would however seem that the position offered by the applicant in respect of the issue of need is

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not necessarily a definitive position and the comments made by third party representatives would bring a degree of doubt as to whether the issue of educational need could, at least in part, be addressed through a more thorough examination of admissions policy across the secondary schools in the Bishop's Stortford EPA.

The immediate and short term need for additional secondary school places

- 7.87 Having regard to the above issues relating to need, the applicant outlines that in the immediate future – that period up until 2016/17, there is a need for an additional 2FE. As highlighted above, this application represents the third stage in the Councils strategy and involves the expansion of the Bishop's Stortford High School to 6FE, involving an increase in the number of Year 7 places from 155 at present to 180; the expansion of the Herts & Essex High School to 6FE, involving an increase in the number of Year 7 places from 160 at present to 180 and; the expansion of Leventhorpe School involving an increase in the number of Year 7 places from 168 at present to 180.
- 7.88 On this point, letters of representation have commented that the short term need, that up to 2016/17, could be met by utilising the additional capacity at Leventhorpe (12 spaces) and realising the potential to expand Leventhorpe school by an additional 1FE, which could thus provide an additional 42 spaces – which is three spaces below the 45 spaces referred to in the HCC document as being required for year 2014/15.
- 7.89 Having regard to that consideration, the provision of two new schools and the associated cost of such development works, not to mention the impact on the Green Belt, which has previously been outlined, is considered to be a significant step and, if there was no further educational need beyond short term forecasts (i.e. after 2014/15), the provision of two schools in the Green Belt would not, in Officers opinion, be justified. However, this is not the end of the matter, as the forecasts predict long term need also, which is examined below. The short term educational need must also therefore be set into the balance of considerations with medium and longer term needs:-

The medium and long term education needs

- 7.90 With regards to the medium and long terms educational need and, in support of the identified short term need, the applicant has identified, as part of the sites appraisal three broad differing options available:-

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- The provision of a single new school;
- The expansion of the schools on their existing sites including a rebuild;
- The relocation and expansion of existing schools on separate sites and within ASR (Areas of Special Restraint).

Those three broad areas are discussed below:-

The provision of a new school

- 7.91 The HCC document outlines that it is their policy for a new school to be no less than 6FE. A school of less than 6FE would not be viable as it would be at risk of under-performance. It could compete with other schools in the town, potentially affecting their viability, or attract students from further afield, with similar adverse consequences. They outline that the provision of a new school would not provide the right number of additional school places at the right time. The County Council's latest forecasts indicate that, whilst more secondary school places will be required in the Bishop's Stortford area, the demand will only arise over a relatively long period of time and there is uncertainty whether there would be demand for a new 6FE school. Whether there would be demand for a new 6 FE school even by 2031 is uncertain.
- 7.92 They also outline that starting a new school with new management and curricula systems would need to be introduced when there may be a period of uncertain fluctuating pupil levels. This would present challenges and there is no certainty that the school would run efficiently and effectively.
- 7.93 In addition, a new school would not provide the same level of educational provision (in terms of the shared facilities) and would mean that the existing schools sites would remain as existing – in a poor state of repair, not to current modern day standards.

Viability of new school

- 7.94 The applicant has outlined that HCC have allocated funds for increasing the level of schools places, and that HCC resources are finite and they must secure the best value for money. HCC highlight the financial viability of the provision for a new school and outline that the provision of a new school would cost in the region of £30 million. In addition, it must be borne in mind that the provision of a new school would result in no funding available from the sale of the existing school sites or from the sale of the Hadham Road site, should the new school be constructed on that site.

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7.95 In this respect, the applicant has outlined that the net cost of a scheme involving the provision of a new school is 'unaffordable' for the County Council and funding would thus be required from central government or private sector sources. The applicant considers that, in light of the current economic climate, such recourses are unlikely to be forthcoming.

Officers considerations – a new school

7.96 The position ultimately taken by the applicant is that the provision of a new separate school is not justified as there is insufficient need to warrant a separate new school. Having regard to the position taken by County and accepting the pupil forecasts and the policies adopted by the County, Officers accept that, in the case of the provision of a separate new school, then this is not a viable option, at this stage.

7.97 However, Officers have previously commented that, notwithstanding the County Council's lack of support for a new single school in the town, the inherent problems of developing a new school, and the community benefits of shared facilities from combining the schools on adjoining sites, Officers consider that the potential of the Hadham Road site to provide a new secondary school should not necessarily be ruled out at this stage given that it is acknowledged that the site is large enough for a 6FE school, it could still meet the long-term capacity and is sequentially preferable to the Whittington Way site in planning terms.

The expansion of the schools on their existing sites

7.98 The applicant outlines that a feasibility study has been undertaken to assess the potential to expand the existing Bishop's Stortford High School site and the Herts and Essex site and an assessment carried out by the County Council of the capacity of the existing school sites based on the guidelines set out in the Education (School Premises) Regulations 1999 (SPR 99).

Bishop's Stortford High School

7.99 The applicant outlines that the majority of the buildings serving this school are unsuitable for retention / refurbishment and that redevelopment of the school building complex would not be possible without causing major disruption to the school. The applicant outlines that a strategy was put forward for the provision of a new school complex on the existing school playing field area, with the existing school buildings being demolished to provide an all weather pitch and related community facilities.

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7.100 The applicant sets out that this option was discounted as it would be very disruptive to the school, there would be insufficient playing field space, it would deliver less than 1FE of additional capacity and there would be little opportunity for further expansion.

Herts and Essex School

7.101 The applicant outlined that there are as existing a number of historic buildings on the site, some of which are unsuitable for retention and refurbishment, whilst others could possibly be kept. A scheme was put forward involving the replacement of a number of existing buildings by a new three-storey block and with temporary 'decanting' space being provided on the playing field area on the Warwick Road site.

7.102 As with the Bishop's Stortford High School schemes, outlined above, the proposals were rejected for similar reasons.

7.103 The applicant also makes reference to an assessment undertaken by Hertfordshire Property under the Education (School Premises) Regulations 1999 (SPR 99).

7.104 SPR 99 outlines the minimum areas required for the provision of team games playing fields, based upon the number of pupils. The applicant sets out that Bishop's Stortford High School and Herts and Essex do not have the ability to expand further without additional playing field provision.

Officers considerations - The expansion of the schools on their existing sites

7.105 Officers accept that the existing school buildings are old and of a general poor quality that places significant constraints on the potential to redevelop or expand on the existing sites. However, as identified by third party representations the schools, in that current poor state, perform extremely well, despite those short falls in the quality of the buildings, and there is no reason to suggest that those schools should not carry on performing to such standards. Third party representatives identify that the standard of the school buildings is no different to other schools in the District.

7.106 In this respect, whilst Officers appreciate that the buildings on the existing school sites may be of poor quality, any argument based upon a need to provide enhanced school facilities should not be afforded significant weight. The planning considerations should, in Officers opinion focus on the realisation of the application to meet the educational need.

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- 7.107 The comments made in the Officers report in respect of the previously withdrawn application acknowledged that, notwithstanding the obvious disruption caused during construction works, it is acknowledged that the limited space available at the existing school sites places a constraint on their further expansion. The poor condition of existing buildings and particularly poor site constraints at Bishop's Stortford High School appear, for practical if not financial reasons, to favour the relocation of this school. Officers have however previously outlined that there appears to be greater scope for expansion of the Herts and Essex School to 6FE at its existing site in Warwick Road. Officers have previously indicated that the expansion of the Herts and Essex School in situ is considered to be a practical and realistic option to meet part of the capacity requirements.
- 7.108 With regards to the matters raised by the applicants in respect of the study undertaken by County under the Education (School Premises) Regulations 1999 (SPR 99), it is interesting to note that, as existing, all of the schools in Bishops Stortford are below the playing field requirement (other than Leventhorpe) and there is no argument put forward by the applicant that such provision does not reasonably meet the existing needs of those schools.
- 7.109 Interestingly, Birchwood School, which has recently undergone development to increase the capacity of that school to 8FE (which is part of HCC's strategy for meeting the educational need), is below the 'playing field requirement' in SPR 99, by 5,000 square metres. The County has clearly taken the view that such a level of playing field provision is appropriate for Birchwood School. In this respect, it seems unreasonable for the applicant to now make an argument based on those regulations to show that development of the schools on their existing sites is not possible, when existing recent school developments are below SPR 99. In this respect, Officers do not consider that significant weight should be attached to any examination of the acceptability of development, in terms of SPR 99.

The relocation of the existing schools

- 7.110 Another factor that the applicant has sought to consider is the provision of the schools on alternative sites – not necessarily linked together and sharing facilities, but as two schools on two separate sites. The applicant considers that the most suitable combination of sites would be the relocation and expansion of Bishop's Stortford High School to the Hadham Road site with the school continuing to use its detached playing field facilities at Jobbers Wood and the relocation and expansion of Herts and Essex High School to its Beldams Lane playing field site, and purchasing land opposite Beldams Lane for playing field use. One of the most

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significant disadvantages of such a scheme is that the 'joint facilities' that the applicant highlights as a positive feature of the Whittington Way proposals, would not be achievable, to the same extent. Nevertheless, the applicant makes the following comments in respect of such alternative schemes:-

Herts and Essex School – relocation to Beldams Lane

7.111 The applicant has provided indicative sketches of the possible configuration of such a scheme. This option involves the provision of school buildings and some playing fields on the existing School playing fields. This scheme would also involve the provision of outdoor playing fields on agricultural land the other side of the school site along Beldams Lane.

Bishop's Stortford High School – relocation to Hadham Road

7.112 As with the above scheme at Beldams Lane, the applicant has provided an indicative sketch of the possible layout for such a scheme. This involves the provision of the school buildings on the site with associated parking and other hard surfaced sports spaces together with a level of outdoor sports space. The scheme also involves the continued use of land at Jobbers wood for sport use.

7.113 The applicant has discounted such an approach in dealing with the educational need for a number of reasons. The applicant outlines that the main disadvantage is that it would not produce the same level of benefits as the co-location of the two schools. The applicant outlines that the provision of two schools on the same site would mean that there is a greater range of courses, cost sharing and use of the core facilities, including sports halls, learning resource facilities, power generation and sports facilities, the provision of a shared sports facility (including 8 court sports hall, floodlit games area, squash courts and a swimming pool) than would not normally be justified at a single school. The applicant also outlined that in terms of a detached playing field for Herts and Essex School, that this would have significant disadvantages. In addition the applicant has outlined that such an approach would be dependent on the land for that detached playing field being available for purchase for such a use.

7.114 The applicant has also included a financial appraisal of such a scheme, which outlines that under this option, there would be no funding for the school from the sale of the Hadham Road site or the Beldams Lane site. The applicant outlines that in this case the development of the two schools would cost in the region of £30.4million, which is unaffordable for the HCC.

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This, would require funding from central government or private funding which is considered by the applicant to be unlikely in the current economic climate.

Officers considerations – two schools on two separate sites

- 7.115 To a degree, the applicant has identified that the provision of two schools on separate sites is a superior option sequentially, as it would avoid an unnecessary development on Green Belt land, which, as identified above, is harmful.
- 7.116 The proposed development would provide a school on the Hadham Road site, which has been allocated for such a use for a significant period of time, and could adequately allow for a new 6FE school equipped for modern C21 teaching, with associated playing and sports facilities. It would rely on the Jobbers Wood site for some sports provision, which Officers recognise as not being ideal. However, the existing school currently has such an arrangement, and there is unlikely to be significant additional hardship with such an arrangement at this site.
- 7.117 With regards to the provision of a new school on the Beldams Lane site, the applicant rightly acknowledges that this has an existing use and is within the existing town envelope. Although there may be some planning issues with regards to the impact and relationship of any new school building on neighbours and the surrounding townscape, Officers are of the opinion that a suitable architectural solution could provide an appropriate design of building. Officers recognise the potential issues with regards to the availability of the land to the south for the playing fields and the issues with a detached sports facility. However, the school currently has a detached sports facility; this scheme would allow the sports facility to be closer and in a more direct route and is unlikely to result in any further significant hardship on the school, than it currently encounters. Officers note that the potential purchase or use of the land for the playing fields has not been progressed given the current formal proposals, and the potential use of this land for sports provision is therefore unknown.
- 7.118 In addition, the provision of two separate schools within the built up area will have significant sustainability benefits. In terms of the relocated Herts and Essex School, this will provide a school in a similar location to the existing site, and so will mean that pupils residing in that area will be able to use sustainable methods of transport to reach the school. The provision of Bishop's Stortford High School at Hadham Road, will provide a school in closer proximity to the ASR's, which are allocated in the Local Plan for development and are expected to come forward in the future. The provision of a school in this location will acknowledge the future expansion

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of the town, and provide a school in a highly sustainable location and set out at an early stage the future infrastructure to meet the expected growth of Bishop's Stortford to the north.

- 7.119 With regards to the issue of the joint facilities, Officers recognise the benefits of increased opportunities for a greater range of courses and the educational benefits this may entail, and acknowledge that the provision of two separate schools may not result in the same level of opportunity. Officers understand also the benefits of a joint 'core' facility for not only the school but as a community facility.
- 7.120 However, with regards to the joint 'core' facility it is understood that such a facility is not a *requirement* for the two schools to meet the educational need, which is understood to be one of the fundamental issues determining the need for the relocated schools from their existing sites. It must also be borne in mind that the provision of two schools on separate sites will in themselves provide some level of separate facilities in two different parts of Bishop's Stortford which will also have the potential to be used for community facilities. In the case of both schools there is an opportunity to develop such facilities to ensure that they are best designed to meet the schools needs and be available for community use. Indeed, the provision of a detached sports facility at Beldams Lane will allow the community use of such facilities to be detached from the school, which has the benefit of reducing any management or access issues with the school. The provision of these facilities in two separate locations within Bishop's Stortford, has the potential to allow sports facilities to be spread in two different parts of the Town (with obvious sustainability benefits), rather than one larger centre focused in what is considered to be a less sustainable location.
- 7.121 With regards to matters of viability, the applicants position is, in essence, that the option involving two schools on two separate sites would cost in the region of £30million and would thus be unaffordable. Third party representations have considered that matters of financial viability are not germane to the planning considerations of the application.
- 7.122 It is very difficult for Officers to argue against such a significant figure and, whilst no detailed financial viability assessment has been submitted with the application, it would seem at face value, that this issue would represent a very special circumstance. What must be balanced into the considerations is whether matters of financial viability should outweigh a development which has been identified by Officers, and is recognised by a number of third party representations, to be harmful the Green Belt. In Officers opinion, the viability of this option turns, for the most part, on the cost of £30 million. It is HCC's responsibility to fund schools and address

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needs, and Officers do not consider that such a financial encumbrance should outweigh a potentially damaging impact to the Green Belt.

Shared site on the ASR

- 7.123 This option involves the provision of two schools to the north of the Bishop's Stortford within the ASR's. Those areas are designated within the East Herts Local Plan Second Review April 2007 as reserved housing sites until a need for additional housing is identified.

Applicant's considerations

- 7.124 The applicant acknowledges that the provision of the schools in this area is more sequentially preferable to the current planning application proposals, as the ASR's are designated for development and are not within the Green Belt.
- 7.125 However, the applicant outlines that there is uncertainty regarding the deliverability of a school on the site, given that major access improvements would be required and given that there are ownership issues to overcome and, more importantly, that the development of this site is some way off, and would unlikely to be realised for several years. Additionally, the applicant considers that the provision of a school on this site would reduce the level of available housing which would require the provision of housing elsewhere. From an educational viewpoint, the applicant considers that the re-siting of the schools to the north would push the schools away from their current catchment areas and the more heavily populated part of the town.
- 7.126 The applicant has not undertaken or provided any viability assessment in respect of this option, as this is not considered to be a viable scheme, in light of the scale of the development site as a whole and the fact that the site is unlikely to meet the educational need for several years.

Officers considerations

- 7.127 Officers acknowledge that development of this site and the associated difficulties that may be encountered with ownership issues, may well mean that meeting short term educational need is problematic and may well therefore represent a very special circumstance. However, as highlighted above, an assessment of the educational need goes further than short term need and, if that short term need could be addressed through some other means, (for example re-examination of the admissions policy and potential expansion of Leventhorpe), then it remains to be considered whether the medium and long term need could be realised at the ASR's.

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- 7.128 At present, there is little indication of timeframes for potential development or for the submission of planning applications relating to the ASR's. Officers nevertheless consider that the sites will come forward for development within the medium term, and so should not be discounted, out of hand.
- 7.129 With regards to the applicants considerations relating to difficulties with providing access for a school site on the ASR's, Officers would highlight that, the provision of an access off Hadham Road to the west of the ASR's or to the far east of the ASR's, may well be able to take advantage of the existing highway network, and there may be potential for less major infrastructure works, which the applicant considers to be a constraint.
- 7.130 The East Herts Local Plan Second Review April 2007, indicates that the most significant future development opportunities to expand the town envelope will be to the north. There will inevitably be a significant growth of the town to the north and Officers consider that, from a strategic town planning perspective, this area of land should provide the necessary infrastructure for such development. The applicant has commented that by re-siting the schools to the south along Whittington Way will focus the schools in the most heavily populated part of the town. However, this does not take into account the future, likely population growth to the north which, in Officers opinion, may well be as significant as that to the south. In the medium and longer term therefore, the applicant seems too short-sighted, in not anticipating fully this potential growth and the potential of providing a school, as part of the initial infrastructure for a development area. The provision of schools in this area to the north would in effect balance the future geographical location of schools in the town, and provide a sustainable location for the future residents of pupils in the north of the town.
- 7.131 Officers accept that, as presented the siting of the schools in the ASR's creates significant difficulties that may represent very special circumstances, however, the applicant has failed to fully acknowledge the future potential and sequential preference of developing within the ASR's.

Educational and community benefits

- 7.132 The provision of two new schools with modern buildings, and modern facilities, purpose built to meet current and future educational teaching standards are key material considerations, and will provide a positive and inspirational building for the two schools. Officers recognise this fact and accept that the provision of such schools will be a significant benefit over the existing schools which, the applicant has outlined, does not meet modern teaching standards.

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- 7.133 Officers have set out above the applicants position in respect of this issue and the educational benefits of the provisional of a joint facilities complex and the various resources that this may offer to students and which may not normally justified for a single school has been acknowledged by Officers.
- 7.134 Whilst those educational benefits are understood, they must be balanced against the actual educational needs for the school to function and the harm of the development related to those facilities on the Green Belt, and the appropriateness of the facilities, having regard to other planning matters.
- 7.135 It is also pertinent that design consultees, CABE and Inspire East have been critical of the design of the schools and commented that they do not make the best opportunities to fully realise the potential of creating an attractive and uplifting place to learn, teach or use sports facilities. CABE have commented that the educational approach of the two schools does not appear to have informed the schematic design of the development proposal.
- 7.136 Whilst Officers are therefore mindful of the benefits of the development proposal in terms of the educational and community benefits, having regard to the above comments, it is considered that the design could go much further in making the best opportunities of the site, in creating a positive learning environment for future pupils and the community.

Summary – very special circumstances

- 7.137 Within the consideration of this application it is ultimately necessary to assess whether there are any very special circumstances that outweigh the inappropriateness of the development and the other harm associated to the Green Belt. Officers have previously set out what is considered to be the very significant harm on the openness and rural character of the Green Belt. Those considerations should not be undervalued, as the Green Belts *fundamental aim* is to prevent against urban sprawl by keeping land permanently open (PPG2).
- 7.138 Officers fully acknowledge that the provision of the two schools on this site would allow and enable new facilities which would ensure that the best level of educational facilities are provided for the future generations of the town, and surrounding area.

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- 7.139 The benefits of two new purpose built new modern schools with the range of facilities proposed, not to mention the benefits in terms of community access to those facilities, is not to be underestimated. However, consultation responses from CABE and other design based organisations have set out that the chosen design does not necessarily optimise the potential of the site for these purposes.
- 7.140 Since the previously withdrawn application, we know that the applicant has sought to address Officers previous criticism with submission of additional information relating to the issue of educational need and evidence relating to a sequential approach.
- 7.141 With regards to the issue of educational need, Officers accept that, from the information available, there is an identified need which would represent a very special circumstance. However, comments from third party representatives would question this 'need' and express a degree of doubt as to whether this issue of need can be addressed through other means, such as reassessing admissions policies, or through realisation of potential development proposals at other school sites, such as Leventhorpe School.
- 7.142 The applicant has set out various options to meet the educational need. It is identified that the most appropriate, in planning terms, would consist of: the provision of a new school; the siting of the schools on the ASR's or the provision of two schools on two separate sites.
- 7.143 With regards to the provision of a single new school, Officers accept HCC's position that there is insufficient need to justify a new school in the medium/long term. In addition it is clear that any option which does not allow the redevelopment of the existing sites has viability problems.
- 7.144 With regards to the expansion of the schools on the existing sites, Officers acknowledge the difficulties with such an approach and the problems specifically with the Bishop's Stortford High School in realising this option. However, Officers consider that there may be some potential at the Herts and Essex site for such expansion to meet the need, in part.
- 7.145 Officers consider that there is merit in providing two new schools on separate sites as such an option is sequentially preferable; will address the need issue; provides a balance to the geographical location of schools within the town; and will provide a school in close proximity to the area of likely growth of Bishop's Stortford. Officers are however mindful that such an approach would not provide the same level of joint facilities for pupils and the community and that there are difficulties with financing such a scheme. Officers consider that financial constraints should not necessarily rule out such an approach, taking into account the inappropriateness of

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the proposed development within this application.

- 7.146 In terms of the development of the ASR's, Officers consider that such an option should also not be dismissed so readily. The provision of the schools on the ASR's is sequentially more preferable and will provide the infrastructure needed for the growth of the town, in what is considered to be the most appropriate location.
- 7.147 With regards to the community facilities that the proposed development will provide, whilst Officers acknowledge the benefits of such a facility, the comments from third party representatives do not, for the most part, mention or consider the benefits of such a feature of the development. In this respect, and having regard to the above considerations, Officers do not consider that significant weight should be attached to this element of the proposed development.
- 7.148 It seems to Officers and also from a significant level of representation, that the provision of the schools on the Whittington Way site will, in some respects be 'self-financing' and the other options examined by the applicant would be less affordable for the County Council. Within the previous Officers report, it was considered that this issue should be given less weight. However, Members should take into account that the County have an obligation to meet educational needs of the residents in its areas. If the proposals set out in this application do not go ahead, the County Council may choose to meet educational need in a way which provides an inferior solution to that now proposed.
- 7.149 In light of those considerations Officers accept that the applicant has demonstrated that very special circumstances do exist. However, this issue must be considered against the very apparent and adverse impact of the development on the green belt and the other identified harm – this is, Officers would acknowledge, a very finely balanced planning consideration.
- 7.150 As per the previously withdrawn application a significant level of opposition has been received in respect of the principle of the proposed relocation of the schools to this site on Green Belt grounds. This is evident in the number of letters of objection and the petition prepared by the Bishop's Stortford Civic Federation. It appears, from the feedback, that there is a very clear feeling locally that protection of the Green Belt should be given greater weight than the provision of the development, even accepting its educational benefits.

- 7.151 Before reaching a view on balancing the harm of the development on the Green Belt and the very special circumstances, it is however appropriate to take into account the following other matters: -

Other Matters

2004 Local Plan Inquiry

- 7.152 Officers acknowledge the position taken at the 2004 Local Inquiry to allocate this parcel of land for a site for schools. At that stage, and from the information available, Officers considered that there were exceptional circumstances to remove the land from Green Belt due to the special and pressing need to improve secondary education provision in Bishop's Stortford and the particular suitability of the site for such an education purpose.
- 7.153 This position was endorsed by Full Council on 12 May 2004 in its resolution that provision be made in the Revised Deposit Version of an appropriate area of land required in respect of secondary education provision and associated leisure/recreation facilities on land to the south of Bishop's Stortford between the built up area and the bypass.
- 7.154 However, the Inspector at the Local Plan Inquiry did not alter the Green Belt boundary because the site represents a long-established area of protected land, serving well defined Green Belt functions, and its removal from the Green Belt would weaken the Councils position in safeguarding the principle and permanence of the Green Belt.
- 7.155 The Inspector went on to consider that the circumstances of educational need, as well as the impact on the Green Belt, could be considered in the context of a planning application...the long term needs of the town could be pursued at Whittington Way or in other locations should other options arise.
- 7.156 The Planning Inspector clearly took a view at the stage of the Local Plan Inquiry that the site served Green Belt functions as existing and that the provision of a school on the site would be better determined through Development Management processes.
- 7.157 From the comments made by the Inspector it can be inferred, to a degree, that there was an insufficient level of information and detail available to the Inspector as to make an informed judgment as to the acceptability of a change of use of the land for D1 purposes. Whilst the Council therefore had clear intentions and felt appropriately justified in allocating the parcel

of land for D1 purposes this was not endorsed by the Inspector.

- 7.158 Whilst it is therefore material that the land has previously been put forward for designation as part of the Local Plan process, the comments from the Inspector supersede that position. Accordingly, Officers consider that limited weight should be attached to the previous proposed designation of the land within the Re-Deposit Local Plan (November 2004).

Local Development Framework – Core Strategy

- 7.159 In addition, Members should note that the LDF Core Strategy Issues and Options Consultation document has recently been released which represents the initial draft of the East Herts Core Strategy, the new overarching planning document for the district which, as part of the East Herts Local Development Framework, will replace the East Herts Local Plan Second Review April 2007.
- 7.160 That document suggests various possible growth options for Bishop's Stortford and indicates possible development to the south of the town, in the area to the South of Whittington Way.
- 7.161 The details within that document are a material consideration, however, Members should note that the document is at the very first stage of consultation and simply asks a series of questions to assist in the preparation of the next stage of the Core Strategy, known as Preferred Options. In this respect, Officers consider that very little weight should be attached to the details made within that document. In addition, Members should note that the Issues and Options document is currently undergoing a consultation process, which also needs to be taken into account.

8.0 Conclusion

- 8.1 The proposed development consisting of two schools on this site represents inappropriate development and will result in a significant adverse impact upon the openness of this part of the Green Belt and change its character irrevocably. The proposed development will result in significant harm by reason of the extensive scale and amount of development and would be detrimental to the openness of this part of the Green Belt and the wider landscape setting. For those reasons the proposed development would be contrary to Local Plan policies GBC1, ENV1, ENV2, GBC14, LRC9 and National Planning Policies in PPG2.
- 8.2 Officers accept that, having regard to the information from HCC, that there is an educational need for additional secondary school capacity in Bishop's Stortford, which would represent a very special circumstance. Officers also

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acknowledge that the arguments put forward by the applicant in respect of alternative sites, represent very special circumstances. The provision of two new schools will provide an opportunity to provide a modern educational environment for future pupils and will provide opportunities to the wider benefit.

- 8.3 Having regard to those considerations and all previous considerations and weighing all factors into the balance, Officers are of the opinion that the very special circumstances put forward by the applicant do not outweigh the impact on the openness and rural character of the Green Belt or the other harm, relating to the impact on landscape features, public rights of way or in relation to noise matters. Officers are of the opinion that their recommendation represents a sound planning judgment that is also representative of the views of the overwhelming proportion of third party respondents regarding these proposals.
- 8.4 Officers are of the opinion that more sequentially preferable sites for the proposed development should not be dismissed and that there may be scope to meet the educational need through more appropriate and sustainable town planning solutions.
- 8.5 Finally, officers are not satisfied that the impact of aircraft noise has been properly assessed as part of the proposals.
- 8.6 For the reasons outlined above Officers therefore recommend that planning permission is refused.