

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

Application Number	3/16/1251/REM
Proposal	Application for approval of reserved matters for 3/13/0886/0P for the layout of the first phase of the internal road network, the landscape buffer adjacent to the A 120, Hazel End Road and Farnham Road and the layout and details of landscaping for the new Riverside Park adjacent to Hazel End Road, including internal footpaths, planting plan, visitors car park, attenuation ponds and access road
Location	Land between Farnham Road and Hazel End Road, Bishop's Stortford, CM23 1JJ
Applicant	Countryside Properties
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	28 June 2016
Target Determination Date	27 September 2016
Reason for Committee Report	Major planning application
Case Officer	Martin Plummer

RECOMMENDATION

That planning permission be GRANTED subject to a legal agreement and the conditions set out at the end of this report.

1.0 Summary

- 1.1 The application seeks consideration and determination of reserved matters in respect of the layout of the main spine road through the site; landscaping and footways adjacent to the spine road; landscaping around the circumference of the site and within the proposed riverside park public open space.
- 1.2 Outline permission has been granted for the proposals and it is necessary now to test the detailed proposals coming forward against the aspirations and objectives established at the outline permission stage and in light of the relevant policies. In that respect, relevant issues related to the quality of the open space that will be achieved, how the Application Number: 3/16/1251/REM terms, given the policy objectives which seek to enable transport modes other than by private vehicle.

2.0 Site Description

2.1 The application relates to Bishop's Stortford North (BSN). In the East Herts Local Plan (2007) BSN is divided into 6 areas: five have designations as Areas of Special Restraint (the ASRs), and one is a Special Countryside Area (SCA). The pre-submission version of the District Plan designates BSN for development under policy BISH3.

2.2 The location and application site boundary are shown in the attached OS plans. The application site has an area of 26.3ha and comprises two elements:

- Area 1 (18.8ha) is a triangular shaped site lying to the south of the A120 bypass, north east of Farnham Road, north west of Hazelend Road, and with a short frontage to Rye Street at the southern point of the site. The site slopes down 10 metres from the west to the east. It comprises agricultural land with some trees and hedgerows on the margins, and a drainage ditch in the north east corner. There are no public rights of way.
- Area 2 (7.5ha) lies to the south of the A120, east of Hazelend Road, north of Michaels Road and is bounded in the east by the River Stort. It comprises two areas of pasture separated by a dry ditch, and a public footpath on the eastern edge following the Stort.

2.3 The immediate surroundings are currently rural, including agricultural land and one or two other business uses to the north of the A 120; open space next to the River Stort; two dwellings and former allotments on Farnham Road; and the Mountbatten restaurant and a dwelling on Hazelend Road.

3.0 Background to Proposal

3.1 Planning permission has been granted for development at ASRs 1-4 under LPA reference 3/13/0804/0P. That approved scheme was submitted by a consortium of house builders and has not, to date, been implemented.

3.2 Outline planning permission has been granted for development at ARS5 for Countryside Properties under LPA reference 3/13/0886/0P. All matters were reserved as part of that outline planning application except for access. Planning permission was granted by the Council on 12 impact of the residential development in due course will be moderated by the landscaping proposals and how the site will operate in transport Application Number: 3/16/1251/REM October 2016 (LPA

reference 3/16/1952/FUL) for some changes to the access arrangements.

3.3 This application seeks approval for the following reserved matters only:

- The layout for the first phase of the internal road network (the spine road) for Area 1;
- The landscape proposals for buffer planting adjacent to the A120, Hazel End Road and Farnham Road for Area 1;
- The Landscape proposals for the new Riverside Park (Area 2) adjacent to Hazel End Road (including internal footpaths, planting, visitors car park, attenuations ponds and access road).

4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) the adopted East Herts Local Plan 2007 the Bishop's Stortford Silverleys and Meads neighbourhood Plan (NP) and the emerging pre-submission District Plan:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy	NP
Whether the details now proposed ensure that the design and quality of the scheme anticipated at the outline stage is secured	Section 7, 11, para 103	SD1, ENV1, ENV2, ENV21, LRC3,BIS1	HDP2, HDP7, GIP1, GIP3, GIP4, GIP5, TP3, C1	DPS3, DES1, DES2, DES3, DES4, 3 and 9, BISH3, WAT3, NE3, NE4
With regard to detailed matters the adequacy of the road to service the site, enable sustainable transport, cycle and buses and its subsequent	Section 4, 7, 8.	SD1,ENV1, TR12	TP3, TP4, TP5	TRA1, BISH3, CFLR9

maintenance				
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan is currently underway. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is now taking place and the outcome of that is currently unknown.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission. It comments that the internal road layout is acceptable but it would be preferable to understand how the roads will be managed in the future (formal adoption by Highway Authority or management company).
- 6.2 Lead Local Flood Authority comments that it has no objection to the application on flood risk grounds. The proposed drainage strategy is based upon attenuation and discharge into River Stort. Surface water from the development will be directed into three balancing ponds which will then discharge at greenfield run-off rates into the adjacent ordinary water course which in turn discharges into the River Stort. The balancing ponds have been designed to accommodate the 1 in 100 year plus climate change rainfall event and ensure water quality before discharge into the main watercourse.
- 6.3 Environment Agency does not have any further comments to make in addition to the response made to the outline planning application.
- 6.4 EHDC Engineering Advisor comments that SuDS (Sustainable Drainage Systems) including attenuation ponds to link to the main watercourse will be utilised. The Advisor comments that it would be useful to understand how the different SuDS to be utilised across the development site will interrelate with the overall drainage strategy.

- 6.5 EHDC Landscape Advisor recommends approval. The plans submitted show appropriate provision for the Riverside Park and landscape planting around the edge of the development site. The plans submitted Application Number: 3/16/1251/REM show appropriate soft landscape design proposals along the spine road and entrance gateway.
- 6.6 Herts Ecology comments that ecological matters have previously been dealt with in the outline planning permission and, provided that the status of the site has not changed, no further ecological surveys shall be required.
- 6.7 HCC Development Services comment that it will not be seeking financial contributions at this time.
- 6.8 HCC Historic Environment Advisor comments that previous advice in respect of this site is relevant.
- 6.9 EHDC Environmental Health Advisor comment that they do not wish to restrict the grant of permission.
- 6.10 Herts Fire and Rescue Service comment that access for fire fighting vehicles should be in accordance with the appropriate Building Regulations 2000 Approved Document, section B5, sub-section 16.
- 6.11 The Ramblers Society comment that the layout and details of landscaping is acceptable but that the plans should show the public rights of way running through the site.

7.0 Town Council Representations

- 7.1 Bishop's Stortford Town Council raises no objection to the application.

8.0 Summary of Other Representations

- 8.1 One letter of representation has been received from Mountbatten Restaurant commenting that the changes to the access arrangements do not properly show access to this premises and the correct certificate has not been submitted. Further detail is required to be submitted in respect of construction method statement to ensure the continued operation and access to the Mountbatten Restaurant. A landscape scheme should ensure a clear view of the Restaurant and concern is raised in respect of the impact of the development on the business.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/13/0886/OUT	Urban extension comprising 329 new dwellings (of a range of sizes, types and tenures, including affordable housing), including a site for a one-form entry primary school, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works	Approved with conditions and subject to a Section 106	01.06.2016
3/13/1501/OP	Urban extension comprising 329 new dwellings (of a range of sizes, types and tenures, including affordable housing), including a site for a one-form-entry primary school, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works (no matters reserved for Phase 1 (130 dwellings), all matters reserved except for access for Phase 2 onwards - AMENDED SCHEME	Refused Appeal withdrawn	20.03.2015

3/16/1252/FUL	Amendment to approved access in outline permission 3/13/0886/OP to reconfigure the principal access to ASR5 from the junction of Rye Street and Hazel End Road, including revised roundabout design and alterations to Farnham Road, amendments to new junctions with Hazel End Road and Farnham Road	Approved with conditions	12.10.2016
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10.0 **Consideration of Relevant Issues**

Compatibility with the aspirations of the outline permission

- 10.1 The principle of development at ASR5 has been established through the grant of outline planning permission under LPA reference 3/13/0886/0P. Given the proposals were in outline form, details were limited at the time. However a parameters plan and illustrative masterplans formed part of the submissions. The parameters plan shows a spine road provision on the site, peripheral landscaping, internal green spaces and a riverside park. The master plan largely replicates this setting out in addition the provision of a gateway to the site formed by the narrowing of development around the entrance roadway. Further in, a green space was to be provided to the west of the spine road. A landscaped site perimeter was shown and the provision of new public space to the east of Hazelend Road as a landscaped riverside park.
- 10.2 This application now seeks approval of reserved matters for certain aspects of the development proposals. For Area 1, this incorporates consideration of the main access road through the site, including tree planting along that access road together with buffer planting around the circumference of the development site. For area 2, this incorporates a consideration of the landscape design proposals and layout for the new Riverside Park.

Achievement of the outline permission aspirations

- 10.3 The policy background is established by the NPPF and the development plan. In general terms, the NPPF sets out the need for

development to be of good design, stressing the great importance to be attached to this. All development should be of a high quality and inclusive design. Policies should also address the connections between people and places and the integration of new development.

- 10.4 The 2007 Local Plan policies are compatible with this approach requiring all development to be of a high standard of design (ENV1) demonstrating compatibility with the surrounding area. Landscape features are to be retained and enhanced and compensatory planting provided (ENV2).
- 10.5 The emerging District Plan carries this requirement through in policies DES1, 2 and 3, dealing with landscape character and the requirement for high standards of design. There are also specific requirements in policy BISH3 in relation to public and amenity space, landscaping, sustainable transport and ensuring that easy access is maintained for Farnham residents during construction.
- 10.6 The NP contains further relevant policies. HDP1 sets out requirements for residential development generally, referring to garden city principles. HDP2 requires a high quality approach to the setting and character of buildings, streets and spaces. HDP7 relates to community facilities and supports to provision of new land for public or community use. GIP1 and GIP2 seek to ensure that the 'green lungs' in the town must be respected in development and that areas for leisure are improved. GIP3 sets out requirements for green space management, protecting wildlife and enhancing footpaths. Lastly, policy TP3 sets out requirements in relation to walkable neighbourhoods.
- 10.7 Insofar as policies were in place at the time of the decision on the outline proposals, the decision would have been made in the light of them. The details that have now come forward set out perimeter landscape to the residential development area, internal spine roads with roadside tree planting and the landscaping details for the proposed riverside park.
- 10.8 The perimeter planting varies in depth with the most significant adjacent to the A 120 boundary to the north. Here it will be up to 10m in depth. Having regard to the comments from the Landscape Officer it is considered that appropriate retention and provision of additional landscaping is proposed which will help soften the impact of the development in public vantage points from the A120, Hazel End Road and Farnham Road. There will need to be a consistency between proposals approved as part of this reserved matters application and subsequent detailed housing layouts which will come forward.

- 10.9 Within the site a road layout has been sought where green verges with tree planting are placed immediately adjacent to the carriageway, this breaks up the elements of hard surfacing, with foot and cycleways then placed beyond the green verge. This replicates the approach to layout achieved as part of the ASR1-4 development proposals. This sits within the parameter and master plan proposals for the site at the outline stage Application Number: 3/16/1251/REM and addresses the requirements of policies ENV 1 and 2 of the current Local Plan, DES1, 2 and 3 and BISH3 of the emerging District Plan and HDP1 and 2 and TP3 of the NP.
- 10.10 This approach is achieved along a significant proportion of the spine road. This approach is not achievable throughout the entire length of the spine road through the site, particularly the entrance from the new junction arrangements which were previously approved (under LPA reference 3/16/1252/FUL). The applicant has explained that the reason for this is the change of levels at the point of entrance - nonetheless, at the main entrance to the site, significant areas for soft landscape planting are proposed which, in Officers opinion, will provide an attractive entrance into the site.
- 10.11 With regard to the riverside park, there is no change with regard to the principles of this part of the development. The details now submitted show the layout of that space with meadow grassland, vegetation, drainage ponds and footways. A vehicular access is proposed, to the north of the junction of the residential development spine road with Hazelend Road which provides access to the riverside park 8 parking spaces and a pump house. The Highway Authority has indicated that this access arrangement is acceptable.
- 10.12 Surface water drainage is dealt with by way of three interlinked attenuation ponds in the riverside park. These ponds are linked to the residential development area by a piped system. The proposed ponds are of a shallow profile which will add interest and biodiversity enhancements to the park area. These drainage features will be managed by a Management Company and are considered to represent an appropriately sustainable drainage feature which will enhance biodiversity and water quality whilst reducing flood risk, in accordance with existing and emerging planning policy. Whilst the Engineers request with regard to further linkage details is acknowledged, it is considered that sufficient information is available to these proposals to proceed.

- 10.13 The riverside park is considered to operate well as a new green space for the public to use and enjoy meeting the requirements of emerging policy BISH3. It will operate as an area for improved leisure (NP policy GIP2). Management matters have been dealt with at the outline permission stage (NP policy GIP3), biodiversity is retained and improved (GIP4) and the foot paths are shown to link to the existing footpath network extending to the north and south along the river valley (GIP5 and emerging policy CFLR9). The pump house element is rather rudimentary, an infrastructure facility to be provided with enclosing Application Number: 3/16/1251/REM palisade fencing for security. Adjacent landscaping can be provided to minimise the impact of this element.
- 10.14 No additional ecological matters are raised which were not considered and addressed as part of the outline permissions for the site.
- 10.15 Generally it is considered that the detailed elements set out in this submission do follow through on the aspirations established at the outline stage and the policy tests now in place through the current Local Plan, the emerging District Plan and the NP. It is considered that significant positive weight can be assigned to the proposals in respect of these matters.

Provision for travel

- 10.16 In relation to this aspect, Local Plan policy ENV1 requires that developments incorporate sustainable initiatives in their design and layout. This is picked up in policy TRA 1 of the emerging District Plan requiring that a range of sustainable transport options are made available to residents of newly developed sites. BISH3 sets out a requirement for a sustainable transport route to be provided and CFLR9 raises the issues of the provision of the necessary infrastructure to encourage walking and cycling as part of health and wellbeing. The NP has policies relating the creation of walkable neighbourhoods (TP3), creation of pedestrian and cycle routes (TP4) and provision of bus services (TP5)..
- 10.17 The proposals include the internal spine roads with adjoining foot and cycleways, the vehicular access to the riverside park and footpaths within the park. The spine road enables use by buses so that these can penetrate within the residential development area. The access arrangements considered previously by the committee and approved extend the proposed cycle way onto the west side of Rye Street.

- 10.18 Beyond the site there is the potential for enhanced cycle provision to be achieved as part of development proposals for land to the south (also included on this agenda) and then beyond that through land in public ownership toward the town centre. This provision is not currently in place and there are potential physical obstacles to it. However, if it is achieved as a result of subsequent work, there is the potential for a good quality and reasonably level cycle link provision to the town centre along the river valley. The proposals provide similar possibilities for foot links to neighbouring sites (including the potential primary school provision being explored to the south west of the site) the riverside park and the town centre.
- 10.19 At the time of writing this Report, detailed discussions are underway regarding the future maintenance and adoption of the main spine road running through the site and adjacent highway verge and footway. The options currently being considered are as follows:
- 1) The Highway Authority adopt the main spine road, the highway verge and footway. The Highway Authority are responsible for the maintenance of the spine road and the footways and a Management Company is responsible for the maintenance of the highway verge;
 - 2) The Highway Authority adopt the main spine road, the adjacent highway verge and footway and are also solely responsible for the maintenance of the highway, verge and footway;
 - 3) The ownership of the main spine road, verge and footway are transferred to a Management company and they are responsible for all maintenance.
- 10.20 Discussion to date and feedback from the Highway Authority indicates that option one is not favoured by the County Council Legal Team. At the time of writing the Highway Authority are in discussion with the Developer in respect of option two - in particular, the likely commuted contribution which the developer will be required to pay the County Council in respect of the maintenance of trees along the main spine road.
- 10.21 Officers are of the opinion that all three solutions offer an appropriate way of dealing with the long term maintenance issues of the highway, verge and footway along the spine road. and that these ongoing discussions need not unnecessarily delay determination of the application and can be dealt with by way of planning condition. Officers

will nonetheless update Members at the Committee with the latest position.

- 10.22 In highway safety and access terms, having regard to the comments from the Highway Authority, it is considered that the development proposal provides an appropriate access within the development site and to the riverside park which is acceptable in terms of traffic movement and highway safety.
- 10.23 With regard to access, provision for sustainable travel and highway safety, the proposals are considered to perform well and address many of the aspirations set out in the applicable policies. Again, positive weight is assigned to the proposals in respect of this.

Other Matters

- 10.24 Operation of adjacent business: The comments from the Mountbatten Restaurant are noted and the applicant has reviewed and responded. With regard to the changes to access and highway infrastructure, this is a matter dealt which has previously been considered to be acceptable by the Council through the grant of LPA reference 3/16/1252/FUL. The plans approved as part of that application show access arrangements (which are within the highway and not within the Mountbatten Restaurant site itself) and the correct certificates have therefore been submitted. Detailed plans and information in respect of landscape design proposals for the access arrangements have been considered to be acceptable in respect of that application (3/16/1252/FUL).
- 10.25 Provision of infrastructure: There is no requirement for additional mitigation for the impact of the development on services and facilities to be secured through these development proposals. Appropriate provision has been secured at the outline stage.
- 10.26 Officers have considered and assessed the development proposal against the relevant policies of the Neighbourhood Plan - the proposed main spine road and associated verge and footway is considered to be appropriately designed to embrace the principle of Garden City design - the provision of a tree lined road or boulevard in accordance with policy GIP1. Appropriate green infrastructure in the form of soft landscape planting along the boulevard and circumference of the site and within the County Park are provided which is also in accordance with Garden City principles. The proposed green spaces will be managed by a Management company in accordance with GIP3 and the provision of the Country Park will increase biodiversity, enhance accessibility between the development and public rights of way and provide

acceptable flood mitigation measures in accordance with policies TP4, GIP4, GIP5 and GIP7.

11.0 Conclusion

- 11.1 The application seeks planning permission solely in respect of reserved matters for the layout of the internal roads and landscape planting along the main spine road and around the circumference of area 1 and landscaping for area 2 - the riverside park.
- 11.2 The detailed plans and information submitted in respect of these matters are considered to be acceptable and no negative weight of any significance is applied in relation to any issue. It is considered that the details supplied will enable provision of a high quality development. It is recommended that permission can be approved.

Conditions

1. Three year time limit (1 T121)
2. Approved Plans (2E103)
3. Prior to first occupation of any dwelling details of the management and maintenance of the main spine road and associated highway verges and footways and all other areas of communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure adequate provision of maintenance and management of roads, footways and amenity areas and in the interests of public safety

4. All hard and soft landscape works shall be carried out in accordance with the approved drawings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-

submission East Herts District Plan and national guidance in section 7 of the National Planning Policy Framework.

Informative

1. Outline Planning permission for the development of site ASR5 has been granted under Local Planning Authority ref 3/13/0886/0P dated 1 June 2016. A separate full planning permission (ref 3/16/1252/FUL) has been granted for the construction of new and realigned road junctions to Farnham Road and Hazelend Road which differ from those permitted under the outline permission referred to above and which are required to enable the development of land at ASR5, Bishop's Stortford for residential and other purposes and the development of other land for the provision of supporting educational infrastructure. For the avoidance of doubt, regardless of the implementation of the full permission referred to above in relation to access, the LPA will take any implementation of this reserved matters permission as constituting the commencement of development in relation to the outline proposals in relation to which a legal obligation and conditions apply (subject to any details set out in the legal agreement determining commencement). In those circumstances, the conditions applied to 3/13/0886/0P and the associated legal planning obligation agreement will come into force, which the Local Planning Authority will seek to enforce in full.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012, the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.