

Description of Development:

Residential development (163 dwellings), alterations to Patmore Close, internal access and parking, landscaping, open space and related works; all matters reserved for later approval apart from access (Application B)

The description above follows amendment of the application in the form of revised documents received by the Council on 12 and 13 February 2015.

Location: Land at Patmore Close, Hadham Road, Bishop's Stortford

Applicant: Hertfordshire County Council

Date of Receipt: 21 November 2014

Type: Outline – Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – SILVERLEYS

RECOMMENDATION:

1. That, in consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Democratic and Legal Services completes a Section 106 Agreement in accordance with the heads of terms as set out in **Essential Reference Paper 'A'**.
2. That, in consultation with the Chairman of the Development Management Committee, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Democratic and Legal Services be authorized to complete a Section 106 Agreement as may be amended, in all cases to ensure a satisfactory development.
3. That, upon completion of the Section 106 Agreement as authorized, planning permission be GRANTED subject to the conditions set out in **Essential Reference Paper 'B'**.
4. That, in consultation with the Chairman of the Development Management Committee, the Head of Planning and Building Control be authorised, in advance of the issuing of the planning permission, to add or remove conditions and directives and make such changes to the

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wording of them as may be necessary, to ensure clarity and enforceability, and to ensure a satisfactory development.

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 draft District Plan and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan); the National Planning Policy Framework; and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

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Essential Reference Papers:

- A Section 106 agreement heads of terms
- B Conditions of planning permission
- C Education needs assessment

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Plans:

Location plan and application site boundary.

1.0 Introduction to the Patmore Close applications

- 1.1 The application site is part of the County Council's Reserve Site for a secondary school. The site was acquired for that purpose in the 1960s. However, the site is not big enough to accommodate a school and playing fields to current standards and the playing fields would have to be provided off-site. It was anticipated that an alternative strategy would provide adequate secondary school places at alternative site(s) in the town. The Local Plan 2007 therefore allocated the site for residential development post 2006 so long as sufficient additional secondary school capacity is provided elsewhere in the town (Policy BIS7, para. 8.6 below).
- 1.2 It is now possible to provide that capacity on a site at Bishop's Stortford North (BSN) and the County Council is therefore seeking outline planning permission for housing on the Reserve Site in order to generate the resources necessary to acquire the site at BSN and carry out the construction. The County has a land swap agreement with the BSN Consortium and the owners of the land for the proposed playing fields for the new school, and they also have the benefit of Section 106 contributions towards the construction cost. The County Council Cabinet resolved to dispose of the site on 24 February 2014 to enable the land exchange to take place.
- 1.3 The Committee has commented on the County's outline planning application (EHDC ref. 3/13/2037/CC) for the new school and the County granted themselves permission for it on 19 June 2015 (HCC ref. 3/2037-14).
- 1.4 Three applications for the Reserve Site were submitted together. All are outline, with all matters reserved for later determination except for access. In summary the applications are:
 - Application A – 3/14/2143/OP - for the development of the whole of the Reserve Site for residential development (247 dwellings), comprising two fields (northern and western), highway land and a grass verge with a combined site area of approximately 7.51 hectares (18.24 acres).
 - Application B – 3/14/2144/OP - for the development of only the northern part of the site for residential and related development (163 dwellings). This site has an area of

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approximately 4.84 hectares (11.96 acres).

- Application C – 3/14/2145/OP - for the development of only the western part of the site for residential and related development (84 dwellings). This site has an area of approximately 3.12 hectares (7.71 acres) and includes a corridor of land crossing the northern field to provide access to Patmore Close.
- 1.5 The combination of the proposals contained within Applications B and C would be the same as the proposals for Application A. Site B is the “land swap” area that is to be traded by the County Council with the land at BSN.
 - 1.6 Application C is the balance of the site that will be sold by the County on the open market. A woodland area to the south is also owned by the County Council and forms part of the local plan allocated site. The woodland is excluded from the current application sites but is discussed in section 9.5.4 below.
 - 1.7 In order to meet the education needs of BSN and the wider secondary school planning area, it is proposed to have the new secondary school ready for the Autumn Term 2018. In order to meet that target it is necessary to bring forward consideration of Application B and, if approved, this will enable the land swap to take place with Bishop’s Stortford North Consortium (BSNC) once they have obtained title to it. Application B (3/14/2144/OP) is the only application being considered in this report.
 - 1.8 Application C, for the balance of the land at Patmore Close will be brought to Committee later, following further detailed consideration of the viability assessment and social infrastructure requirements. In the circumstances, the County Council no longer sees a useful purpose in Application A and it has been withdrawn.
 - 1.9 The Committee should take a two stage approach to determining this application. The first consideration is whether the test in policy BIS7 has been met, and that is the subject of section 9.1 below. The Committee then needs to consider whether the site is truly suitable for residential development and can be considered sustainable development as described in the NPPF, Local Plan and Neighbourhood Plan policies. This is the subject of sections 9.2-9.5 below.

2.0 The site and its vicinity

- 2.1 The site is located on the north-western side of Bishop's Stortford, to the south of the A1250 Hadham Road. On the opposite side of Hadham Road are the Silver Leys sports grounds and the private access road to Wickham Hall. Patmore Close also serves the Bishop's Stortford Fire and Ambulance Station and 12 terraced houses occupied by fire fighters, all owned by the County Council.
- 2.2 The site is quite flat with only a slight gradient towards the south. It comprises a large open field, currently fallow, but formerly in agricultural use (arable) together with an area of adjacent verge on the western side of Patmore Close. The field has a frontage to Hadham Road to the north and Patmore Close to the north-east. A belt of mature pine and other trees and shrubs fronts Hadham Road, with a field access gate to the road at the western end of the frontage. A field drainage ditch, that is dry throughout a large part of the year, runs within the hedgerows that bound the south western and southern sides of the field, the south western being the boundary with Application C.
- 2.3 To the North West, the site adjoins houses on Hadham Road and Grove Park, off Hadham Grove. For the most part they are screened by trees, as is most of the modern housing that overlooks the eastern boundary and a small section of the southern boundary. To the east, between the site boundary and the modern housing, is a tree lined private track that formerly led to a small farm known as Marshbarns, which adjoined the site, but which has since been redeveloped for housing.
- 2.4 The southern boundary also adjoins an area of unmanaged woodland (Skelleys Wood) to which the public have access, though no right of way. The woodland comprises mainly Hawthorn, Field Maple, Ash and Sycamore. Most boundaries are marked by a mixture of post and wire, chain link and close boarded fences, walls, banks, trees and hedges.
- 2.5 No public footpaths or other rights of way cross the site, although a public footpath (Bishop's Stortford footpath 17) immediately adjoins the southern boundary of Application C and the woodland, and there are informal pathways through the woodland. An 8 inch water main that originates from a reservoir located on the northern side of Hadham Road runs through the site, adjacent to the western and southern boundaries, and thence into the adjacent residential area. The verge on the western side of Patmore Close contains foul and surface water manholes.

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2.6 The frontage to Patmore Close is open, being defined by a post and wire fence, and is separated from the roadway by a wide grass verge, except at the southern end of the close where a turning head immediately adjoins the site. The verge (0.13 hectares) is also in County Council ownership and contains an area of car parking (11 spaces) used by the adjacent emergency services facility. Patmore Close is an adopted highway currently serving the Fire and Ambulance Station, the retained Fire Station houses and the northern field.

3.0 Summary of the development

3.1 The application is in outline, with all matters reserved for later approval apart from access. The net developable area is 4.84ha (11.95ac) and an illustrative layout for 163 dwellings has been submitted for information, which gives a net density of 33.67 dwellings per hectare (13.64 per acre). The plan show dwellings in a mixture of sizes, including 3-storey flats at the north eastern end of the site to provide some sound attenuation in respect of practice activities at the fire station.

3.2 The indicative layout plan shows development laid out so that the majority of dwellings would face onto streets or open spaces, with good sized gardens to the rear. Four small open spaces are proposed, one centrally located space being equipped for play, and the others in corners of the site where they would have a dual role as surface water balancing areas as part of a sustainable urban drainage system (SuDS) for the site. It is anticipated that they will be dry for the majority of the time and would only become wet after heavy periods of rain. The SuDS would also include new and existing ditches, with the attenuated discharge to existing sewers in Anglesey Close to the south and Maple Spring to the east.

3.3 The majority of existing trees and hedges would be retained, including a minimum 10m tree belt along Hadham Road, supplemented by additional planting within the residential areas. Street trees have been included, creating something of a boulevard in places.

3.4 Vehicular access would be provided by extending Patmore Close into the site, providing circular routes with culs-de-sac spurring off. In addition to the footways alongside Patmore Close, a footway/cycleway connection to Hadham Road is proposed which would be located where there is an existing field access gate which currently provides vehicular access to the site. Although two new footpaths would link the development to an existing public footpath on the southern boundary of the site, providing pedestrian routes to Burghley Avenue to the west

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and Maze Green Road to the east, they fall within Application C and the applicants have therefore been asked to provide a footpath link from Application B through the woodland to the public footpath to the south.

4.0 Site history

4.1 The whole of the reserve secondary school site has been subject to three previous outline applications for residential development, two of which were submitted in 2008 and one in 2010. These formed part of a suite of planning applications relating to the proposed relocation of two of the town's secondary schools to Whittington Way, to the south of Bishop's Stortford.

4.2 The two applications submitted in 2008 were:

- 3/08/1115/OP up to 250 dwellings on the same site as Application A, with the addition of the woodland, which would be retained.
- 3/08/1116/OP up to 165 dwellings on the same site as Application B.

Both were withdrawn.

4.3 The 2010 application (ref. 3/10/1009/OP) was for the development of the northern part of the site (now Application B) for up to 165 dwellings and it included the same indicative layout for 163 dwellings as the current application. It was dismissed at appeal in 2012 on the grounds that the site may be required for educational use following the dismissal (mainly on green belt grounds) of related appeals for the relocation of the schools to Whittington Way.

5.0 Town Council representations

5.1 At their meeting on 27 July 2015 the Town Council's Planning and Development Committee resolved as follows:

1. No infrastructure to support this development.
2. Smarter Choices are limited. Residents prefer to use their cars to travel around Town. More finance needed to support this initiative.
3. Development is premature and all other infrastructure issues must be solved prior to commencement of building works.
4. Transport and train services need improving prior to commencement of building works.
5. Emergency access is not suitable. Concerns were raised that the emergency services will not be able to access emergencies within their allocated time of 4 minutes. The Committee would like to see a dedicated entrance on Hadham Road for emergency services

only.

6. Virtually 500 homes.
7. Concerns were raised by the Committee for the access off Hadham Road as it is currently a busy road and this will inevitably cause extra congestion especially from the development on ASR 5.

6.0 Statutory consultees and other organisations

6.1 The following summary of replies to consultation are drawn from the files for both Application B and Application A. This is because a number of consultees responded to only Application A, which covers the whole of the Reserve Site.

6.2 HCC Historic Environment Advisor – The site is within an Area of Archaeological Significance, and investigation was carried out on site in 2008 in connection with earlier planning applications. It revealed remains from the Late Bronze Age, Late Iron Age and Romano-British. In combination with finds to the north at BSN, good evidence is emerging of the succession of historic settlement in the Stort Valley, and a condition is recommended to ensure that further investigation is undertaken prior to the commencement of any development on the site. It is possible that some finds might have to be preserved in situ, with implications for the layout of the development.

6.3 Sport England – As a non-statutory consultee on this occasion, Sport England objected to the application on the basis that it was not clear as to how off-site sports facilities would be enhanced to help satisfy the demand for sports from residents of the development. They refer to the East Herts Playing Pitch Strategy, 2010, which identifies a deficiency in playing pitches in Bishop's Stortford and the Assessment of Sports Facilities, 2011, which identifies also a need for more indoor facilities.

6.4 EHDC Environmental Health - No objections subject to conditions regarding further land contamination investigation and, especially in view of the proximity of existing residential properties, construction hours of working, any piling operations that may be necessary.

6.5 Environment Agency – No objections subject to the details of surface water drainage and water conservation measures. They also ask the Council to consider water conservation measures in view of the site falling into an area of serious water shortage.

6.6 Thames Water – no objections in principle and advice offered regarding the design of surface water and foul drainage.

- 6.7 EHDC Engineering – The site is away from overland water flows and there is no history of flooding. The site is suitable for managing surface water by SuDS (Sustainable Drainage System) on the surface, and they have been incorporated in the indicative plans, but more could be done. The Council would be willing to discuss the option of adopting the SuDS.
- 6.8 EHDC Landscape Officer – No objection in principle to the proposed development, including the removal of some trees and hedges, but there are opportunities to improve the landscaping by integrating it with and extending the SuDS. Proposals for the improvement and management of Skelleys Wood to the south of site B should be included because, as secondary woodland, it is capable of being a well-used amenity for local residents, the ecology being less sensitive than in ancient woodland, and it will be an attractive feature of the landscaping of the development.
- 6.9 Herts Constabulary Crime Prevention Design Service – Concern that parking areas will benefit from natural surveillance from overlooking properties and that noise from the emergency sirens will be mitigated. The design team should seek to obtain Secured by Design accreditation.
- 6.10 Natural England – No objections subject to due diligence regarding any protected species and that the developers follow their standing advice and good practice regarding the enhancement of green infrastructure, biodiversity and landscape, including an area of Priority Habitat (broad leaved woodland adjacent to the application site).
- 6.11 Hertfordshire Ecology – Skelleys Wood is an Ecosite of interest. Of more relevance to Application C, it is noted that the submitted Ecological Impact Assessment says it is unlikely that there would be bat roosts, but a roost assessment is required to support that. Otherwise happy with the submitted assessment, subject to conditions.
- 6.12 Herts and Middlesex Wildlife Trust – The Trust objects to the overall development on the basis that there would be losses of trees, hedgerows and other habitats that are neither quantified nor adequately compensated for. The absence of a proactive approach to biodiversity is contrary to Local Plan policies ENV 11 and 17. Most of the loss is in relation to the site of Application C, and further negotiation will take place in that regard. The consultation response goes on to suggest various form of mitigation that should be considered.

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- 6.13 East and North Herts Clinical Commissioning Group – The development will impact on services that are already stretched in Bishop’s Stortford. The CCG is in the final stages of creating a five year strategy and premises in Bishop’s Stortford will be an early project, offering opportunities for service integration. Accordingly, they would seek a Section 106 financial contribution towards the provision of premises.
- 6.14 NHS Hertfordshire – The Premises Team are concerned about the impact of additional demand for primary health services in this area, and say that the nearest health centre at Bishop’s Park is “seriously constrained” i.e. working over capacity and in need of reconfiguration or extension. They show that all the other centres in the town are under a great deal of pressure, and make a case for a Section 106 contribution towards the creation of additional capacity in the locality of the site.
- 6.15 HCC Highways – The Highway Authority has assessed the proposals and submitted Transport Assessment for the whole of the Reserve Site (Application A), which would have the greatest impact. They have no objections in principle, subject to conditions and the planning permission including mitigation in a Section 106 agreement, including the improvement of bus stops on Hadham Road, improvements for pedestrians and cyclists and travel planning initiatives. A Section 278 agreement would be required in order to install a traffic island that will assist pedestrians cross Hadham Road to the bus stop on its north side.
- 6.16 Access: It is noted that in line with national trends traffic has reduced locally in recent years – traffic surveys taken in June 2014 showed in particular a reduction in the majority of traffic movements since 2008 at the Patmore Close/Hadham Road junction. The development of up to 250 dwellings would generate 142 a.m. and 155 p.m. peak hour trips, which is well within the capacity of the existing junction, subject to extending the footway on the west side.
- 6.17 Off-site highway impact: The Transport Assessment and Addendum show that the housing development should not have a significant impact on the operation of other junctions, but there will be additional queuing and therefore travel planning initiatives are required to encourage modal shift away from the car to bus, cycling and walking.
- 6.18 Estate layout and parking: These will be assessed at reserved matters stage but it is flagged up that there will be limits to the amount of highway adoption and that other arrangements may be necessary for unadopted streets.

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- 6.19 Accessibility: There are two bus stops within 400m, which is considered to be an easily walkable distance, but there are no shops or other services within that distance, Bishop's Park being at least 800m and the town centre 1.3 miles. It is therefore essential to seek mitigation in the form of improvements for cyclists and pedestrians so that shops and services are more easily and safely accessed without recourse to the car.
- 6.20 Travel Plan: This is seen as essential to encourage the use of non-car modes of travel and the initiatives set out in the Transport Assessment are supported, including free bus passes for new residents for one month, car sharing and comprehensive travel information on a website. Targets and monitoring should be over a fifteen year period.

7.0 Other representations

- 7.1 The applicants carried out pre-application consultation in Bishop's Stortford, including a staffed exhibition on 2 days in September 2014 that described both the residential development proposals for the whole site at Patmore Close (Application A) and the proposed secondary school at Bishop's Stortford North. The exhibition was widely promoted, including leaflets delivered to approximately 1050 homes and businesses in the locality of the site.
- 7.2 The outcomes are described in a Statement of Community Involvement submitted with the planning application. It says that 103 people attended the exhibition and 37 questionnaires were returned. The questionnaires showed that, overall, 49% of people supported the residential development, 30% opposed it, and 21% expressed no opinion. The majority of the comments were related to transportation and highway concerns, design issues and the principle of the land use. The public are understandably concerned about the matter of the principle of the development, and it is dealt with in detail in this report. The applicants state that the concerns regarding highways and transportation have been picked up in the Transport Assessment that accompanies the application. The layout plans shown to the public and that accompany this outline application are illustrative only and so the design issues raised need to feed into later consideration of the details of the development if the outline application is approved.
- 7.3 Along with Applications A and C, and following registration in November 2014, the application was advertised by the Council by way of a press notice, site notice and 272 neighbour notification letters.
- 7.4 In total nine different representations were received from residents in

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relation to this application (B) and Application A. Some people replied only to A, apparently on the basis that their points applied equally to B and/or C. However, B and C are different in kind and location and in their environmental impacts, and so the summary below includes some filtering out of comments that clearly relate to C alone.

7.5 Also included below are representations from Bishop's Stortford Rugby Club and the Bishop's Stortford Civic Federation.

7.6 Taking account of the eight representations and the questionnaires returned after the public exhibitions, the following matters were raised.

1. *Land use*

- The loss of another green field and trees used by wildlife, for children's play and walkers. Badgers and green woodpeckers have been observed.
- A "betrayal" by the Council in selling a reserve school site for the profit from private houses.
- Supportive if the new school at BSN has sufficient capacity to meet demand at BSN and the town, including that from the Patmore Close site itself.
- The site may be required for another primary school.
- Residential development preferred by some to a school on the site; others think the site is the better one for a secondary school.
- Preference that the site is used for school playing fields or a hospital.
- Flood risk in the south east of the site.
- Insufficient social infrastructure in the town to cope with the additional development.
- If permission is granted for housing a safeguard is required that the new secondary school at BSN will actually be built.

2. *Highways and transportation*

- The volume of traffic from up to 247 dwellings will interfere with emergency services using the same access; they should have their own access on to Hadham Road.
- The former farm access alongside the eastern boundary should be incorporated into the site and used as the access to Hadham Road.
- Made worse by BSN traffic and roundabouts, traffic will struggle to exit onto Hadham Road at peak times.
- If granted permission, the development should have to take place after BSN to reduce construction traffic, noise, etc.
- Practical constraints in bus capacity and routes and the pavement

width at local stops limit the benefits of offering a free bus pass to new residents

- Many children will need to cross Hadham Road to walk to school; crossing near Pye Gardens needs review because the pavement terminates.
- In combination with overhanging trees and hedges, the narrow width of the footways on Hadham Road makes it a hazardous pedestrian route and cycle way for children; and the road is badly lit at night.
- The narrow carriageway makes it difficult for two large vehicles to pass and to overtake cyclists safely.
- Inadequate provision for cyclists on and off-street.
- Bells Hill roundabout is a major constraint and traffic can back up to the Hockerill lights.
- Residents will need to drive to health facilities and shops because of limited local capacity.
- Many of the households will require two off-street parking spaces.
- Adverse impact on town centre parking.

3. *Design and environment*

- Object to loss of outlook from surrounding properties.
- No objection so long as the woodland to the south and trees around the site are retained and protected, the boundary trees providing screening and separation of housing areas.
- Single storey properties with gardens are required for elderly people
- An overdevelopment leading to unnecessary loss of mature trees and hedgerows which are irreplaceable.
- Density unacceptably higher than surrounding property and designs out of keeping; inadequate amenity space per dwelling.
- Insufficient space for informal sports
- Objection to 3-storey flats, especially if overlook existing properties.
- Supportive if dwellings have front and rear gardens and off-street parking.
- An EA consent to drain a domestic sewage treatment plant to a ditch within the site must be taken into account.

7.7 *BS Rugby Club* – Whilst not objecting to the principle of the development, the Club has 1600 members and expects additional demand from the new development in the town. They used to have the facility of playing on the fields at Patmore Close but lost it and now use the College's facilities. Financial support is urgently required to help relocate Swifts FC who occupy part of Silver Leys, which would enable the Rugby Club to create more pitches near the clubhouse to help meet

demand and consolidate their activities on the site.

- 7.8 *Bishop's Stortford Civic Federation* – The Federation is opposed to the release of the Reserve Site for residential development because it considers that the County have underestimated the demand for school places. They say the County have not taken sufficient account of further growth proposed in the Draft District Plan and of cross area flows. They are also concerned the development would create congestion on Hadham Road, especially during the period before the proposed new access into BSN from the A120 is brought into use.
- 7.9 ESSENTIAL REFERENCE PAPER C sets out both the summary and original versions of the Federation's objections, with the County Council's responses alongside. These are taken into account in paragraphs 9.1 onwards.

8.0 Policy considerations

- 8.1 **National Planning Policy Framework (NPPF)**. Pending adoption of the District Plan, and contrary to Government planning policy as set out in the NPPF the Council does not have an up to date local plan providing for a five year supply of deliverable housing sites sufficient to meet its objectively assessed needs. Therefore, in determining applications for residential development the Committee must give full weight to policies in the NPPF, which establishes a presumption in favour of sustainable development. What constitutes sustainable development is defined by the NPPF as a whole.

- 8.2 Paragraph 14 of the NPPF explains that

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 8.3 As to the type and character of housing, para. 50 of the NPPF says, inter alia, that local planning authorities should

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- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*

8.4 The NPPF is also clear that there is a need for the planning system to support the creation of...

...strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being (para. 7)

8.5 The NPPF places particular emphasis upon ensuring that school places are available to meet needs:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education (para.72).

8.6 Regarding highways and transportation, para. 32 of the NPPF say:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

8.7 **East Herts Local Plan, 2007**, includes a policy that relates specifically

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to the application site, Policy BIS 7:

- (I) *The Reserve Secondary School Site, Hadham Road, as defined on the Proposals Map, is reserved for residential development as a Phase II site and will only be released for development if sufficient additional secondary school capacity is provided elsewhere in the town.*
- (II) *Development of the site is expected to make provision for predominantly mixed residential development, including up to 40% affordable housing, together with significant areas of open space/recreation.*

8.8 It was prepared in the context that there was a proposal to extend the Herts and Essex High School and Science College and the Bishop's Stortford High School on a shared site in the green belt on Whittington Way on the south side of the town. In such circumstances it was unlikely the Hadham Road Reserve site would be required for a secondary school and it could be developed for housing, and thus help to fund the proposed schools development.

8.9 An inquiry was held in 2011 into an application for residential development on the northern part of the Reserve Site (ref. 3/10/1009/OP), as part of a conjoined inquiry relating to the proposals affecting several sites in the town that would enable the development of the new "super school". In practice there was much opposition to development in the green belt and the relocation of the schools from sites within the town's built envelope. The protection afforded by BIS7 was a factor in persuading the Inspector and the Secretary of State to reject the package of proposals on the basis that other options for school development were available. However, no concerns were expressed about the principle of residential development on the Reserve Site in that context.

8.10 Other relevant policies in the Local Plan, 2007 are:

SD1	Making development more sustainable
HSG4	Affordable Housing
HSG6	Lifetime homes
TR1	Traffic reduction in new developments
TR2	Access to new developments
TR3	Transport assessments
TR4	Travel plans
TR12	Cycle routes – new developments
E NV1	Design and environmental quality
ENV2	Landscaping

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ENV11	Protection of existing hedgerows and trees
ENV14	Local wildlife sites
ENV16	Protected species
ENV17	Wildlife habitats
ENV18	Water environment
ENV19	Development in areas liable to flood
ENV20	Groundwater protection
ENV21	Surface water drainage
ENV27	Air Quality
BH1	Archaeology
LRC3	Recreational requirements in new residential developments
BIS15	East Herts Area Plan / Bishop's Stortford Transportation Plan
IMP1	Planning Conditions and Obligations

- 8.11 **Draft District Plan.** Whilst a draft version of the Council's District Plan has now been published and has been subject to consultation, it is not at an advanced stage of preparation. The Council has commenced the process of formally considering the feedback to consultation and the level of housing development overall and the allocation of land for development in the Plan have been the subject of considerable response and are issues that remain to be resolved. Limited weight can therefore be attached to the District Plan.
- 8.12 **Silverleys and Meads Neighbourhood Plan (SMNP).** The application site also falls within SMNP area. The Committee will be aware that the Plan has been adopted by this Council following a positive referendum. It is now a part of the development plan for East Herts and the Committee can give it full weight in considering this application.
- 8.13 SMNP does not set out a different policy position in relation to the principle of development of the Reserve Site but there are a number of detailed policy considerations to take into account. The following policies are considered to be applicable to this application and will be addressed in the relevant topic areas in section 9.0 of this report.
- 8.14 *HDP1 Residential development and redevelopment.* Supportive of housing development "as long as it is found to be meeting the findings of the latest Strategic Housing Market Assessment" (SHMA). The policy also requires that residential development proposals beyond the existing edge of the built-up area should be designed to incorporate the principles of Garden Cities.
- 8.15 *HDP4 Dwelling mix strategy.*
- a) On schemes where there is a net gain of fifteen or more homes,

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developers are required to submit a Dwellings Mix Strategy based on the objectively identified needs within Bishop's Stortford. This must cover all needs including those for market, sheltered, supported and 'affordable' housing.

- b) On such schemes, affordable housing will be provided on-site.
 - c) All schemes shall consider alternative types of purchase funding such as the various forms of shared equity for affordable housing and self-build for market housing.
 - d) The Affordable Housing units should be integrated into the open market housing development using appropriate design methods, i.e. tenure blind.
- 8.16 *HDP5 Adaptable housing.* At least 20% of homes shall be built to the 'Lifetime Homes' or an equivalent or superior standard.
- 8.17 *HDP9 Archaeology.* Requires the archaeological investigation of sites.
- 8.18 *GIP3 Green space management.* Requires financial contributions to support initial costs and/or to transfer land to an appropriate body.
- 8.19 *GIP4 Protect wildlife and increase biodiversity.*
- a) At Bishop's Stortford North, trees and hedgerows to be retained and biodiversity to be increased.
 - b) Watercourses to be retained as part of any development with buffer zones and re-naturalisation.
 - c) Protection of wildlife corridors.
 - d) Maintenance of wildlife corridors
 - e) Incorporate new wildlife habitats (for example bat and bird boxes).
- 8.20 *GIP5 Enhancement of footpaths and bridleways.* Requirements for the protection and improvement of footpaths and bridleways and the creation of new routes for footpaths and cycle ways.
- 8.21 *GIP6 Improving/expanding allotments.* Requires either provision by the developer or Section 106 contributions.
- 8.22 *TP1 Traffic congestion.* Requires a transport assessment and mitigation if journey times or congestion on designated routes exceed existing levels by 5% or such figure as may be determined by the Highway Authority, the mitigation to restore existing levels. Requires travel plans for new development.
- 8.23 *TP3 Walkable neighbourhoods.* Desirable walking distances to community facilities; provision of direct pedestrian links.

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- 8.24 *TP4 Pedestrian and cycle routes.* Enhancing the network of routes.
- 8.25 *TP5 Bus services.* Provision of regular services to the town centre.
- 8.26 *TP6 Transport Interchange.* Includes improving connections to the Interchange.
- 8.27 *TP8 Residential parking.* Car parking standards and design criteria.
- 8.28 *TP10 Traffic speeds within new developments.* Traffic calming measures and 20mph streets required.
- 8.29 *EP1 School availability.* School places must be available in nearby or accessible locations.
- 8.30 *EP2 New secondary school.* Welcomed if accessible to BSN.
- 8.31 *EP3 New primary schools.* Welcomed in the Plan Area, and to be available ahead of residential occupancy or before 25% occupancy.
- 8.32 *HP1 Accessible GP practices.* Financial contributions required to enable local provision, subject to development.
- 8.33 *SP1 Provision of additional outdoor sporting facilities.* Contributions towards accessible and inclusive new sports facilities

9.0 Considerations

9.1 Education needs and the principle of development.

- 9.1.1 With the publication of the National Planning Policy Framework (NPPF) the Council's Local Plan is not considered to be up to date in respect of housing land supply, and the Council cannot demonstrate a five year supply of housing land, which means that housing development in East Herts must be determined instead in accordance with the NPPF's presumption in favour of sustainable development. However, the NPPF is also clear that the provision of social infrastructure, including schools, is an important component of sustainable development (para. 8.5 above) and the protection of the Reserve Site afforded by Policy BIS7 remains a material consideration in determining an application for residential development.
- 9.1.2 In the context of NPPF policy and the presumption in favour of sustainable development, earlier this year approval was given in

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outline, with detailed permission for the first phase, for a mixed use development with up to 2200 dwellings on land between Hadham Road and Farnham Road. This is ASRs 1-4 and the SCA within BSN (ref. 3/13/0804/OP), known as the Consortium development. There is a link to the Reserve Site in that the Section 106 agreement permits the County to call for a site at BSN upon which to build a 6FE secondary school. At the same time as the Section 106 agreement was signed, the County entered into a land swap agreement with the Consortium to swap part of the Reserve Site (the land covered by Application B) for the school site at BSN, thus providing the County with the means of paying for the site and enabling the Consortium to build as many homes as they would have done if they had not given up the land for a secondary school. However, the link with the Reserve Site is a property matter rather than planning, and the Committee must still consider carefully the principle of whether it should be released for housing development.

9.1.3 In particular, the applicants need to demonstrate how the test in BIS7 is met by the building of a new secondary school within BSN, and if the test is satisfied the Committee will also need to be confident that the secondary school will actually be built, as has been underlined in at least one representation from the public.

9.1.4 In the Planning Statement that accompanies the application the County's Children's Services have provided the following summary of their strategy for secondary education, including meeting the needs of BSN:

- 1 *The modelled secondary pupil forecast for the Bishop's Stortford and Sawbridgeworth planning area indicates peak demand for 3 forms of entry (fe) of additional capacity to meet need from the area within the forecast period to 2025. This forecast includes an assumed housing trajectory that reflects the latest stated position outlined in the District Plan consultation document but excludes the proposed development of 2650 new dwellings at Bishop's Stortford North (BSN).*
- 2 *Based on Hertfordshire's child yield model for new housing developments, the 2,650 new dwellings proposed for BSN (ASRs 1-5) [2,529 now approved] indicates a peak demand of 5fe. This yield is expected to be in excess of 4fe for 8 years and in excess of 3fe for 15 years, with a long term average of 2.5fe. HCC believes that these peaks are sufficiently long (spanning approximately 9 years) to require and justify permanent provision of core facilities and sufficient land to accommodate the total yield.*

- 3 *The peak demand arising from the existing community and BSN do not occur simultaneously. Peak demand from the existing community is forecast around 2021, with secondary pupil yield from BSN not estimated to peak at 5fe until 2031, a decade later. Analysis of the combined demand from both BSN and the forecast demand from the area (assuming the new housing completions from 2015) suggests a need for a peak of 6fe of additional secondary provision, which may rise in subsequent decades but forecasts in the longer term are less certain.*
 - 4 *On this basis, Hertfordshire's education strategy for Bishop's Stortford and Sawbridgeworth provides for 6fe of additional secondary capacity to meet the needs from both new housing and latent demand within the existing community.*
 - 5 *Feasibility work to assess the potential capacity of existing school sites across the area to expand to meet projected demand concludes that, although there may be some potential capacity at existing sites, there is insufficient to meet the full 6fe of need and there is significant challenge in town planning and site terms at many of the existing schools to provide any certainty around the delivery of additional places. Moreover, as all the schools across the area are their own admitting authority, the County Council has no ability to direct these schools to expand and therefore cannot guarantee additional places in advance of a formal agreement and a town planning consent for expansion being in place.*
 - 6 *A new 6fe secondary school in the heart of the new housing development at Bishop's Stortford North is both well located and well-sized to provide the right number of places to meet the needs from both the existing town and the new communities arising from the BSN housing development.*
- 9.1.5 In summary, the Education Authority is saying that it is no longer necessary to prevent the Reserve Site on Hadham Road being developed for housing because the proposed new secondary school at BSN will provide 6fe, which will cater for the needs of both BSN itself (5fe at peak) and contribute to the needs of the wider school planning area (1fe). This is partly because, fortuitously, the peaks in demand from the two sources do not coincide. If there is further residential development in the town, such as on Wittington Way on the south side of the town, which is a controversial Draft District Plan proposal, the County will need to plan for another 2fe, which may be satisfied by opportunities at existing secondary schools or other means.

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- 9.1.6 The BS Civic Federation have questioned in their consultation responses the County's secondary education planning and consider that the release of the Reserve Site is premature. They have challenged the County on the following grounds, which are set out in full in ESSENTIAL REFERENCE PAPER C, alongside the County's responses.
- 9.1.7 *(a) The County Council have underestimated the demand for secondary school places implicit in the most recent version of the draft District Plan. This envisages over 5000 new homes being provided in Bishop's Stortford (including BSN) and Sawbridgeworth. Using the Council's metric of 1fe generated per 500 dwellings, the proposed new housing would generate a peak demand of 10fe not the 8fe which the Council have assumed in support of this application.*
- 9.1.8 The County have responded by saying that their methodology for calculating pupil numbers in advance is well proven and that Hertfordshire's pupil forecasts have been shown to be accurate to within +/-1% countywide year on year. Beyond the next decade, further secondary capacity may be required to meet needs from both existing and new communities formed through new housing growth in the latter part of the Plan period. Potential opportunities for additional secondary capacity across the area have previously been outlined in detail to EHDC in the course of consultation on the Draft District Plan.
- 9.1.9 *(b) The County Council have also made the unrealistic assumption that there will be no increase in cross area flows – net movement of pupils to schools in the area from places further afield. A more reasonable assumption – that these will take up about 30% of the extra school places as they have done for many years at our existing schools – would add a further 2-3 FE to the overall demand for places.*
- 9.1.10 In reply, the County point out that the various admissions policies of Bishop's Stortford secondary schools would be likely to favour pupils in Hertfordshire. In addition, HCC, as the commissioner of the new schools in Bishops Stortford North, will seek admissions arrangements for the new schools which prioritise pupils residing local to the development. It is likely that the BSN secondary school will grow in size, for example opening with perhaps 3fe (90 places) and then moving incrementally to 6fe (180 places) as that local demand increases. Whilst families from Essex may initially obtain any places not required from the local community, as the development fills it is likely that any such inflow will diminish as a result of the specific admission criteria requested.

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- 9.1.11 (c) *The County Council's claim that the proposed 6 FE school will be sufficient to meet the long term demand for school places is therefore incorrect, and the Council appear to have no plan to meet the excess in demand above 6 FE. Policies BIS7, saved from the adopted District Plan and BISH5 in the draft District Plan both require that the demand for secondary school places will be satisfied elsewhere before the site can be released. Since the site cannot yet be released, permission must be refused.*
- 9.1.12 The County Council remains satisfied that their strategy delivers the right level of additional capacity, with sufficient additional capacity options available to manage any fluctuations in demand or further possible demand in the longer term. Forecasting secondary demand into future decades cannot be certain and therefore flexibility is key in planning sufficiency for the longer term.
- 9.1.13 (d) *Removal of the proposed Bishop's Stortford South development from the draft District Plan would significantly reduce the demand for school places and might then add some weight to the County Council's belief that one 6 FE school would be sufficient to meet the long term demand. But the draft District Plan has further stages to complete before the housing numbers in it are finalised, and so such a possibility is speculative and not a sound basis on which to grant planning permission.*
- 9.1.14 The County's position is that there is no certainty that all of the currently proposed sites in the Draft District Plan will come forward and indeed some sites may be replaced with others within the area. In the context of the long term planning of secondary education provision, the key considerations are around scale of development, build rate and overall growth rather than the specific location of developments within an area. They have made representations to EHDC regarding site allocations in the south of the town to plan prudently for further potential secondary capacity if and when that is required beyond the next decade.
- 9.1.15 In conclusion, Policy BIS7 does not set a timescale on the period that should be taken into account in determining whether or not the secondary education needs of the school planning area have been met such that the site may be developed for housing. The County's current strategy makes adequate provision for the known demand of the school planning area and BSN over the next 10 years. They are in dialogue with East Herts over growth in the District Plan and the need for any school site allocations, and with existing schools regarding their capacity to accommodate growth.

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- 9.1.16 The Civic Federation is understandably cautious in circumstances where there is uncertainty, but the Committee can take comfort in the experience of the County in matching school places to demand and may rely upon their predictions in this case. Furthermore, the release now of the land swap element of the Reserve Site for housing development will enable the secondary school on BSN to be delivered in a timely manner to meet the predicted needs of BSN and the school planning area, and that is a material consideration for the Committee.
- 9.1.17 As regards the Committee having confidence that the school at BSN will be delivered, firstly outline planning permission has been granted for the school. Secondly, the County have secured through Section 106 agreements with both the Consortium and Countryside Properties (ASR 5) substantial contributions towards the build costs of 5fe, the balance coming from their own resources. Thirdly, the County are willing to accept a condition of planning permission that would mean that the housing development could not be commenced until such time as they provide the Local Planning Authority with a certificate confirming that they are the legal owner of the proposed BSN secondary school site (ESSENTIAL REFERENCE PAPER B, condition 3). Fourthly, HCC will accept a restrictive covenant on their site at BSN to the effect that, once acquired by them, it cannot be used for any purpose other than as a secondary school, (the covenant to fall away once the site is occupied by the secondary school). (ESSENTIAL REFERENCE PAPER A, item 25). With these constraints in place, and HCC being the Education Authority with a duty to provide for the education needs of the community, it would be most unlikely that the school would not be delivered as anticipated.

9.2 **Housing.**

- 9.2.1 If the Committee concludes that the restriction in Policy BIS7 can be met by the construction of a secondary school at BSN it is then necessary to consider whether the residential development would be sustainable development as defined in the NPPF and local policies.
- 9.2.2 The NPPF sets a presumption in favour of sustainable development and says that a refusal of permission would need to show that *any adverse impacts ... would significantly and demonstrably outweigh the benefits...*(para. 8.2 above).
- 9.2.3 The applicants have prepared an indicative layout for the development of the site which shows that 163 dwellings can be accommodated, including a suitable variety of house types to meet diverse housing

needs in accordance with NPPF policy (para. 8.3 above). The plan was first prepared some years ago and the mix will need to be adjusted to meet current requirements, including the affordable housing element. The plan shows a block of 26 flats at the entrance to the development which is to help attenuate noise from the emergency services facility and emergency sirens. The rest of the properties are 2 or 2.5 storey, with suitable gardens and outlook.

- 9.2.4 The applicants have carried out a viability assessment of the development and whilst their consultants, Lambert Smith Hampton, have expressed some concern about the ability of the development to support it, the County have made the commercial decision to offer affordable housing at 30.4%. The rationale is that is identical to the minimum amount to be constructed on the Consortium's site at BSN which will provide the land swap area for the secondary school. Because of quite rapid changes over time in key variables such as build costs and sales income, viability assessment has a limited shelf life and it is therefore the Council's practice to seek viability reviews at appropriate intervals. A positive review would afford the opportunity to increase the proportion of affordable housing to try and meet the Local Plan policy HSG4 target of 40%. The County have agreed the principle of review, at times to be agreed, and the Committee will be informed at the meeting of any consequential change to ESSENTIAL REFERENCE PAPER A, items 1 and 2.
- 9.2.5 The Council's current policy on tenure is to seek 75% of the affordable housing as affordable rented and 25% shared ownership. However, the County have made their offer of 30.4% overall on the basis of 60% and 40% respectively, which is line with the proportion in the Draft District Plan, which takes account of the latest Strategic Housing Market Assessment. It is the same ratio, 60:40, as was agreed by the Committee in August for the development of ASR 5 by Countryside Properties. The Council's detailed affordable housing requirements are set out in ESSENTIAL REFERENCE PAPER A, item 3, including its phased delivery ahead of the market housing.
- 9.2.6 The application is in outline and all matters of design are reserved for later approval. However, as well as the affordable housing requirements, the Council has a policy of requiring 15% of dwellings to meet the Lifetime Homes standard, now superseded by policy HDP 5 of the SMNP which requires 20%. The Council also requires up to 5% of the affordable housing to be adapted to wheelchair use if required by the needs of people on the waiting list at the time. From 01 October 2015 these requirements will be dealt with by the Building Regulations, with Local Plan policy setting the percentages in the light of an up to

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date evidence base regarding local needs. This will necessitate new policies in the Draft District Plan. Meanwhile, the applicants have agreed to the requirements being included in the Section 106 agreement (**Essential Reference Paper 'A'**, items 3.5/6 and 4).

9.2.7 In the case of wheelchair adaptations to the market housing, the agreement requires that the developers actively market the opportunity to benefit from adaptations, with cost recovery from the purchaser. (**Essential Reference Paper 'A'**, item 4).

9.2.8 The reason that the District and Town Councils have these policies is that they have a view to the ageing population. In consultation points have been made regarding the need to provide for the elderly, for example by requiring single storey homes. The NPPF requires that planning applications should take into account the housing needs of older people, and in the glossary defines older people as:

People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialized housing for those with support or care needs.

9.2.9 With a development of 163 homes, and potentially 247 across the whole site, the developers should try to plan for the needs of an ageing population, and to strengthen the community by doing so, through careful locational choices for older persons' housing and thoughtful urban design. In this case the Reserve Site is quite flat and there is reasonably level access to bus stops and via footways and footpaths to both the Bishop's Park local centre, which has shops, health and community facilities and the one proposed for the Western Neighbourhood in BSN. In the circumstances, it is proposed that the Section 106 agreement requires the developers to use reasonable endeavours to create accommodation designed to meet the needs of the elderly (**Essential Reference Paper 'A'**, item 5).

9.2.10 Another housing standard that is being regularised is water conservation. The normal standard in the Building Regulations is 125 litres of water per person per day but from 01 October Local Planning Authorities in areas of water shortage may have a planning policy that requires a higher Building Regulation standard of 110 litres to be applied. East Herts is in a water shortage area and it would be consistent to seek the higher standard in a condition. To go towards helping developers meet the water calculation requirements, there is to be a 'Table of fittings' provided in Approved Document G that shows

what fittings will comply. Potentially, if the proposed plan states fittings mentioned in the AD, a requirement for a water calculation will no longer be required (**Essential Reference Paper 'B'**, condition 19).

9.3 Highways and transportation

- 9.3.1 The impact of traffic on local roads and the town centre was the biggest concern raised by the public in consultation on the BSN planning applications and it is unsurprising that it is an issue in consultation on the Reserve Site. However, modelling that was undertaken in relation to BSN has informed the applicants' consultants and the Highway Authority in considering the Reserve Site applications. Mitigation measures in relation to BSN which will assist the Reserve Site proposals include improvements to the A120/A1250 Hadham Road junction; the provision of bus services operating on Hadham Road and the implementation of a wider Smarter Choices campaign targeted to reduce background traffic levels. It is also proposed to provide a new access point at the Hadham Road/Hadham Grove junction, approximately 250m west of the Patmore Close/Hadham Road junction.
- 9.3.2 *Access.* Modelling confirms that with BSN and its mitigation in place the Patmore Close junction with Hadham Road will operate well within its design capacity, subject to an extension to the footway on the west side. The consultants' model results show that the largest queue occurs in the right turn movement from Patmore Close in the a.m. peak, with a maximum delay of 29 seconds. The Civic Federation has expressed scepticism as to whether that will be the case, quoting the new Aldi store and Tanners Wharf on London Road as recent examples of junctions performing contrary to the Authority's expectations. However, no quantitative evidence is put forward to show that Patmore Close would not operate efficiently.
- 9.3.3 That it operates within capacity is particularly important, as has been noted by the Town Council and other correspondents, because the emergency services will also continue to use the access. The emergency services' comments are awaited and will be reported to members at the meeting.
- 9.3.4 *Off-site highway impacts.* The Highway Authority requested that the consultants carry out additional modelling to see the impact of the Patmore Close development on the proposed Hadham Road/Hadham Grove roundabout and it was shown to operate well below capacity. Modelling of the impact on the Hadham Road/A120 roundabout was also found to be minimal.

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- 9.3.5 Likewise, additional surveys carried out at the Hadham Road/Dane Park mini roundabout showed that the impact of the proposed development at this junction would be an additional 99 vehicles in the a.m. peak and 106 vehicles in the p.m. peak, an increase of 3.8% and 4.86% respectively, which is not considered to be severe because there is minimal queueing at the present time.
- 9.3.6 One of the issues raised by the Civic Federation (and this Committee in commenting on the planning application for the secondary school at BSN) is the impact on traffic on Hadham Road of the 6fe secondary school operating in the Eastern Neighbourhood without the proposed A120 roundabout in place to serve the Eastern Neighbourhood and therefore taking its access solely from Hadham Road. The County commissioned additional modelling to show the impact on Hadham Road and it showed that in the worst case scenario journey times would increase by less than 30 seconds on the A120 routes, and less than 60 seconds on the Hadham Road routes. Such additional journey times may be noticeable, but are far from being severe and unacceptable, the more so because they would be for a temporary period. It is not, therefore, necessary to follow the Civic Federation's suggestion of attaching a condition to any permission for Patmore Close preventing development until 2021 or the completion of the BSN access roundabout on the A120, whichever is the later.
- 9.3.7 *Estate layout and parking.* This is an outline planning application and the Highway Authority will ensure that if it is approved the reserved matters applications will properly reflect current highways and parking standards, and the various comments of the public on such matters will be relevant then. The Highway Authority has stated that they will not adopt all of the roads in the new development and that *it is becoming increasingly common that developers operate a management company to administer and maintain common areas not taken over by public bodies. This approach has been adopted in other parts of the county and is usually secured by planning condition and/or obligation.* This will therefore be an issue for negotiation at reserved matters stage.
- 9.3.8 *Accessibility.* The transport assessment includes a table of distances of the site from the nearest shops and facilities, many of which are in the town centre, 1.5km or more away. However, it is not entirely accurate because the Bishop's Park centre includes a health centre and community facilities as well as a large supermarket, and they are approximately only 0.8km away. In due course there will also be a local centre in the Western Neighbourhood of BSN which will be walkable along the Wickham Hall access drive, which will become a bridleway.

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- 9.3.9 The Transport Assessment Addendum includes photographic surveys of the footways along Hadham Road towards destinations east and west of Patmore Close. It concludes that they are all consistent and safe, but that does not quite accord with the experience of some representations that say the narrowness of the footways in parts makes them uncomfortable to use. Likewise, they say that cycling on Hadham Road is an unpleasant experience in heavy traffic.
- 9.3.10 In the interests of improving sustainable means of access to these facilities and the town centre the Highway Authority is seeking Section 106 contributions to upgrade the two nearest bus stops on Hadham Road, and improvements to footways, footpaths and cycleways (ESSENTIAL REFERENCE PAPER A, item 9). A Section 278 agreement will secure a pedestrian refuge in Hadham Road to assist crossing to the bus stop on the northern side of the road.
- 9.3.11 *Travel Planning.* Transportation policy at all levels, including the NPPF, require travel planning with the occupiers of new development to encourage sustainable means of travel and reduce reliance on the car. The Transport Assessment includes proposals for Patmore Close that are based on the consultants' experience of implementing successful schemes elsewhere. In the Transport Assessment Addendum they provide details of the Travel Plan that would include a Travel Pack for all new residents with plans of local walking and cycling routes, and all properties will benefit from secure cycle storage facilities.
- 9.3.12 Residents will be offered access to a free bus travel scheme, providing up to four people per household free travel by bus for a year. This will encourage the use of buses from the outset and create a culture of sustainable travel. As well as the two regular bus routes on Hadham Road, residents will also benefit from the proposed new circular route through BSN which exits towards the town centre along Hadham Road.
- 9.3.13 The Highway Authority seeks Section 106 contributions towards the cost of the travel plan and requires monitoring against targets over a fifteen year period (**Essential Reference Paper 'A'**, item 10).

9.4 Social infrastructure

- 9.4.1 The application is for residential development only and its impact on social infrastructure has to be mitigated by means of s.106 contributions towards off-site provision. The District, County and Town Councils have policies and toolkit requirements for such contributions, which help to make the development sustainable – see NPPF policy quoted in paras. 8.4 and 8.5 above. Local Plan policy IMP1 states that

As part of development schemes, developers will be required to make appropriate provision for affordable housing, open space and recreation facilities, education facilities, health care facilities, sustainable transport modes, highway improvements, nature conservation and landscape improvements, sustainable construction issues and other infrastructure improvements. The Council will use planning conditions and/or planning obligations (or as subsequently revised) to require developers to provide, or to finance the cost of, such provision, which will be fairly and reasonably related in scale and kind to the development, and necessary to the grant of planning permission. This may include, as appropriate, on-site and/or off-site facilities.

- 9.4.2 The contributions have been taken into account in the viability assessment and the applicants are able to meet them in full. They are set out in **Essential Reference Paper 'A'**. Also included in the Heads of terms is a proposed Section 106 Fund whereby any unspent or underspend of Section 106 contributions is to be returned to a fund for redistribution to areas of social infrastructure and mitigation that are under-funded, including affordable housing so long as it remains below 40% (**Essential Reference Paper 'A'**, item 8).
- 9.4.3 *County Council services.* The biggest contributions are for primary and secondary education, and to serve the Patmore Close site they need to be towards the construction of the primary school in the Western Neighbourhood at BSN and the secondary school in the Eastern Neighbourhood, both of which are likely to be open in 2018 (**Essential Reference Paper 'A'**, items 11 and 12).
- 9.4.4 In addition, the County Council has requested contributions in line with their policy toolkit for the following projects:
- Childcare – £19,658 - to increase full day care provision in the locality of Bishops Stortford North for parents with children under three years.
 - Youth services - £7,007 - towards the extension of the gym and provision of gym equipment at the Northgate Centre.
 - Libraries – £29,861 - towards increasing the capacity of IT provision at the Bishop Stortford Library; the project to include layout, benching, IT hardware, WiFi and study/discussion facilities.
 - Household Waste Recycling Centre – towards the extension or replacement of the facility at Woodside Industrial Estate, Dunmow Road.
 - Fire hydrants - to be provided at no cost to HCC, in accordance with agreed standards and timescales.
- (**Essential Reference Paper 'A'**, items 7 and 13-16)

- 9.4.5 East Herts Local Plan policy and the Planning Obligations SPD (October 2008) suggest the following contributions would be required:
- Household recycling and refuse bins within the development - £11,840
 - Community Buildings - £46,618 - a contribution towards the expansion or enhancement of facilities within BSN or Bishop's Park.
 - Sports contribution – £240,425 - In line with the consultation response of Sport England (para. 6.3 above) and SMNP policy SP1, a contribution has been agreed towards an enhanced sports hall at BSN Secondary School to allow the community to participate in a wide range of indoor sports. The comments of the BS Rugby Club (para.7.7 above) are noted, and their request for funding towards the relocation of the Swifts FC and the creation of new pitches. However, they have already been included in the draft ASR 5 (Countryside Properties) Section 106 agreement and have the possibility of funding from the £3m contribution towards off-site sports in the ASRs 1-4 Section 106 agreement.
 - Children's play space - £75,000 - the provision of one Local Equipped Area of Play (excluding the cost of the land).
(**Essential Reference Paper 'A'**, items 17-19 and 24)

- 9.4.6 In their consultation reply, the CCG and the NHS Premises Team (paras. 6.13 and 6.14 above) set out a case for a contribution of £101,233 towards the expansion of existing facilities at Bishop's Park or towards a new health centre within BSN, for which they are currently looking at feasibility. (There is provision in the Consortium's Section 106 agreement). Their consultation includes a detailed analysis of capacity at all of the Bishop's Stortford primary care centres, and the case is convincing and is supported by SMNP policy HPI:

Any new development of 10 residential units or more must, by means of financial contributions or otherwise, support the provision of facilities so that new residents have access to a GP practice within a reasonable distance, subject to agreement with the healthcare provider and unless the existing services are already capable of providing this service to the new residents.

(**Essential Reference Paper 'A'**, item 23).

- 9.4.7 The Town Council has requested contributions as follows:

- Allotments - £11,114 - to contribute towards the provision of additional allotment plots and community growing space and/or improved facilities at BSN, where new allotment gardens are to be created, or other sites in Bishop's Stortford specified in a scheme to be approved by the Council.

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- Burial space contributio - a contribution to for new burial ground or capacity improvement to serve Bishop's Stortford. There is a formula but it is not a formally adopted policy and the Consortium have agreed a £50,000 contribution. It is proposed that HCC make a pro rata contribution of £3,705 (**Essential Reference Paper 'A'**, items 21 and 22).

9.5 Environment

9.5.1 *Archaeology* – Because the site has already been the been the subject of investigation in relation to the applications in 2008 it is known that there are good remains from the Late Bronze Age, Late Iron Age and Romano-British periods. It is therefore necessary to conduct further investigation on site before the development is commenced, and a suitable condition is recommended (**Essential Reference Paper 'B'**, condition 18).

9.5.2 In combination with the finds at BSN, the remains help to tell the story of occupation in the Stort Valley, and should be stored and interpreted in exhibitions by the Rhodes Centre. To help fund their work a Section 106 contribution has been offered by the Consortium and Countryside Properties to and the applicants have offered a pro rata amount of £5,542 (**Essential Reference Paper 'A'**, item 20).

9.5.3 *Ecology and landscape* – The application site is not subject to any statutory nature conservation designations, but an updated Ecological Impact Assessment was undertaken for the application site to assess the impact of the proposed residential development on any ecology and nature conservation interest on the site. This assessment included a number of surveys for wildlife habitats, badgers and badger setts, hedgehogs, harvest mouse, breeding birds, reptiles and bats. The majority of the application site is of limited ecological interest, but it includes an area of large trees on its northern and eastern margins, and it adjoins Skelleys Wood on its southern boundary. Herts and Middlesex Wildlife Trust (para. 6.12 above) object to the lack of quantification of the loss of habitat, and emphasise that the NPPF is not only about conserving the best habitats. Para. 9 states:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to:

Moving from a net loss of biodiversity to achieving net gains for nature.

9.5.4 Broad-leaved woodland is the subject of an action plan for its

conservation within the Hertfordshire Biodiversity Action Plan and as such is a valued ecological resource. The arboricultural report submitted with the application includes detailed recommendations for managing the trees on the margins of the site and the Green Infrastructure and Biodiversity Management Plan needs to include proposals for ongoing management of the trees, including replacement, in view of their age and condition in the interests of amenity and safety. Skelleys Wood was originally an orchard. It was considered it would be necessary to build on the orchard in order to accommodate a secondary school on the Reserve Site and the orchard was therefore not seen as a potential ecological asset and was neglected. However, time has gone by and a variety of woodland species has taken over and, as the Council's landscape Officer points out, such secondary woodland is ideal as an amenity in proximity to housing areas since it is less sensitive to human activity than ancient woodland. The County Council was therefore requested to undertake a study to determine what management regime can be put in place to both improve the biodiversity of the woodland over time and to regularise and manage public access. They have not completed this work, but are committed to it and it will inform the Green Infrastructure and Biodiversity Management Plan (para. 9.5.7 below). They have agreed to a condition that will secure the implementation of a strategy following on from the survey work (**Essential Reference Paper 'B'**, condition 17).

9.5.6 Surveys of the Reserve Site as a whole found two important bird species, a low number of grass snakes, evidence of hedgehog and one species of bat, the common pipistrelle. There was some evidence that badgers cross the site but no setts were found and the proposal will not directly affect a badger path which runs outside the site boundary. It is proposed that the grass snakes will be relocated to a suitable receptor site. In view of the initial findings, Herts Ecology, (para. 6.11 above), recommend that a preliminary bat roost assessment is carried out of any trees to be removed to facilitate the development. If suitable features are identified for roosting or foraging further detailed surveys should be carried out, all in accordance with good practice guidelines. This needs to be done before development is commenced, and ideally as soon as possible, since the survey is concerned with whether a European Protected Species might be affected (**Essential Reference Paper 'B'**, condition 25).

9.5.7 *Green infrastructure and water management* – In order to ensure that green infrastructure is effectively managed and that biodiversity on the site is conserved and improved, it is recommended that a Green Infrastructure and Biodiversity Management Plan is required for approval. One of its objectives will be the management of the interface

between residents and the natural environment to ensure that there is a balance of interests. The Plan needs to take account of the advice of the Herts and Middlesex Wildlife Trust in their consultation response of 30 December 2014 (paras. 6.12 and 9.5.3 above) (**Essential Reference Paper 'A'**, item 6 and **Essential Reference Paper 'B'**, condition 10).

- 9.5.8 The developers of the site will be advised to integrate the design of the green infrastructure and SuDS to maximize the biodiversity and recreation benefits. Consultees see no problems in principle, subject to conditions requiring full details to be submitted (**Essential Reference Paper 'B'**, condition 9). The Government now requires planning authorities to take responsibility for ensuring that developers have robust arrangements in place for the future maintenance of SuDS, whether to be adopted by a public authority or a management company. In cases where it is known what the cost will be, taking account of service charges, it can be included in the Section 106 agreement. In this case the costs are currently unknown and will be apparent after reserved matters are submitted. This is reflected in the recommended heads of terms (**Essential Reference Paper 'A'**, item 6).
- 9.5.9 *Environmental quality* – The Environmental Statement includes the results and recommendations of a Geo-Environmental Desk Study Report dated March 2008 and carried out in connection with previous applications. Whilst there was no immediate cause for concern it identified the potential for contaminants on site and through possible migration of contaminants from off-site sources. It recommends further intrusive investigation to verify the status of any contaminants on site. Considering the scale of the development, the Council's Environmental Health Officer therefore suggests a condition to secure a full Phase II assessment (**Essential Reference Paper 'B'**, condition 22).
- 9.5.10 The acoustic report in the Environmental Statement states that the construction period offers the potential to adversely impact upon the local noise climate, albeit on a transient basis. Consequently, a number of the best practicable noise control measures have been recommended to reduce the potential impact on existing houses in the vicinity of the site and noise mitigation has therefore been included in the requirements of the Construction Management Plan (**Essential Reference Paper 'B'**, condition 16). The Environmental Health Officer also recommends conditions to control the hours of construction working and any piling operations that may be required. (**Essential Reference Paper 'B'**, conditions 23 and 24).

10.0 Conclusions

10.1 In order to determine this application the Committee should ask themselves two main questions:

- firstly, does the opportunity available to the Education Authority to build a new 6fe secondary school at BSN satisfy the test in Local Plan Policy BIS7 that the site will be released for development only if sufficient additional secondary school capacity is provided elsewhere in the town; and if so,
- secondly, does the proposed residential use of the site qualify as sustainable development, that is to say one that, in summary, will provide for a mix of housing based on demographic and market trends and meet the needs of different groups in the community, be supported by local social infrastructure and have a less than severe impact on the highway network.

10.2 As regards the first question, the report has set out the Education Authority's case for building a 6fe school at BSN, taking account of both the pupil yield of BSN itself, which will be 5fe at peak, and the needs of the wider school planning area, which is calculated as being 1fe. The Civic Federation's challenge to the County is reported, making the case that, taking account of further anticipated growth in the town's population, cross border admissions, and other differences in the approach to calculating demand, the test in Policy BIS7 has not been met. However, the Education Authority's strong advice is that, taking into account the possibility of making other land available for education through the District Plan as part of any growth proposals and the possibility of one or two existing schools increasing their capacity, the test in Policy BIS7 is satisfied.

10.3 Furthermore, with planning permission for residential development, the application site would be instrumental in bringing forward the secondary school at BSN via a land swap agreement, and the Committee should take that into account as something that facilitates sustainable development. The report also provides reassurance that the new school will be built in time to meet the calculated needs of the town because significant funding for construction will be available via several Section 106 agreements, and the County are willing to accept constraints on the residential planning permission and on the use of the new secondary school site that will prevent the relationship between them becoming uncoupled.

10.4 As regards the second consideration as to whether the residential use of the application site represents a sustainable development in NPPF,

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Local Plan and Neighbourhood Plan terms, the applicants have provided a considerable amount of information that has been scrutinized by consultees with expertise in all of the required areas. The information has included a comprehensive Environmental Statement and Transport Assessment, aspects of both being amended as a result of further consideration in response to concerns raised in consultation or by Officers.

- 10.5 The Committee will be aware that no development of the scale applied for will be without its impacts, and there will be some detriment on the highways or to local amenity and ecology. However, following a viability review of the proposals, a strong package of mitigation measures has been agreed by the applicants which, in combination with a comprehensive Section 106 agreement and conditions of planning permission, may be considered by the Committee to satisfy very well the concerns about the impacts of the development. A number of the social infrastructure contributions, ecological and amenity improvements and sustainable travel proposals that have been agreed will be in combination with works and contributions in connection with other developments in the locality, adding value to the effect of the mitigation package.
- 10.5 As regards the sustainability of the housing proposals themselves, the applicants have submitted a detailed indicative layout that has helped local residents and specialist consultees to better understand the qualities and likely impacts of the development, including a possible mix of house types that, with some amendment, would lend itself well to the affordable housing requirement. However, the plan is illustrative and would be excluded from any planning permission to enable Officers to negotiate the best possible layout and designs in line with current expectations and policy once a developer for the site has been identified.
- 10.6 In the light of all these considerations it is considered that the development would be sustainable and play a positive part in meeting the secondary education needs of the town, and on that basis the Committee is recommended to approve the application with the Section 106 heads of terms and conditions set out in **Essential Reference Papers 'A' and 'B'**.