

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 05 Dec 2018

<b>Application Number</b>	3/18/0652/OUT
<b>Proposal</b>	Outline planning for up to 260 dwellings (of a range of sizes, types and tenures, including affordable housing) and a care home (Use Class C2) of up to 66 beds together with public open and amenity space, associated landscaping, highways (including footpaths and cycleways), parking, drainage, utilities and service infrastructure works - all matters reserved
<b>Location</b>	Land between Farnham Road, Kitchener Road and Morbury Avenue, St Michael's Hurst, Bishop's Stortford
<b>Applicant</b>	Countryside Properties (UK) Ltd, Countryside House, The Drive, Brentwood CM13 3AT
<b>Parish</b>	Bishop's Stortford CP
<b>Ward</b>	Meads

<b>Date of Registration of Application</b>	29 March 2018
<b>Target Determination Date</b>	28 February 2019 (PPA)
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Stephen Tapper

### **RECOMMENDATION**

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

#### **1.0 Summary of Proposal and Main Issues**

1.1 Countryside Properties obtained outline planning permission in 2016 for up to 329 dwellings and a site for a 1FE primary school on land identified as ASR 5 within the Bishop's Stortford North Local Plan housing allocations (3/13/0886/OP).

- 1.2 Following the discharge of reserved matters applications for Phases A (91 dwellings) and B (128 dwellings) and highways and surface water infrastructure, Countryside Properties are on site and properties in Phase A are now occupied.
- 1.3 The current application (in outline with all matters reserved) is for up to 260 dwellings would replace the previously proposed Phases C-E and is referred to as Phase C+. It would raise the overall number of homes at St Michael's Mead from 329 to 479, growth of 150 dwellings. The application also includes a 66-bed care home but that was granted its own full planning permission at the September meeting of this Committee. The care home is therefore no longer a key consideration in the context of this application.
- 1.4 The main issues are:
- Whether the increase in the number of dwellings is policy compliant in respect of density and housing mix, including the proportion and tenure of the affordable housing.
  - Whether the environmental, economic and social impact of the increase in the number of dwellings is acceptable, taking into account the submitted Environmental Statement and mitigation in the form of financial contributions towards social infrastructure.

## **2.0 Site Description**

- 2.1 St Michael's Hurst is a site of 26.3ha located at the eastern end of Bishop's Stortford North. The developable area of 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.
- 2.2 On the opposite side of Hazel End Road, between the road and the River Stort, 7.5ha of meadow land has been laid out by the developer as a country park (Bat Willow Park), which includes three filtration and balancing ponds that will receive surface water from the developed land before it is discharged into the Stort.

- 2.3 Land to the west, beyond Farnham Road, is undergoing significant new development known as Stortford Fields, granted permission in 2015 (3/13/0804/OP) for the Bishop's Stortford North Consortium. As well as 2,200 homes the development includes secondary and primary schools, employment land and neighbourhood centres, one of which will be at the eastern end, close to the St Michael's Hurst development.
- 2.4 Planning permission has also been granted on Farnham Road for a 3-form entry primary school (3/17/0031/CPO) and two smaller residential developments comprising a total of 40 homes.
- 2.5 The Phase C+ application site part of ASR5, is 9.54ha and slopes downward from 80m AOD in the west to 70m AOD in the east. It was previously in arable agricultural use but has now been cleared of vegetation. Site contouring has been undertaken, including the construction of noise bunds and structural landscaping against the by-pass and along Farnham Road.

### **3.0 Planning History**

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

Application Number	Proposal	Decision	Date
3/13/0886/OP	Outline application for the construction of up to 329 dwellings, a country park and a site for a 1FE primary school.	Approved subject to conditions and a s.106 agreement	01 June 2016
3/16/1251/REM	Reserved matters – infrastructure and country park	Approved	07 December 2016

3/16/1252/FUL	Reconfiguration of principal access from the junction of Rye Street and Hazel End Road, including revised roundabout design and alterations to Farnham Road.	Approved	21 October 2016
3/16/1897/REM	Reserved matters - Phase A (91 dwellings)	Approved	07 December 2016
3/17/1670/REM	Reserved matters - public open space	Approved	13 December 2017
3/17/1716/REM	Reserved matters - Phase B (128 dwellings)	Approved	19 December 2017
3/18/1227/FUL	66-bed care home (Use Class C2)	Approved subject to conditions	19 September 2018

#### **4.0 Main Policy Issues**

- 4.1 These relate to the relevant policies in the Revised National Planning Policy Framework 2018 (NPPF), the adopted East Herts District Plan 2018 (DP), and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan 2014 (NP).

<b>Main Issue</b>	<b>NPPF paras</b>	<b>DP policy</b>	<b>NP policy</b>
Principle of development		INT1, DPS1, 2, 3, 4	
Housing density and dwelling mix	60-61 122	BISH 1, 3 (IV)and(V) HOU1-3 HOU 6 HOU 7, HOU8, DES1	HDP 1 HDP 4
Traffic impact	102 108-111	TRA 1	TP 3 TP 4 TP 8 TP 10
Environmental impact	170	DES 2, 3, 4, 5 NE 2-4 CC 1-2 WAT 4-5 EQ 2-3	GIP 4
Social infrastructure	94, 96	CFLR 1 CFLR 7 CFLR 9 CFLR 10 DEL 1, 2, EQ2	

Other relevant issues are referred to in the “Consideration of Relevant Issues” section below.

## **5.0 Summary of Consultee Responses**

5.1 HCC Highway Authority Following pre-application consultation, the Highway Authority is content with the methodology used by the applicants consultants Atkins in preparing the submitted Transport Assessment. Earlier planning applications included extensive examination of the local highway network. The infrastructure and access junctions agreed for the ASR5 outline planning application and subsequent detailed Phase A and B applications are considered

satisfactory in order to accommodate the additional dwellings proposed in Phase C+.

- 5.2 Regarding the sustainability of the development, the Highway Authority is content that the mitigation proposed for the wider ASR5 site can also accommodate the densification of Phase C+. It notes the additional s.106 financial contribution towards improvements to walking and cycling links through the field east of Rye Street to Canons Mill Lane and the riverside and from there to the town centre.
- 5.3 As stipulated in the NPPF, the applicant has agreed to implement a Residential Travel Plan for the site, which will promote and support sustainable means of travel. It will set measurable targets that are supported by mitigation measures and incentives. This would include measuring actual trip generation against the predicted trips identified in the TA and assessing the effectiveness of the mitigation measures identified in the travel plan. If the trip rates presented in the TA are exceeded the developer will undertake further mitigation measures up to a limit of £10,000 per annum. The applicant has also agreed to make a contribution of £6,000 towards the Highway Authority's travel plan monitoring costs.
- 5.4 The s.106 agreement will also make provision for free bus travel passes for new residents (two per household for three months) and a budget of £5,000 per annum for marketing and other measures to help promote the bus service.
- 5.5 The Highway Authority recommends conditions (18 and 19), and the travel plan and cycle path contributions outlined above are included in the list of agreed contributions in Essential Reference Paper A (ERP A).
- 5.6 Lead Local Flood Authority (LLFA) Following a review of the submitted Flood Risk Assessment and Drainage Strategy, dated March 2018, the LLFA has no objection in principle on flood risk grounds and can advise the Council that the proposed development site can be adequately drained and can mitigate any potential

existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Surface water calculations have been provided to ensure there is enough capacity within the receiving system of three filtration ponds in Bat Willow Park and the run-off from the site can be adequately managed. (See also paras. 5.8-5.9 below).

- 5.7 Three conditions (14-16) and an informative are recommended to ensure that the proposed system is fully implemented, taking account of the details of the housing development, once known.
- 5.8 EHDC Engineering Advisor The Atkins Flood Risk Assessment (FRA) (ref 5162705 R.001 version 2 dated March 2018) shows on drawing 5162705-ATK-DR-C -0001 Rev P3 a sizeable additional attenuation pond of approx. 100m x 42m with a depth of approx. 1.0m max. This would help to reduce flood risk, improve water quality and provide amenity and biodiversity as recommended within the East Herts Strategic Flood Risk Assessment (SFRA).
- 5.9 The additional pond is intended to work in conjunction with the ponds that have been constructed in Bat Willow Park. The FRA states that these have insufficient capacity to accommodate all of the additional flows originating from the proposed development. The additional pond will therefore include a flow control on its outlet in order to retain water and release it at a rate that the downstream system can accommodate without flooding or exceeding the maximum allowable discharge into the River Stort. The LLFA has proposed conditions that require full details of the drainage system once details of the development as a whole are known and at that point it will be possible to determine the size, shape and location of any additional pond.
- 5.10 As well as the SuDS treatment pond, the development will include permeable paving, open channels, bio retention filter strips, rain water harvesting butts, etc., which will further reduce the flood risk. There will also be biodiversity and water quality benefits.

- 5.11 Thames Water has no concerns based upon additional technical information submitted by the applicants. A condition (20) is proposed to ensure compliance.
- 5.12 EHDC Housing Development Advisor The scheme proposes 260 dwellings of which 104 are proposed as affordable which is policy compliant at 40%. This is a welcome improvement and uplift from the 25% of Phases A and B.
- 5.13 As regards the proposed mix of affordable dwelling sizes, it is broadly in line with the requirements of the District Plan but a reduction in the number of 2-beds in favour of an increase in the 3- and 4-beds would provide a better match with current affordable housing needs in the District. The tenure split needs to be agreed with the applicant and the District Plan sets out a ratio of 84% affordable rent to 16% intermediate.
- 5.14 The applicant will also need to ensure that all the units comply with Building Regulations M4(2) (Accessible and Adaptable Dwellings) and that 15% of the affordable units comply with M4(3) (Wheelchair User Dwellings), as set out in District Plan Policy HOU7.
- 5.15 HCC Historic Environment Unit No objection on the basis that the site has already been the subject of several phases of archaeological assessment and investigation, between 2012 and 2017. An extensive Neolithic and Bronze Age landscape was revealed, including Early Neolithic pit groups, Early Bronze Age funerary remains, a Middle Bronze Age field system and enclosure, and Late Bronze Age pits and post-hole structures. Rare evidence of Early-Middle Saxon occupation was also revealed. The archaeological contractor has confirmed that a full analysis report will be prepared and an article for publication.
- 5.16 EHDC Landscape Advisor states that he has reviewed the Landscape and Visual Assessment and is in broad agreement with the findings and summary. No objection to the outline proposals on landscape or arboricultural grounds.



- 5.17 Herts Ecology In reply to consultation on the EIA Scoping Report, Herts Ecology recognised the limited ecological value of the site as revealed by surveys undertaken in 2012 and that the development brings about the opportunity to enhance the biodiversity of the site by focussing on locally native species and semi-natural habitats within the landscaping of the site. This would meet NPPF policy requiring overall net gains in biodiversity. These can include nesting, foraging and refuge facilities for many animal species.
- 5.18 HCC Development Services. The application is supported subject to a deed of variation to the existing s.106 agreement that will secure mitigation in respect of the impact of the development on social infrastructure. To that end, ERP A includes contributions towards education, early years, youth, libraries and a replacement Household Waste Recycling Centre (if a suitable project can be defined).
- 5.19 EHDC Environmental Health Advisor No objections subject to conditions (11-13) covering the following matters:
- road traffic noise attenuation;
  - noise and vibration from piling works;
  - ensuring implementation of the Construction Environmental Management Plan (CEMP); and
- an informative regarding unsuspected contamination
- 5.20 Herts Police Crime Prevention Advisor supports the application. In line with national and local planning policy, he is working with the applicant to help achieve the Police preferred minimum security standard, Secured by Design.
- 5.21 HCC Fire and Rescue Service Because all developments must be adequately served by fire hydrants in the event of fire, the service has requested the provision of fire hydrant(s) by means of a s.106 agreement, as set out within HCC's Planning Obligations Toolkit. This will be covered by the deed of variation.

- 5.22 NHS/CCG. In their reply to consultation on the EIA Scoping Report the NHS set out a detailed review of the current capacity of the town's surgeries. Capacity is constrained at the nearest surgery at Bishop's Park and the BSN development will worsen the situation without investment in new and/or extended premises. The case was therefore made for a contribution from the development towards the building costs of increasing capacity in accordance with NHS formulas.
- 5.23 The contribution that accompanied the original permission for 329 dwellings considered only GP surgery requirements and produced a figure of £171,518, payable before 200 occupations. That has been rounded down to £120,074, based on the 219 dwellings in Phases A and B. However, the calculation of a figure for Phase C+ now includes the wider range of services that the NHS/CCG seek support for i.e. GP, community, mental health and acute healthcare services. That produces a figure of £890,663, making the total contribution £1,010,737 for the overall site.

## **6.0 Town/Parish Council Representations**

- 6.1 Bishop's Stortford Town Council. It was agreed that the town needs starter homes such as 1- and 2-bedroom houses and maisonettes but not in this area due to overdevelopment (an additional amount of up to 160 homes being applied for), lack of infrastructure, houses too close to the roundabout (Farnham residents have complained how dangerous the junction is) and the detrimental effect on the environment and air pollution for future generations.
- 6.2 There was also concern that Rye Street would not cope with more cars. The Committee also seeks comfort that any conditions that may be applied by EHC are upheld.
- 6.3 Farnham Parish Council. No comments.

## **7.0 Summary of Other Representations**

- 7.1 The application was advertised in the press on 19 April 2018 and on site and 72 neighbour consultation letters were distributed with a reply-by date of 10 May 2018.
- 7.2 No responses have been received either objecting to or supporting the proposals.

## **8.0 Consideration of Issues**

- 8.1 Housing density and mix. Paragraphs 60-61 of the National Planning Policy Framework (NPPF), 2018, state that local planning authorities should plan for a mix of housing, reflecting current and future demographic trends and market signals, taking into account the needs of different groups in the community. This will include, but is not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes (self build). They should also specify the type of affordable housing required.
- 8.2 Outline planning permission for the St Michael's Hurst development was granted in 2016 on the basis of a development strategy and master plan prepared in the preceding few years. Since then planning policies and the property market have changed. The purpose of this application is to ensure that the final phase of the development more closely matches housing need with market demand, taking into account revised national and local planning policies.
- 8.3 With regard to density, District Plan Policy HOU2 (Housing Density) requires housing development to make efficient use of land. Proposals are required to demonstrate how the density of new development has been informed by the character of the local area and contributes to design objectives, improving the mix of house types and providing adequate levels of public open space.

- 8.4 Under the original scheme, Phase C+ would deliver 110 dwellings across a developable area of 9.54ha, which represents a low density of 11.5 dwellings per hectare. This is because when St Michael's Hurst was originally planned there was good demand for 4- and 5-bedroom homes. Today, the market for 2- and 3-bedroom dwellings is stronger, prompting this application, which will increase the number of dwellings on Phase C+ from 110 to up to 260 dwellings and a care home. This is an outline application but it is anticipated that the various development parcels in Phase C+ (i.e. excluding the green space and the care home) will fall within the range of 30-35 dwellings per hectare that was included in the parameters plan for the original application. That is a typical suburban density range.
- 8.5 This represents a more efficient use of the land, without compromising structural landscaping, public open spaces and private gardens in this edge of town location. The change proposed is considered to be acceptable and in accordance with District Plan Policy HOU2. The Committee may give positive weighting to this increase in housing numbers and density because the site will retain its intended character and appearance on the edge of the town yet deliver more in terms of housing numbers.
- 8.6 With regard to housing mix and in support of Policy HOU3, the District Plan states that there is a significant need for additional affordable housing within East Herts as set out in the latest Strategic Housing Market Assessment (SHMA), 2015. The Policy states that the Council should continue to seek affordable dwellings on developments of 15 or more at a ratio of 40% of the total, subject, as necessary, to consideration of the viability of the development.
- 8.7 The s.106 agreement that accompanies the original planning permission for 329 dwellings at St Michael's Hurst secures 25% affordable housing with a tenure ratio of 60% rented and 40% shared ownership. This was in the context of a viability assessment of the development, which indicated that the development would not be viable at 40% affordable housing, taking into account education, highways and other essential contributions.

- 8.8 The agreement also included a requirement for a viability reassessment before the occupation of 100 dwellings to capture any uplift in the viability of the development. Any additional affordable housing that could be funded from a positive reassessment had to be provided within the area now covered by Phase C+ up to the Council's policy limit of 40% (there was no cash alternative).
- 8.9 Countryside are proposing that affordable housing in Phase C+ will be at a rate of 40% of the total. This also means that the viability reassessment is no longer required in respect of affordable housing because the 40% cannot be exceeded in Phase C+. The proposals will provide 104 affordable dwellings, which represents a net gain of approx. 60 affordable dwellings when compared to the original outline consent.
- 8.10 Policy HOU3 goes on to say that affordable housing provision will be expected to incorporate a mix of tenures, taking account of the Council's most up to date evidence on housing need. The Plan suggests a ratio of 84% rented to 16% shared ownership would reflect current needs. It would mean that 87 of the 104 affordable homes would be rented. The applicant's offer of 40% affordable was based on a ratio of 60:40, the same ratio as in the existing agreement. That would have realised 62 rented homes. To better align the development with the District Plan, the applicant has offered to increase the ratio to 70:30, which will not compromise the viability of the development. It will realise 73 affordable rented units and 31 shared ownership units, an increase of 11 rented units over the 60:40 rate but 14 less than the 84:16 ratio. The Council's Housing Development Advisor considers this is an acceptable compromise on this occasion only due to the increase in affordable housing over and above the consented scheme.
- 8.11 In terms of the mix of dwelling sizes, District Plan Policy HOU1 refers to evidence in the SHMA and any additional up-to-date evidence, including the latest East Herts Housing and Health Strategy; the local demographic context and trends; local housing need and demand; and site issues and design considerations. Policy HDP1 of

the Neighbourhood Plan also states that “new residential development will be supported as long as it is found to be meeting the findings of the latest Strategic Housing Market Assessment...” Policy HDP4 goes on to say that developers are required to submit a Dwellings Mix Strategy, which must “clearly demonstrate how the proposed development addresses the objectively identified needs within Bishop’s Stortford. This must cover all needs including those for market, sheltered, supported and affordable housing”.

- 8.12 The application states that Phase C+ market and affordable housing will be aligned with the SHMA. The table below, taken from the Environmental Statement, summarises the indicative housing mix, which will be subject to refinement during the course of considering the reserved matters applications. To be clear, condition 21 requires that, notwithstanding the illustrative layout and mix submitted with this application, the most up to date evidence must be used to inform the reserved matters applications.

**Table 5.1: Indicative Proposed Development Residential Unit and Tenure Mix**

Option	Tenure	Type	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	% by Tenure	Total
<b>Residential and Care Home Option</b>	<b>Private</b>	House		7	47	80	22	60	<b>156</b>
		Apartment	-	-	-	-	-		-
	<b>Affordable</b>	House		42	22	4		40	<b>68</b>
		Apartment	22	14					<b>36</b>
<b>% by unit</b>			<b>9</b>	<b>24</b>	<b>27</b>	<b>32</b>	<b>8</b>	<b>100</b>	<b>260</b>

- 8.13 The Town Council has taken the view that, notwithstanding the need for smaller homes, the additional dwellings at St Michael’s Hurst represent an overdevelopment for which there is a lack of infrastructure. The applicant has responded setting out its view that the development as approved is low density and that the increase in density will make better use of the land and also allow a higher percentage of affordable housing to be included.
- 8.14 Overall, the proposed increase in housing density, the proposed affordable housing ratio and tenure split and the opportunity to align the overall housing mix with the latest SHMA will mean the development will fulfil national and local policy requirements in

respect of housing supply and the Committee can give positive weight to this aspect of the proposals.

- 8.15 Traffic impact. In accordance with National Planning Policy Guidance (NPPG), a Transport Assessment (TA) is normally required for development over 80 residential units. As the uplift in dwelling units over the original permission is 150, a TA is required to support this planning application.
- 8.16 Trip generation was found to be similar to the TA submitted with the original outline application, which was based on 450 dwellings (so greater than the number of dwellings originally granted consent, but a little less than the overall number now proposed: 479). The Highway Authority is content in principle with the TA's assessment of the local highway network, including the infrastructure and access junctions agreed for the original outline planning application and subsequent detailed Phase A and B applications. The TA does not endorse the concern raised in relation to the capacity of Rye Street.
- 8.17 Regarding the sustainability of the development the Highway Authority concurs with the conclusion of the TA that cycling and walking routes proposed through BSN as a whole will satisfactorily serve the additional population represented by the Phase C+ application. The Highway Authority also notes that additional s.106 contributions will be sought for Travel Plan provisions, such as bus passes for new residents. The TA suggests that the Travel Plan should reasonably aim to reduce trips by car by about 10%.
- 8.18 In accordance with their Planning Obligation Guidance (2008) the Highway Authority also sought a financial contribution of £297,625 to be pooled and used for schemes that would address the cumulative impact of smaller developments. However, such a contribution would not be regarded as being compliant with the requirements of s.106 agreements set out in the CIL Regulations, 2014, and the applicant has not agreed to the request.

- 8.19 In conclusion, the TA has shown that highway mitigation required in respect of the original outline application for St Michael's Hurst and the planning permission for Stortford Fields (for which there was a joint TA) will cater for the growth in trips generated by the additional homes on Phase C+. In addition, there will be further funding for the Travel Plan and other mitigation measures to encourage sustainable travel. The Committee may therefore give positive weight to the highways and transport proposals.
- 8.20 Environmental and Social Impact. Prior to the Phase C+ application being made the applicants undertook an EIA Scoping exercise with the Council to identify possible adverse environmental impacts that should be scoped into an Environmental Statement. Such a Statement has been submitted with the application and covers the following matters:
- Socio economics
  - Transport and accessibility
  - Air quality
  - Noise and vibration
  - Landscape and visual
  - Cumulative effects
- 8.21 Socio economics – Economic benefits would accrue during the 4-6 year construction period when there would be approximately 125 jobs on site, which will give rise to additional spend locally and supply chain benefits. The effect of the employment opportunities will be maximised through the construction training plan(condition 22).
- 8.22 The completed development would accommodate 568 people, of whom 122 would be of school age. Whilst it is estimated that they would benefit the local economy by adding £3.5m p.a. to household spending, they would also increase the demand for local public services, some of which, such as primary health care, are close to capacity. The Environmental Statement therefore suggests mitigation in the form of financial contributions towards projects that will improve service capacity, and these are set out in ERP A. The sums have been negotiated taking into account the County,



District and Town Council planning obligations policies and toolkits and the formulas used by the NHS to calculate contributions.

- 8.23 Transport and accessibility – The construction period would generate approximately 200 car and van and 24 HGV movements per day. The proposed access route to the site will be via the A120-Stansted Road-Michaels Road-Hazel End Road to avoid residential areas as much as possible. There will be no construction access from Farnham Road. In addition a Construction Environmental Management Plan (CEMP) has been submitted and will control hours of working, parking arrangements and other matters that will influence the impact of traffic. In respect of the completed development, the traffic impacts and sustainability issues have been considered in paras. 8.13-8.17 above.
- 8.24 Air quality – Based on criteria set out in Institute of Air Quality Management guidance the construction works present a high risk of dust impacts. Section 11 of the CEMP therefore sets out a detailed plan to minimise the risks and condition 12 will ensure the CEMP is implemented accordingly.
- 8.25 Following completion of the development, the only potential adverse influence on air quality would be from traffic generation but the Environmental Statement says that the predicted emissions from the growth in traffic would result in negligible pollutant concentrations at residential receptors close to the application site. The Town Council's concern about the proximity of completed houses being too close to the new roundabout, with air quality implications, is noted, but they are in Phase A of the development for which air quality issues have been considered previously.
- 8.26 Noise and vibration – In addition to the developer's glazing and ventilation strategy for the site, Section 9 of the CEMP provides a comprehensive review of the risks and best management practices to reduce impact on the nearest residential receptors, including dwellings in Phases A and B. The measures are to the satisfaction of the Council's Environmental Health Officer, who has recommended condition 11.

- 8.27 Landscape and visual – The EIA includes analysis of the development from various viewpoints that were previously agreed with the Council’s Landscape Officer. The Environmental Statement says that in the context of the change that has already been established in the area by the granting of permission for BSN and other developments in the locality, the Phase C+ development will make only a limited difference. The site will contain open spaces and structural landscaping that in due course will reduce the starkness of the appearance of the new development. On that basis the landscape and visual impacts will be slight and acceptable in the long term. The Council’s Landscape Officer concurs with those views.
- 8.28 Cumulative effects – the above headings were also considered on a cumulative basis with other consented development such as Stortford Fields and the developments on Farnham Road. Overall, in the context of the extensive housing allocations and the beneficial mitigation required of the developments, Phase C+ was not considered to create any significant adverse effects.
- 8.29 In conclusion, the evidence considered by the EIA strongly suggests that any adverse effects of Phase C+ on environmental, economic and social aspects of sustainability will be limited and offset by both good management practice embodied in the CEMP, by conditions that may be imposed by the Council and the financial contributions towards social infrastructure that will be secured by the s.106 agreement. On balance, some positive weight may therefore be afforded these aspects in determining the application.

## **9.0 Planning Obligations**

- 9.1 The original outline planning permission for St Michael’s Hurst was accompanied by two s.106 agreements, one between the applicants and EHDC and one between the applicants, HCC and EHDC. For those obligations that have not already been fulfilled, it is proposed that a deed of variation is agreed between the parties to ensure that obligations that involve no change in specification, such as the

provision of fire hydrants and the stewardship of community assets, will apply to Phase C+ as they would previously have applied to Phases C-E. Others, such as affordable housing, will need to include the different requirements for Phase C+. The deed will also need to confine existing financial obligations to Phases A and B only on a pro-rata basis and to introduce new financial obligations in relation to Phase C+.

- 9.2 ERP A is a table of the financial obligations that have been agreed between the applicants and the three local Councils, showing in column A the original sums based on 329 dwellings reduced pro rata to the 219 dwellings in Phases A and B. Some contributions have already been triggered but, for this purpose, have not been excluded.
- 9.3 Column B shows the sums negotiated for the 260 dwellings in Phase C+, and column C shows the totals of the two sets of contributions. The Contributions in column C reflect the increase of 150 in the number of dwellings on the site. They also include indexing to September 2018.
- 9.4 The original EHDC agreement included an obligation for the applicant to undertake a viability reassessment before 100 dwellings are occupied. This was primarily because they had been unable to offer more than 25% affordable housing, less than the Council's policy of 40%. However, para. 8.8 above explains that the viability reassessment would no longer be of benefit to the Council in that regard because the applicants are proposing 40% affordable housing in Phase C+. The reassessment might also have assisted the indexation of HCC contributions, would have topped up the EHDC off-site sports contributions and funded the County's Household Waste Recycling Centre contribution, all of which have now been incorporated in the sums in Column C of the table in ERP A. It is therefore concluded that the viability reassessment is no longer required.

## **10.0 Planning Balance and Conclusion**

- 10.1 This outline application to increase the number of dwellings on Phase C+ and align the housing mix with current development plan requirements will be of considerable benefit in helping to meet the Council's housing targets and housing need in the District.
- 10.2 The report highlights some areas where the additional housing and population increase will have an adverse effect, including traffic flows, some environmental impacts and pressure on social infrastructure. An environmental statement was submitted with the application, which looked into those matters thoroughly. It is clear that those impacts are limited in scale and can be suitably mitigated by good management of the development and financial contributions to improve and extend services.
- 10.3 There has been no public comment on the application, the only objection being from the Town Council, which has not responded further to the additional information provided to it by the applicant. For all these reasons, the application may be viewed positively and granted planning permission.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below and the satisfactory conclusion of legal agreements to secure the following:

### **Legal Agreement**

- Housing on Phase C+ to be 60% market and 40% affordable, with a tenure split in the affordable of 70% affordable rented and 30% shared ownership and the size mix of both market and affordable dwellings to be agreed with the Council prior to the commencement of each phase of the development.
- Except for obligations that have been fulfilled, the extension of non-financial obligations in the existing agreement to Phase C+.

- The financial obligations set out in ERP A.

## **Conditions**

1. Outline permission time limit (1T03)
2. Approved plans (2E10)
3. Outline – submission of details (2E01)
4. Phasing of development (IT11)
5. Levels (2E05)  
Reason  
To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan, 2018
6. Boundary walls and fences (2E07)  
Reason  
In the interests of privacy and good design, in accordance with policy DES4 of the East Herts District Plan, 2018
7. Materials of construction (2E11)  
Reason  
In the interests of the appearance of the development and in accordance with policy DES4 of the East Herts District Plan, 2018.
8. Prior to the occupation of any dwelling in any phase, details of the facilities to be provided for the storage and removal of refuse from dwellings in that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.  
Reason  
In the interests of amenity and the efficient removal of refuse in accordance with policy DES4 of the East Herts District Plan, 2018.

9. Prior to the occupation of any dwelling in a phase of the development, details of any external lighting proposed in connection with the development in that phase, including the lighting of public parks and open spaces, footpaths and cycle paths, shall be submitted to and approved in writing by the Local Planning Authority and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason

In the interests of the visual amenities of the area and community safety in accordance with Policies DES4 and 5 of the East Herts District Plan, 2018

10. Prior to the occupation of any dwelling on any phase of the development, details of cycle parking facilities for all the dwellings on that phase shall be submitted to and approved in writing by the Local Planning Authority and they shall be provided in accordance with the approved details.

Reason

To encourage cycling as a sustainable means of transport in accordance with Policy TRA1 of the East Herts District Plan, 2018.

11. Taking into account the Ramboll Environmental Statement dated March 2018, no development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason

In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy EQ2 of the East Herts District Plan, 2018

12. All site construction works, vehicle routeing and the other associated activities shall be carried out at all times in accordance with the Ramboll Construction Environmental Management Plan (CEMP) dated 19th March 2018, and there shall be no deviation from the CEMP unless first approved in writing by the local planning authority.

Reason

To ensure that construction operations and vehicle movements are carried out in a controlled manner to minimise any adverse impact on the amenity of neighbouring sensitive receptors in accordance with policies EQ2 and EQ4 of the East Herts District Plan, 2018.

13. If percussion piling is considered to be the most appropriate method of foundation construction, then prior to commencement of development a justification statement detailing why percussion piling has been deemed the most appropriate method of foundation construction, and proposed degree of control measures, having considered the proximity of the site to noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason

In the interests of the amenities of residents of neighbouring properties and in accordance with Policy EQ2 of the East Herts District Plan, 2018.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by Atkins reference 5162705 Version 2.0 dated March 2018. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on attenuation and discharge restricted to a maximum of 100l/s for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
2. Using appropriate above ground SuDS measures as indicated on Surface Water Drainage drawing reference 5162702-ATK-DR-C-0001-P3

3. Providing a minimum of 3078m<sup>3</sup> (or such storage volume agreed with the LLFA) of attenuation storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The mitigation measures shall be fully implemented prior to full site occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

In the absence of the final detail of the development, to ensure that the surface water drainage strategy is satisfactorily implemented in accordance with Policy WAT5 of the East Herts District Plan, 2018.

15. No development shall take place in any phase of the development until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy carried out by Atkins reference 5162705 Version 2.0 dated March 2018.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.
3. All calculations/modelling and drain down times for all storage features.
4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features.



5. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason

In the absence of the final detail of the development, to ensure that the surface water drainage strategy is satisfactorily implemented in accordance with Policy WAT5 of the East Herts District Plan, 2018.

16. Upon completion of the drainage works for each phase in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
  1. Provision of a complete set of as built drawings for site drainage.
  2. Maintenance and operational activities.
17. Prior to the first occupation of any dwelling within Phase C+, details of the proposed stewardship contract with the Land Trust or other competent organisation, including the proposed means of funding in perpetuity, shall be submitted to and approved by the local planning authority, including plans and written details of such community assets as may be approved by the local planning authority that are to be maintained by them, including:
  1. areas of structural landscaping, Bat Willow Park, formal parks, other open space and greenways, play areas and any landscaping not incorporated within the demesne of a private dwelling, registered social housing provider or care home, such areas to be managed and maintained in accordance with the Green Infrastructure and Biodiversity Management Plan;
  2. any highway, access court, footpath, cycle path, parking area, service area, verge, street trees and street lighting that falls outside any s.38 adoption agreement with the County Highway Authority;

3. the surface water drainage system, including the filtration and balancing ponds in Bat Willow Park, taking into account of condition 16 above; and
4. arrangements for consulting residents of Phase C+ on both the day to day management of the community assets and the Trust's long term service planning.

Thereafter, the above community assets shall be managed in accordance with the details approved unless otherwise agreed in writing with the local planning authority.

Reason

To ensure that contracts and funding arrangements are in place to ensure that community assets are effectively managed in perpetuity to the satisfaction of the Council and residents of the development in perpetuity in accordance with Policy DEL1 of the East Herts District Plan, 2018.

18. No phase shall be commenced until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following within that phase:
  1. roads, footways, cycleways, foul and on-site water drainage;
  2. visibility splays;
  3. access arrangements;
  4. parking provision in accordance with adopted standards;
  5. loading areas; and
  6. turning areas.

Reason:

To ensure satisfactory standards in the construction and layout of highways and the associated drainage.

19. Prior to the commencement of building each phase of the development, details of the materials to be used for hard surfaced areas within the site, including roads, drainage, driveways and car parking areas shall be submitted to the Local Planning Authority for approval in writing.

Reason

To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements.

20. Prior to the occupation of any dwelling on Phase C+ the foul water system shall be constructed to the satisfaction of the local planning authority, and shall be as set out in the following submitted documents:
1. Thames Water Hydraulic Impact Assessment X4502-1163 (April 2017);
  2. St Michael's Hurst Foul Water Strategy (Rev 1) 15.03.2018; and
  3. Phasing Chart (06 07 2018)

Reason

To secure the implementation of the approved foul water disposal system in the interests of environmental quality and residential amenity.

21. Notwithstanding the illustrative layout plan ref. 17.012/001A and housing mix table ref. 5.1 submitted with the application, the reserved matters required by condition 3 above shall include a mix and affordable housing ratio that takes into account policies HOU1 and HOU3 of the District Plan and HDP1 and HDP4 of the Bishop's Stortford Silverleys and Meads Neighbourhood Plan.

Reason

To ensure that the housing mix and tenure are fully in accordance with the local planning authority's best evidence regarding local housing need.

22. Notwithstanding the table of car parking standards set out on page 10 of the submitted Design and Access Statement, prior to the commencement of building in any phase of the development a car parking plan for that phase shall be submitted to and approved by the local planning authority, taking into account the Council's standards and other evidence drawn from precedents and national guidance and the particular characteristics of the design and layout of the phase. Such plans shall include provision for off-street resident and visitor parking, on-street short-stay visitor and delivery bays, electric charging points, disabled parking and cycle and motor bike parking. Parking provision shall then be implemented in complete accordance with the approved plan and the parking spaces shall be

used for no purpose other than the parking of vehicles without the express permission in writing of the local planning authority.

Reason

To ensure that adequate provision is made for parking needs in accordance with paragraphs 102 and 105 of the NPPF, 2018, policy TRA3 of the East Herts District Plan, 2018, and policy TP8 of the Bishop's Stortford Silverleys and Meads Neighbourhood Plan, 2014.

23. The submitted Construction Training Plan prepared by Countryside Properties and dated October 2016 will apply to Phase C+ and shall be implemented, monitored and reported on from the commencement of development of that Phase.

Reason

In order to help realise the economic and social benefits of the development as described in the submitted Environmental Statement prepared by Ramboll and dated March 2018.

24. Landscape design proposals (4P12)

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies DES3 and DES4 of the East Herts District Plan, 2018.

25. Landscape works implementation (4P13)

Reason

To ensure the provision, establishment and maintenance of a good standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan, 2018.

26. Before the first occupation of any dwelling within each phase a Play Areas Implementation Plan shall be submitted to and approved by the local planning authority to include the location, equipping, landscaping, surfacing, boundary treatment, implementation programme and means of ensuring long term maintenance of play areas, including NEAPs, LEAPs and LAPs as may be appropriate, and the approved scheme shall be implemented thereafter in accordance with the approved plans and specifications.

### Reason

To ensure that accessible and safe play provision is made within walking distance of dwellings on the site in accordance with policy CFLR1 of the East Herts District Plan, 2018.

### **Informatives**

1. Unsuspected contamination (33UC)
2. Surface water drainage. As this is a greenfield site, below ground attenuation features are discouraged. At detailed design stage above ground measures such as permeable paving, swales etc. should be used on impermeable sites and utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

### **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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

## KEY DATA

### Residential Development

Residential density	30 - 35 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	22
	2	14
	3	0
Number of new house units	1	0
	2	49
	3	69
	4+	106
Total		260

### Affordable Housing

Number of units	Percentage
104	40

### Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	Spaces per unit	Spaces required
Residential unit size (bed spaces)		
1	1.25	28
2	1.50	95
3	2.25	155
4+	3.00	318
Total required		596
Proposed provision		Not detailed at present as in outline form

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	33
2	2.00	126
3	2.50	173
4+	3.00	318
Total required		650
Accessibility reduction		5%
Resulting requirement		618
Proposed provision		Not detailed at present as in outline form

## Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	40%	40%	
Parks and Public Gardens	£92,079	£118,000	Contribution to TC's Sworders Field project, actual cost
Outdoor Sports facilities	£266,793	£686,254	Priority within BSN development
Amenity Green Space	£0	£0	Developer providing ample green space
Provision for children and young people	£0	£0	Provided on site by developer
Maintenance contribution - Parks and public gardens	£0	£0	Not required
Maintenance contribution - Outdoor Sports facilities	£0	£0	Not required



Maintenance contribution - Amenity Green Space	£0	£0	Not required - Land Trust contracted by developer
Maintenance contribution - Provision for children and young people	£0	£0	Ditto
Community Centres and Village Halls	£143,984	£143,984	