

DEVELOPMENT MANAGEMENT COMMITTEE – 4 NOVEMBER 2020

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| Application Number | 3/20/0151/OUT |
| Proposal | Outline Planning Permission all matters reserved apart from access for the erection of up to 223 dwellings with associated access, parking, landscaping, and vehicular access. |
| Location | Bishop's Stortford High School (BISH6), London Road, Bishop's Stortford, CM23 3LU |
| Parish | Bishop's Stortford Town Council |
| Ward | Bishop's Stortford South |

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| Date of Registration of Application | 30 January 2020 |
| Target Determination Date | 26 March 2020 |
| Reason for Committee Report | Major application |
| Case Officer | Fiona Dunning |

RECOMMENDATION

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

Delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

1.0 Summary of Proposal and Main Issues

- 1.1 The site is one of the allocated housing sites identified in the East Herts District Plan 2018 and is currently occupied by the Bishop's Stortford High School. The site is identified as a sustainable brownfield site for housing under Policies DPS2 and DPS3 and has an allocation for around 150 new homes under Policy BISH6.
- 1.2 The application is for outline planning for up to 223 dwellings with all matters reserved apart from the main access off London Road. The submission of this outline planning application follows the Council resolution on 29 January 2020, that the Masterplan

Concept Document be a material consideration for development management purposes.

1.3 The redevelopment of the site is subject to the existing school being released for non-educational development. This is set out in Policy BISH6 of the District Plan along with details of what is expected as part of the development. Since the adoption of the District Plan, Hertfordshire County Council, as the local educational authority, have advised that it no longer intends to expand Thorley Hill Primary School as a larger new primary school can be provided on land to the south off Whittington Way. This means that the land available for development is larger than what was identified in the district plan. Therefore the dwelling numbers have increased from around 150 to up to 223 dwellings. Outline permission was granted for a 3FE primary school and a new secondary school at Bishop's Stortford South. The new secondary school is due to be completed by September 2022.

1.4 The main issues for consideration of the application are:

- District Plan Housing Strategy
- Compatibility with the Masterplan Framework
- Housing density, mix and provision of affordable housing
- Neighbour Amenity
- Access and sustainable transport measures
- Flood risk management and sustainable drainage
- Biodiversity improvements
- Infrastructure Delivery

2.0 Site Description

2.1 The site comprises land occupied by Bishop's Stortford High School and part of Thorley Hill Primary School land is approximately 6ha, with frontage to London Road on the eastern boundary. The majority of the site adjoins the rear gardens of residential dwellings in Twyford Gardens, Grace Gardens, Park Lane and Thorley Park Road.

- 2.2 The existing site is divided in two distinct parts. The eastern part fronts London Road and is occupied by the Bishop's Stortford High School and the Blues Playgroup Nursery and is mainly occupied by 1 and 2 storey buildings, which are setback from London Road. The London Road frontage has mature trees and the land slopes up to the west which minimises views into the site. The western part of the site is open space used for the school's playing field, with a two storey sports pavilion located at the junction of Grace Gardens and Twyford Gardens, where there is existing vehicular access onto the site. The boundaries of the playing field generally have hedges at the rear of the residential gardens. The western boundary adjoins a wooded area of open space which has a Right of Way (Footpath 40) running from Thorley Park Road to the north along Park Avenue to the south. This wooded area is known as The Spinney.
- 2.3 Apart from the adjoining single storey primary school, the surrounding area is generally occupied by two storey attached and detached dwellings. There is a northbound bus stop adjacent to the site on London Road where there is a paved footpath. The south bound bus stop is located opposite the site but there is no crossing outside the site. The eastern side of London Road has a paved footpath from Bishop's Stortford Town Centre and finishes at the junction with Whittington Way. The paved footpath on the western side of London Road is provided to the north but to the south finishes at Twyford Gardens.
- 2.4 The site is approximately 1 mile (20 minute walk) south of the town centre and railway station.

3.0 Planning History

- 3.1 Prior to the submission of the current application, a Screening Opinion was undertaken in accordance with the Town and County Planning (Environmental Impact Assessment) Regulations 2017, to determine whether the propose development should be accompanied by an Environmental Impact Assessment (EIA).

- 3.2 The proposal falls under Infrastructure Projects 10(b) Urban development project of Schedule 2 of the Town and Country Planning Environmental Impact Assessment, Regulations 2017 as it proposes more than 150 dwellings. The proposal was screened under the criteria set out in Schedule 3 of the EIA Regulations to determine whether the environmental impact of the development would likely be significant. The Screening Opinion dated 9 January 2020 concluded that the proposal did not constitute EIA development and therefore the application was not required to be accompanied by an Environmental Statement.
- 3.3 Hertfordshire County Council has been seeking to rationalise this education site and the site to the south for many years and the following planning history is of relevance to this proposal:-

| Application Number | Proposal | Decision | Date |
|--------------------|---|--------------------------------|--------------------------|
| 3/08/1103/OP | Demolition of existing buildings and erection of residential development up to 220 dwellings, servicing and infrastructure. | Withdrawn | 03.12.2008 |
| 3/10/1013/OP | Demolition of existing buildings and the erection of up to 220 residential properties and associated infrastructure. | Refused Dismissed on appeal | 04.10.2010 10.09.2012 |

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| 3/18/2253/OUT (Bishop's Stortford South site off Whittington Way) | Hybrid Planning application comprising for 750 dwellings, a care home, employment land, a local centre with a mix of land uses and, a primary school with up to 3 forms of entry and a secondary school up to 8 | Granted | 20.12.2019 |
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| | forms of entry, with open space including equipped areas for play, sustainable drainage systems, landscaping and all associated infrastructure and development. | | |
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4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan 2018, the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2016-2032 and National Planning Policy Framework 2019 (NPPF).

| Key Issue | District Plan | Neighbourhood Plan | NPPF |
|---|---|---|-------------------------|
| Delivery of the District Plan housing strategy | INT1, DPS1, DPS2, DPS3, Chapter 5, BISH1, BISH6 | HDP1 | Chapter 5 Chapter 11 |
| Compatibility with the Masterplan Vision | DES1, Chapter 5 | | Chapter 4 |
| Housing mix, density and affordable housing provision | HOU1, HOU2, HOU3, HOU7, BISH6 | HDP1, HDP4 | Chapter 5 |
| Impacts on neighbour amenity and occupiers | DES3, DES4, BISH6, CFLR1, CFLR3, CFLR8, CFLR9 | TP2, TP3 TP4, TP5, TP10, HP1, SLCP2, BSHS1 | Chapter 8 Chapter 12 |
| Access and sustainable transport measures | TRA1, TRA2, TRA3, BISH6 HCC Local | HDP3, TP1 TP3, TP4, TP5, TP5a, TP7, TP8, | Chapter 9 |

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| | Transport Plan 2018 | TP11, EP5, BSHS2 | |
| Flood risk management, climate change, water efficiency and quality | WAT1, WAT2 WAT3, WAT4 WAT5, WAT6 CC1, CC2 | HDP3 | Chapter 14 |
| Biodiversity and Natural Environment | DES2, NE1, NE2, NE3, NE4, EQ1, EQ2, EQ3, EQ4 | BSHS2, GIP1, GIP4 | Chapter 14 Chapter 15 |
| Heritage impact | HA3 | HDP9 | Chapter 16 |
| Infrastructure delivery | DPS4, BISH6, DEL1, DEL2 CFLR1, CFLR 3, CFLR 7, CFLR 9, CFLR 10 | TP12, EP1, EP2, EP3, HP1, HP2 | Chapter 2 Chapter 4 Chapter 5 Chapter 8 |

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

5.0 **Summary of Consultee Responses**

5.1 Hertfordshire County Council Highway Authority – after additional information was submitted to address concerns, the Highway Authority advises that no objection is raised to the proposal subject to conditions and Section 106 contributions. Several junctions in the surrounding area were considered in the transport assessment submitted with the application and supplemented by additional information. The assessment indicated that some mitigation measures were necessary as the traffic generated from the development of the site would worsen existing capacity issues. However, there are existing traffic issues that are occurring without the development and are being addressed by the Highway Authority.

- 5.2 The Highway Authority accepts that there aren't inherent safety issues with London Road that would be exacerbated by traffic of the proposed development.
- 5.3 Regarding refuse and deliveries, the swept path analysis demonstrates that with an improved access, the proposal is acceptable.
- 5.4 EHDC Housing advisor – acknowledges that the provision of affordable housing is 40% of the number of dwellings but identifies that the majority are one and two bedroom units and therefore does not meet the local housing need. The provision of more intermediate affordable housing is acceptable given the National Planning Policy Framework, which requires 10% of affordable housing to be for sale.
- 5.5 Thames Water – No objection subject to the developer following the sequential approach to the disposal of surface water.
- 5.6 Lead Local Flood Authority – raises no objection to the two infiltration basins if infiltration is feasible. If it is not then the proposal to drain via Thames Water surface water sewer at a restricted rate of 8.9l/s is expected. Permeable paving is to be provided throughout the site. Conditions are requested.
- 5.7 EHDC Conservation and Design Advisor – considers that the illustrative masterplan with the indicative layout provides a positive connection on the western side of the site. There are a few areas where buildings appear too close to the boundary which would result in a poor relationship with existing neighbours. Careful consideration at reserved matters stage is required regarding the change in levels from London Road. Covered and secure cycle storage for all apartments should be provided as well as the installation of vehicle electric charging points. It is recommended that amendments to the illustrative Masterplan be included to address the London Road junction design.

- 5.8 EHDC Environmental Health Advisor – considers there is a lack of information on air quality and major development proposal are required to have an air quality impact assessment. The Officer states that they consider an air quality impact assessment should be undertaken prior to a decision being made. However, the Officer has requested a condition requiring an air quality impact assessment along with other conditions relating to contamination, noise attenuation, construction hours, construction management plan, light pollution.
- 5.9 EHDC Waste Services – requests a condition relating to waste collection.
- 5.10 HCC Growth and Infrastructure Unit – seeks provision of fire hydrants in the Section 106 Agreement in accordance with HCC's Planning Obligations Toolkit.
- 5.11 HCC Minerals and Waste – requests careful consideration be given to waste management and good design is promoted and integrated into the development and local landscape and off-site disposal is minimised in accordance with the HCC Waste Core Strategy and Development Management Policies Development Plan Document 2012, in particular Policies 1, 2 and 12. A Site Waste Management Plan should be provided for the construction phase. The site falls within the 'Sand and Gravel Belt' by HCC Proposed Minerals Local Plan and preparation of the site for development may allow for opportunistic extraction of suitable material that could be processed and used on site as part of the development.
- 5.12 HCC Healthy Places Officer – raises concern about the existing air quality issues in Bishop's Stortford and the use of private polluting vehicles and would like to see measures that would encourage future residents to be more active and use sustainable travel modes. A Health Impact Assessment is requested to be undertaken along with an air quality assessment.

- 5.13 EHDC Landscape Advisor – upon request for further information on the access road leading from London Road, the Landscape Officer advises that they are satisfied with the details provided and the loss of the trees on the site to accommodate an improved access.
- 5.14 Hertfordshire Ecology – accepts that the 18 month old Preliminary Ecological Appraisal is a valid contextual document but it fails to provide evidence to support the application in regard to additional surveys of potential protected species. A bat and reptile survey was requested prior to determining the application. A condition requiring a landscape and ecological management plan is requested to ensure there is a net gain in biodiversity. The Officer raised concern over the insufficient survey information on bats on site and further surveys and Biodiversity Net Gain Assessment has been provided. No objections raised subject to conditions being included.
- 5.15 Herts and Middlesex Wildlife Trust – Initially raised objection as the Ecological Report or biodiversity questionnaire did not adequately address the biodiversity requirements. The development should achieve a net gain in biodiversity and the details submitted have not provided any evidence of this, contrary to Policy NE3. Additional information was submitted to address the objection but was not considered to cover the requirements of Policy NE3 regarding the biodiversity matrix. The Biodiversity Net Gain Assessment submitted in September is welcome and conditions are proposed to overcome objection.
- 5.16 East and North Hertfordshire CCG – the proposed development will increase patient numbers and therefore there is a need to increase capacity. For this reason, NHS England and the CCG have requested Section 106 contributions. Without the contributions the development would be unsustainable in healthcare terms and therefore the CCG would object.

- 5.17 Sport England – Raises no objection subject to the provision of a new secondary school and playing field on Whittington Way being included in the Section 106 for the existing school site requiring the new playing field to be completed and operational before the existing school playing field is closed. No objection is raised to the loss of the indoor sports facilities subject to the provision of new facilities in the proposed secondary school, to be addressed through a Section 106 agreement. Contributions towards sports facilities should be given consideration in accordance with the Open Spaces, Sport and Recreation SPD.
- 5.18 HCC Historic Environment Advisor – requested trial trenching be undertaken as the level of information submitted in the archaeological desk-based assessment, prepared by Archaeological Solutions, 2006 was insufficient. Further assessment was undertaken, including archaeological trial trenching evaluation on approximately half of the site. The archaeological features uncovered are likely to have regional significance. Therefore the proposal should be regarded as likely to have an impact on heritage assets of archaeological interest. A condition is proposed.
- 5.19 Stanstead Aerodrome Safeguarding Officer – does not wish to object based on the two infiltration basins proposed for the sustainable drainage. A condition is requested for the final SuDs details to be determined in consultation with the Safeguarding Officer.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 Bishop's Stortford Town Council –objects as the traffic and pollution levels were already bad at peak times, this would increase further with the development. The statistics of the Transport Assessment seemed to be significantly underestimated. The BISH6 Policy stated 150 houses on the development, this application has

223 houses. Further comments provided on developer contributions towards allotments and burial space, where the Town Council has requested on-site provision for allotments of 0.12ha or a contribution of £270,000 (using a residential land value of £900,000/acre) and £5333 for burial space.

6.2 Thorley Parish Council – the demolition of the school and releasing the site for residential development is conditional on the new school being built. There are a number of outstanding issues to be resolved and therefore the application should be refused. The housing numbers proposed exceed the number in the District Plan and Neighbourhood Plan and would result in the loss of green space and the application does not demonstrate compliance with the planning policy. With regard to traffic, the objections submitted by the Bishop’s Stortford Civic Federation and Mr Arnott are supported.

7.0 Summary of Other Representations

7.1 The application has been advertised by neighbour consultation to local residents, by press and site notices on 30th January 2020 and a further letter was sent to objectors on 13th May 2020 advising of additional information. A total of 91 responses have been received objecting to the proposal. The bullet points below are the objectors’ main issues.

Traffic and congestion

- Transport Assessment prepared by Pell Frischmann has significant shortcomings as it relies on the Transport Assessments of Mayer Brown, which was inadequate with assumptions for the London Road corridor;
- There will be an impact on Pig Lane and assumptions are incorrect and request by HCC Highways for further analysis has not been undertaken;
- The cumulative impact has not been addressed

- Traffic counts indicate that there has been an 8% growth in 3 years and the assumption for 10 years was around 10%, which clearly is going to be exceeded;
- The base surveys do not cover school traffic;
- The new link road and London Road signal-controlled junction as part of the Goods Yard development has not been taken into consideration as well as the growth in traffic of the developments with planning permission;
- Junctions on London Road will operate above their capacity or close to causing a significant increase in existing traffic queues;
- There will be significant impacts on the transport network, contrary to para 102 and 108 of NPPF;
- The proposal is contrary to HCC Highway Policy LTP4 5(g) due to the severe impact on the safety on rural and local roads;
- Existing congestion on London Road will be made worse by the development in addition to the Bishop's Stortford South development;
- Poor highway safety for pedestrians crossing London Road where the south-bound bus stop is located;
- Bus service will not take cars off the road due to poor frequency;
- Once 12-month bus voucher expires people will revert to using cars
- High cost and lack of parking near railway station makes rail travel inaccessible;
- No safe cycle routes in Bishop's Stortford and nowhere to park/store cycles;
- Detailed access only includes car access;
- Lack of parking on the site;
- Pig Lane is dangerous due to the number of vehicles now using it and the speeding and cannot cope with additional traffic;
- Roads cannot be expanded and bus services are poor;
- Many residents rely on their cars as the travel outside of Bishop's Stortford and the buses are infrequent and slow;

- The junction flow from Hockerill to Whittington Way is already congested and will be overloaded by 2029. The impact of BISH5 has been underestimated;
- Travel plan is aspirational but no evidence that it will work;
- Mitigation measures required

Air quality

- Increase pollution in the area due to increased traffic congestion and additional houses;
- Impact on school children due to poor air quality and internal road adjacent to primary school playing field;
- Aldi Development created very poor air quality at Hockerill;
- Pollution levels on London Road means windows cannot be opened.

Loss of playing fields/unbuilt upon area

- Loss of playing fields and open space;
- If the school vacates the site then the area should be turned into green space for the community to enjoy;
- Existing schools in Bishop's Stortford cannot accommodate additional children;
- Building on every available open space will have serious implications with climate change;
- Open space should be used to improve the environment not be built on for housing;

Housing

- Saturation of housing market in Bishop's Stortford;
- Overcrowding without infrastructure improvements will lead to anti-social behaviour;
- Bishop's Stortford is no longer a market town due to the number of new housing developments;
- Regardless that there is no longer a need to allocate additional land for Thorley Hill School, 223 houses is not around 150

houses as set out in the District Plan. The indicative plans do not provide enough public open space required by BISH6 IV (d);

- Affordable housing is not in accordance with type/density required;
- Bishop's Stortford is big enough and is already taking 25% of the additional housing in East Herts.

Impact on Amenity

- Amenity of Twyford Gardens residents will be impacted by a road adjacent to the rear gardens by increased noise from the use of the road, light and air pollution and security concerns;
- 223 dwellings is an increase of 50% of the District Plan number identified and exceeds the Neighbourhood Plan;
- Lower living standards for existing residents due to insufficient infrastructure;
- Overpopulation will create higher levels of unemployment;
- Antisocial behaviour and crime will increase;
- Additional housing is not in the local public interest;
- Further deaths will occur as council cannot provide adequate care for its residents;
- No assessment on impact on local residents due to increase noise and pollution from additional traffic;
- Proposed dwellings are too close to The Spinney and nearby dwellings;
- Flats and dwellings will overlook existing residents;
- Proposed access points will encourage The Spinney and Thornbera Gardens to be used as a thoroughfare rather than used for dog walking and taking children to school by local residents;
- Pig Lane is one of the few undeveloped riverside areas left in Bishop's Stortford and should be protected
- Restricted access to Pig Lane required;
- Estimated traffic queues as a result of the additional dwellings will be detrimental to residents along Pig Lane and there are safety concerns for pedestrians, cyclists and horse-riders;

Impact on flora and fauna

- Impact on hedgehogs during construction and when development is complete;
- Destruction of wildlife habitat;
- The Spinney from Thorley Park Road to Park Avenue should be upgraded as a pedestrian and cycle route;
- The Spinney has become thinner over several years and in winter when the trees are without leaves the existing playing fields are visible and new houses will impact on this area;
- If development proceeds then evergreen trees are requested in the spinney to help screen and absorb noise from new dwellings;
- Opportunity of increasing with of The Spinney for wildlife amenity value in accordance with the Neighbourhood Plan;
- Climate change and environmental issues should be a priority and therefore the site should be turned into open space rather than more traffic pollution from more houses;

Impact on existing services

- Existing pressure on healthcare, doctors, dentists, schools and nursery places and additional housing cannot be provided for;
- New hospitals, additional police, GP surgeries needed before any more housing;
- Existing health service oversubscribed and hospital failing;
- Number of additional houses to the 150 in the District Plan have not been planned for and will create unacceptable pressure on infrastructure;
- Not expanding Thorley Hill Primary School is short-sighted given the increase in the local population;

Other matters

- Alternative solutions to gas boiler heating, such as three-phase heat pumps should be used;

- A centralised charging facility for electric vehicles is not practical;
- School has right to get best price for land but not at all costs;
- No evidence that objections are taken into account;
- Question the validity of the Masterplan as there was only one meeting with key stakeholders;
- Planning application was submitted a day after the Masterplan was approved by the full council as a material consideration;
- If planning permission is granted then mitigation measures including monitoring is required and should be agreed with stakeholders and residents.
- Loss of unbuilt upon land could lead to flooding;
- Bishop's Stortford is a great place to live but daily issues with congestion and lack of infrastructure needs to be addressed;
- Additional traffic surveys and junction analyses of London Road and Pig Lane were not reported.

7.2 Bishop's Stortford Civic Federation object to the application as the school site can only be released when there is sufficient secondary school capacity in Bishop's Stortford. The number of dwellings in the Education Planning Area has been underestimated as Bishop's Stortford includes Sawbridgeworth due to the windfall developments and additional dwellings on allocation sites. Therefore the number of new dwelling will be between 5000 and 5500. The relocation of the new school will not create new places and housing on the existing school site will result in a shortfall of school places. There is not sufficient secondary school capacity and therefore application should be refused. Other requirements of Policy BISH6 have not been met.

7.3 The Civic Federation also consider that the number of dwellings proposed should be around 150 homes and the existing playing field not be developed for new housing but be used as public open space or the expansion of the Thorley Hill School.

7.4 Regarding the masterplanning approach, the Civic Federation does not consider the key stakeholders were genuinely involved and

there are concerns with traffic and transport matters. The Transport Assessment has not fully assessed the cumulative impact.

8.0 Consideration of Relevant Issues

Delivery of District Plan Housing Strategy

- 8.1 The site is an allocated housing site under policies BISH1 and BISH6 of the District Plan to meet the development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3. Under Policy BISH6, the site is identified as providing around 150 homes by 2022, subject to the Bishop's Stortford High School being re-provided at another site in the town.
- 8.2 Outline planning permission has been granted on 20.12.2019 for a new high school and primary school to the south of the existing school site under planning reference 3/18/2253/OUT by East Herts District Council. Hertfordshire County Council granted planning permission for highway and infrastructure works and outline planning for a 6FE secondary school under planning reference PI/0095/19 on 14th November 2019. Reserved Matters for the new school have also been approved by the County Council and works to implement the planning permission have commenced.
- 8.3 Given the designation of the site for housing within the District Plan, the principle of residential dwellings is acceptable, subject to the detailed consideration set out below and in reserved matters applications. The increase from around 150 dwellings to up to 223 dwellings is considered acceptable as the Thorley Hill Primary School is not expanding and therefore more land is available for new housing.

The Masterplan Framework

- 8.4 Policy DES1 of the District Plan requires that all significant proposals be required to prepare a Masterplan setting out the

quantum and distribution of land uses, access, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters.

- 8.5 The Masterplan Framework has been prepared in consultation with Officers through pre-application discussions and a Steering Group, including local ward Members and representatives from Bishop's Stortford Town Council, town and other relevant stakeholders. As part of the Masterplan Framework, a public exhibition was held on 10 July 2019 for local residents and stakeholders.
- 8.6 The Masterplan Framework sets out key principles that the site as a whole will meet and was endorsed by full council on 28 January 2020 as a material consideration for development management purposes. The Masterplan Framework supports the principles of sustainable development with pedestrian routes through the site, sustainable drainage areas, and open space linking to the public footpath to the west of the site. The comments received relating to the masterplan process are noted but the requirement of Policy DES1 was followed with the report to full council explaining the process. The application proposal is in outline with all matters reserved apart from access, therefore there is little detail provided with the application. However, it is considered that the detailed information required at reserve matters stage will be in accordance with the Masterplan Framework and this carries considerable weight.

Housing Mix and Density

- 8.7 Policy BISH6 requires the development to address affordable housing as set out in Policy HOU3. The 40% affordable housing is provided on site in accordance with this policy and HDP4 of the Neighbourhood Plan. The indicative housing mix set out in the Design and Access Statement is provided below:

Indicative Market housing

| Type | Number | % | SHMA % |
|------------------|--------|----|--------|
| One bed flat | 2 | 1 | 6 |
| Two bed flat | 0 | 0 | 7 |
| Two bed houses | 30 | 22 | 12 |
| Three bed houses | 81 | 61 | 46 |
| Four bed houses | 21 | 16 | 23 |
| Five bed houses | 0 | 0 | 6 |
| Total | 134 | | 100 |

Indicative Affordable housing

| Type | Number | % | SHMA % |
|----------------------|--------|----|--------|
| One bed flat | 29 | 33 | 19 |
| Two bed flat | 24 | 27 | 11 |
| Two bed houses | 18 | 20 | 29 |
| Three bed houses | 18 | 20 | 34 |
| Four bed plus houses | 0 | 0 | 7 |
| Total | 89 | | |

- 8.8 There is considered to be a reasonable mix of dwellings sizes. Whilst the percentage of affordable housing has been met, the housing mix identified in the Strategic Housing Market Assessment of 2015 has not. This carries some negative weight, but is a reflection of the cost of housing and the stronger emphasis on the percentage rather than the size. The provision of smaller affordable housing units has occurred in other recent developments.
- 8.9 The indicative affordable housing tenure split is 75% affordable rent and 25% intermediate. This tenure split is different to the requirement set out in Table 14.2 of the East Herts District Plan, but is accepted by the Housing Officer as the proposal meets the provision of 40% affordable housing. In accordance with Policy HOU3 and the Affordable Housing SPD, the Section 106 will secure the affordable housing for the first and subsequent occupiers.

- 8.10 The proposal is outline and therefore some of the requirements of Policy HOU3 will be assessed at reserved matters stage. This includes the design and materials of all new dwellings being tenure blind and the affordable housing located across the site rather than in one location.
- 8.11 Policy HOU2 refers to density being commensurate with accessibility, character of local area and provision of open space and green infrastructure. Many of the objectors raised concern over the density and the number of dwellings exceeding 150. Due to Thorley Hill Primary School not expanding there is more land is available for housing. The indicative density is 33 dwellings per hectare which is a similar density to the nearby residential developments and Bishop's Stortford South development and consistent with Chapter 11 of the NPPF in making effective use of land. It is noted the Neighbourhood Plan identifies that the site could accommodate between 200 and 250 dwellings. Providing the site includes a LEAP and other amenity spaces, the proposed density is considered reasonable and takes into account the area of the development site as additional land for Thorley Hill Primary School is not required as new primary school provision is located at Bishop's Stortford South site.
- 8.12 The proposed housing will be required to comply with Policy HOU7 for accessible and adaptable dwellings and wheelchair user dwellings.
- 8.13 The indicative plans show that the masterplan has been given consideration along with the relevant policies for housing for this allocated site. The provision of housing, including 40% of affordable on site within walking distance of the town centre and transport and with the LEAP and green infrastructure carries significant positive weight.

Neighbour impact

- 8.14 Policy DES4 and Chapter 12 of the NPPF require a high standard of design, which is key to providing sustainable development. Due to this application being outline, an assessment of the details of appearance, landscaping, layout and scale will be undertaken at reserved matters stage. The layout, landscaping and scale of the proposed residential buildings will be the main areas where adjoining neighbours may be impacted and therefore it is important at reserved matters stage that the amenity of adjoining neighbours is taken into consideration. There needs to be suitable setbacks from the boundaries to avoid any significant detrimental impacts on the amenity of adjoining neighbours.
- 8.15 The indicative layout submitted with the application is consistent with the adopted Masterplan. This includes the open space areas that will benefit the future occupants of the site as well as the adjoining and nearby neighbours. The creation of a footway connection on the western side of the site will also benefit existing residents located to the south and east of the site. This is consistent with the Neighbourhood Plan with regard to encouraging walkable communities and cycling. A full assessment of the potential impact on adjoining neighbours will be undertaken at reserved matters stage when details of the design are provided. New dwellings should not create any significant impact on privacy, outlook or create a sense of enclosure to adjoining neighbours and existing landscaping on site, apart from the trees that are required to be removed for the access, should be retained. The amenity of future occupants of the development will also be assessed at reserved matters stage.
- 8.16 The demolition and construction is likely to create impacts on adjoining neighbours and conditions can be included in any consent to address this.

Highway Impacts and parking

- 8.17 A Transport Assessment has been submitted with the application after pre-application meetings and discussions prior to the submission of the application. This document was reviewed by the Highway Authority and further assessment was requested to overcome the Highway Authority's objection. Further Assessment has been undertaken to include the redistribution of primary school trips and the impact on the London Road site access junction, as well as the impact on Pig Lane and the impact of the proposed development only. This reassessment of junctions included:
- London Road / Thorley Hill;
 - London Road / South Road;
 - Crescent Road / A1060 / London Road;
 - B3183 / A1250 / A1060; and
 - London Road / Pig Lane
- 8.18 The purpose of this was to assess the impact of the proposed development only on the base traffic flows. This demonstrated that the junction of London Road / Thorley Hill is exceeding its capacity in the baseline scenario and traffic from the proposed development intensifies this, particularly in PM peak hours. The purpose of this review was to determine whether additional junction mitigation measures are necessary. It is noted that the Bishop's Stortford South permission has mitigation measures required.
- 8.19 Many of the objectors raised traffic and the impact on Pig Lane as existing problems that would become worse by the development. The Highway Authority had requested the applicant model the signalised bridge on Pig Lane and the junction with London Road. Additional modelling of the junctions of Pig Lane and London Road and Hallingbury Road was undertaken to determine the impact of the proposed development if residents used Pig Lane as a "rat-run". This indicated that there would be an impact. However, the

Highway Authority acknowledged that there is an existing issue and mitigation measures are being explored by the Authority.

- 8.20 Access on London Road was a detailed element of the application as it requires a realignment of the existing access road and the removal of some trees that are part of a group Tree Preservation Order.
- 8.21 The site is in a location where sustainable journeys could be made and therefore the proposal is consistent with Policy TRA1 and the Neighbourhood Plan. In addition to this policy, Hertfordshire County Council's Local Transport Plan also places a much greater emphasis on the importance of sustainability and accessibility. Paragraphs 108 and 110 of the NPPF also places importance of sustainable travel.
- 8.22 Future residents have the option of walking, cycling, bus and train rather than the private car and given the comments from objectors, sustainable modes of travel are likely to avoid traffic congestion. The applicant has proposed two travel vouchers per dwelling entitling residents 12 months travel within Bishop's Stortford. This is set out in the Draft Travel Plan and consistent with the relevant policies. The Section 106 will include this as well as improving pedestrian and cycle routes to the west of the site.

Flood Risk and Climate Change

- 8.23 The site is located within Flood Zone 1 with no risk from fluvial flooding. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and the Lead Local Flood Authority raises no objections. The details submitted indicate that sustainable drainage can be achieved on site in accordance with the SUDS hierarchy set out in Policy.
- 8.24 The proposed drainage is via two infiltration basins, which are identified on the Masterplan. One of these is for the eastern parcel and one on the western parcel adjacent to Grace Gardens.

However, infiltration tests have not yet been carried out. Therefore, if infiltration is not feasible then an alternative sustainable drainage method would be required with above-ground prioritised. Any above-ground proposals would need to be agreed with the Aerodrome Safeguarding Authority of Stanstead Airport due to potential bird strike.

- 8.25 As part of the SuDS, permeable paving within driveways across the site is proposed.
- 8.26 Regarding climate change and sustainable design, due to this application being outline, there is little detail provided. However, an Energy and Sustainability Statement has been submitted with the application. The indicative layout has orientated most dwellings in a southerly direction and the statement refers to the energy hierarchy and a fabric first approach to construction. Further details have been requested as the use of condensing gas boilers proposed is not supported and government is aiming to phase out the use of gas for heating by 2025 for new developments, which is about the time this development, if approved, would be implemented. The applicant has submitted a statement advising that heating is likely to be via electrical sources, with the primary option being via air source heating. There is likely to be other changes post-decision and it is proposed to include a condition requiring an updated detailed Energy and Sustainability Statement to be considered by the Local Planning Authority. It is likely that further discussions on energy and sustainability when the developer considers the proposal in more detail when preparing the reserved matters applications. A condition is proposed for an updated and detailed Energy and Sustainability Statement to be submitted and approved prior to commencement of the development.
- 8.27 Water consumption and efficiency has been addressed in the Energy and Sustainability Statement where water hierarchy measures will be undertaken as part of the design. Overall, the proposal is considered to indicate that the policies of climate

change and water efficiency set out in policies CC1, CC2 and WAT4 of the East Herts District Plan 2018 can be met when reserved matters applications are submitted. As stated above, a condition requiring an updated and detailed Energy and Sustainability Statement to be agreed prior to commencement is proposed.

Biodiversity and Natural Environment

- 8.28 In accordance with Policy NE2, all development should achieve a net gain in biodiversity and Policy NE3 requires development to always seek to enhance biodiversity.
- 8.29 Herts Ecology requested surveys to be undertaken before the development is determined and both Herts and Middlesex Wildlife Trust (HMWT) and Herts Ecology requested the Biodiversity Metric to be undertaken so that the net gain could be measured. The applicant submitted a Biodiversity Net Gain Assessment on 14 September 2020 which showed that there was a shortfall in habitat based on the illustrative Masterplan. This shortfall in habitat could either be provided on site as part of the landscaping scheme or provided off-site via a Section 106 contribution. The reserved matters details could aim to meet this shortfall but it is unlikely to fully meet it. Therefore off-site habitat creation of 1.5ha is sought through the Section 106.
- 8.30 To determine the final Biodiversity impact at the time of reserved matters, a condition requiring a further iteration of the Biodiversity Net Gain Assessment is proposed by condition.

Impact on Heritage Assets

- 8.31 The applicant was requested to undertake further archaeological investigation in the form of trial trenches prior to the development being determined. The Historic Environment Advisor has reviewed the archaeological trial trenching report and has requested a condition requiring further investigation of the whole site prior to any development commencing on site.

Other considerations

- 8.32 The objections raised by adjoining and nearby residents are noted, particularly comments on highway matters and air quality, which have been ongoing issues in this location. The site is in a sustainable location and has been identified as being suitable for residential development for many years and the adoption of the East Herts District Plan 2018 and the Neighbourhood Plan confirmed this in planning policy. There is an increase in the number of dwellings on the site from what is set out in the District Plan, but the density of the proposal sits comfortably with the nearby developments and the primary school is not being expanded.
- 8.33 This is an outline planning application to establish the principle of residential development on the site. The application is for up to 223 dwellings and this number may be required to be reduced due to information such as an Air Quality Assessment, Biodiversity Metric and Bat Surveys. However, it is considered that the proposal can be determined with appropriate conditions and planning obligations to mitigate the impacts.

Infrastructure Delivery and Planning Obligations

- 8.34 HCC request financial contributions towards education, childcare, youth provision, library provision and fire hydrants. The proposal is outline but the figures below are based on the indicative dwelling number of 223 and the proposed mix.

| | |
|-------------------------------|------------|
| Childcare | £24,087 |
| Nursery and Primary Education | £1,944,600 |
| Secondary Education | £928,827 |
| Library facilities | £33,801 |
| Youth Services | £7,299 |
| Provision for fire hydrants | |

8.35 The Highway Authority request the following:

| | |
|----------------------------|-----------------------|
| Travel Plan monitoring fee | £6,000 +VAT |
| Local transport schemes | £323,266 (March 2020) |

Section 278

Any changes to the public highway would be subject to a Section 278 Agreement. Any changes would be subject to detailed design review and may require Road Safety Audit(s) to support the submission as part of this agreement.

8.36 The NHS has advised that based on the number of dwellings a contribution is required to help meet the additional demand for GPs, which is £157,840. This figure is based on a dwelling occupancy of 2.4 but East Herts District Council's latest occupancy rate is 2.32 persons. Therefore the amount has been adjusted accordingly.

| | |
|--------------|----------|
| GP provision | £152,532 |
|--------------|----------|

8.37 The Open Space, Sport and Recreation SPD 2020 sets out contributions sought for playing pitches, open space and Built Facilities. The new Bishop's Stortford High School to the south of the site will provide the playing fields and indoor sport and recreation facilities for the community to use, so in accordance with the SPD the following contributions are sought:

Built Facilities

| | |
|-----------------|----------|
| - Swimming pool | £130,532 |
| - Bowling | £53,710 |

8.38 The existing school playing field to remain in place and operational until the playing fields on the new secondary school site are completed and fully operational and available for community use.

- 8.39 In addition to the above the Open Space Sport and Recreation SPD 2020 refers to on-site provision of open space and amenity areas. Provision of one 400m² on site Locally Equipped Area for Play (LEAP) together with details of the management of this provision and details of the management of all amenity areas/ green spaces and any areas and land, including roads and other infrastructure provided within the site which is not to be provided within residential curtilages.
- 8.40 Bishop's Stortford Town Council has requested the provision of land for allotments and a contribution £270, 000 towards allotments and burial grounds. The provision of allotment land on site. The level of contribution sought is not considered to be reasonable and it would not meet the CIL/Planning obligations tests. However, the developers have agreed to contribute £5333 for burial space and £43,000 towards allotments based on the number of dwellings proposed. Officers consider that this contribution is reasonable.
- 8.41 Affordable housing to be provided on site comprising 40% of the total number of dwellings with 75% affordable rented and 25% shared ownership, generally in accordance with Policy HOU3 of the District Plan and Affordable Housing SPD 2020.
- 8.42 Provision to be made for pedestrian routes to be created within the development site and land to The Spinney the west of the site.
- 8.43 The contributions requested by various consultees must meet the three tests set out in the CIL Regulations:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

9.0 Planning Balance and Conclusion

- 9.1 The proposal will deliver up to 223 dwellings, with 40% affordable, as part of the District Plan development strategy including (40%) affordable units, this carries significant positive weight.
- 9.2 Overall, the outline application indicates that the approved masterplan has been taken into consideration in the indicative layout and height of buildings, with the provision of on-site amenity space for residents. The drainage strategy provides for the use of good quality SuDS. This carries positive weight.
- 9.3 The proposal provides satisfactory access to the development, an appropriate level of parking provision and the required highway mitigation measures. This is regarded as neutral.
- 9.4 Subject to conditions contamination and pollution impacts of the development are regarded as neutral.
- 9.5 Subject to conditions, there will be an improvement to biodiversity, which is assigned positive weight.
- 9.6 The proposal delivers appropriate levels of financial contribution towards infrastructure and the provision of public amenity space on-site. This is assigned positive weight.
- 9.7 Overall, on the balance of considerations the scheme is considered to be a sustainable form of development.

RECOMMENDATION

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

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement, the contributions to be contained therein and conditions.

Legal Agreement

East Herts District Council

40% affordable housing – equating to 75% rented and 25% intermediate.

| | |
|-----------------|----------|
| Allotments | £43,000 |
| Burial Space | £5333 |
| - Swimming pool | £130,532 |
| - Bowling | £53,710 |

The existing school playing field to remain in place and operational until the playing fields on the new secondary school site are completed and fully operational and available for community use.

Provision of one 400m² on site Locally Equipped Area for Play (LEAP) together with details of the management of this provision and details of the management of all amenity areas/ green spaces and any areas and land, including roads and other infrastructure provided within the site which is not to be provided within residential curtilages.

Provision to be made for pedestrian routes to be created within the development site and land to The Spinney the west of the site.

| | |
|---|----------|
| NHS GP provision (2.32 person/dwelling) | £152,532 |
|---|----------|

Hertfordshire County Council

| | |
|---------------------|----------|
| Secondary Education | £938,827 |
|---------------------|----------|

Nursery and primary Education

| | |
|---|------------|
| (index linked PUBSEC175) | £1,944,600 |
| Childcare Service (index linked PUBSEC175) | £24,087 |
| Library Service (index linked PUBSEC175) | £33,801 |
| Youth Service (index linked PUBSEC175) | £7,299 |
| Provision of Fire Hydrants | |
| Travel Plan monitoring fee | £6,000 |
| Local transport schemes | £323,266 |

On-site provision or off-site contribution towards habitat creation to compensate the net loss of 30.58% habitat units as set out in the Biodiversity Net Gain Assessment.

Conditions:

1. Approval of the details of the layout, scale, landscaping, appearance and access details apart from London Road access (hereafter called "the reserved matters") shall be obtained from the local planning authority in writing before development commences. The development shall be carried out in accordance with the approved details and conditions of the decision notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Applications for approval of all matters reserved shall be made to the Local Planning Authority not later than 3 years from on the date of this notice. The development hereby approved in outline, shall be begun not later than 5 years from the date of this notice or

1 year from the date of approval of the last reserve matter, whichever is the later.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent the accumulation of unimplemented permissions and ensure the timely implementation of the development in accordance with Policies DPS3, DPS4 and BISH6 of the East Herts District Plan 2018.

3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure any archaeological remains are properly investigated and recorded in accordance with Policy HA3 of the East Herts District Plan 2018 and the NPPF.

4. No development shall commence until a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding and measures to prevent wildlife from getting trapped overnight
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway

- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts in accordance with policies EQ2 and EQ4 of the adopted East Herts District Plan 2018.

5. No development shall commence until a Construction Management Plan (incorporating Construction Traffic Management Plan and Access Route) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
- a. Control and management of construction vehicle numbers, type, and construction traffic routing to minimise use of local roads and provision for any abnormal wear and tear to the highway and the provision of a route map for construction traffic;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;

- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way and control environmental impacts in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (2018).

- 6. No development shall commence 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: i) roads, footways; ii) cycleways; iii) no foul and surface water drainage impacting the highway; iv) visibility splays; v) access arrangements; vi) parking provision in accordance with adopted standard; vii) loading areas; viii) turning areas. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 7. Prior to any demolition commencing on site, a Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority, in consultation with the Waste Planning Authority, and the development shall thereafter be undertaken in accordance with the document approved.

Reason: To ensure the disposal of waste is managed efficiently and in accordance with the Energy and Sustainability Statement submitted with the application.

8. Prior to any demolition or removal of trees on the site, an on-site check of disused badger setts and repeat bat surveys shall be carried out and details and appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure that protected species are safeguarded.

9. Prior to commencement of the development the Tree Protection measures detailed in the Pell Frischmann Arboricultural Survey Report dated October 2019 Drawing Nos. DE102199V004 Rev B Sheets 1 of 2 and 2 of 2 shall be in place. All existing trees and hedges identified on the approved drawings as being retained shall be retained. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works.

Reason: To ensure the continuity of amenity afforded by the retained trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

10. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to any demolition or removal of trees and prior to the application for reserved matters being decided. The content of the LEMP shall include:
 - a) Purpose and biodiversity objectives for the proposed works;
 - b) Detailed design(s) and/or working methods necessary to achieve objectives (including, but not limited to, the type and

- source of materials to be used, the provenance of native trees);
- c) Extent and location of proposed works shown on scaled plans and maps;
 - d) Timetable for implementation, demonstrating that works are aligned with any proposed phasing of the development (including an annual work plan capable of being rolled forward over a thirty-year period);
 - e) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and maintenance. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To secure the protection of and proper provision for protected species and habitats of ecological interest and landscaping provision and maintenance in accordance with Policies NE2, NE3, DES3 and DES4 of the District Plan.

11. An updated Biodiversity Net Gain Assessment and an updated Energy and Sustainability Statement shall be submitted to and approved in writing by the local planning authority prior to the reserved matters applications being decided by the local planning authority. The development shall be implemented in accordance with the approved documents.

Reason: This application seeks a longer commencement date of 5 years and updated information is required prior to

commencement to ensure these assessments are in accordance with policies NE2, CC1 and CC2 of the East Herts District Plan 2018.

12. No development shall commence until a detailed strategy to manage surface water run-off during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will be managed in an appropriate manner. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding both on and off-site during construction.

13. No development shall commence until details of the final SuDS scheme, are submitted to and approved in writing by the Local Planning authority in consultation with the aerodrome safeguarding authority for Stansted Airport and the Lead Local Flood Authority. The final SuDS scheme shall include design of the green infrastructure and any flood attenuation basins to include features that discourage species of birds that are hazardous to aircraft.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site by infiltration basins and/or above-ground SuDS features are given priority.

14. The development of the site shall be carried out based on the surface water drainage assessment carried out by Pell Frischmann, reference RW102199V001-B, dated October 2019 submitted in support of the outline application and the following measures:
 1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 2,800 cubic metres (or such storage volume agreed with the LLFA) of storage volume in infiltration basins.
3. Discharge of surface water from the private network into the ground via infiltration, or surface water sewer if infiltration tests demonstrate infiltration is unfeasible.

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

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

15. No development shall commence until a detailed surface water drainage scheme for the site based on the surface water drainage assessment carried out by Pell Frischmann, reference RW102199V001-B, dated October 2019 and sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 1. Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where infiltration is proposed.
 2. Exploration of providing additional SuDS management and treatment stages.

3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
4. Post-development calculations of run-off rates and volumes to consider all areas contributing run-off such as roads, driveways and rooftops for the entire site, including half drain down times for infiltration features based on the infiltration test results.
5. Clarification of details for drainage of the access road.

Reason: To prevent the increased risk of flooding, both on and off-site.

16. No development, apart from enabling works, shall commence until further details of the circulation route for refuse collection vehicles have been submitted to and approved in writing by the local planning authority. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

17. No development shall commence until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The Report shall have reference to “Bishops Stortford High School Phase 1 Land Contamination Desk Study” Report reference RE102199G001/B, dated October 2019 by Pell Frischmann. The report shall include a detailed quantitative human health and environmental risk assessment.
2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 178 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

18. Prior to the commencement of the development, details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential dwelling. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of each residential dwelling prior to the first occupation of that residential dwelling to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy BISH6 and DES4 of the East Herts District Plan 2018.

19. The gradient of the vehicular access shall not exceed 1:20 (or 1:10 for private driveways) for the first 5 metres (or longer if in connection with a commercial development) into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

20. Prior to the commencement of development a scheme shall be submitted to and approved in writing for the protection of the dwellings from noise. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new and existing dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

21. Prior to any above ground works, samples of all the external materials of construction for the buildings (including balconies and solar panel details an locations) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy DES4 of the East Herts District Plan 2018.

22. Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan 2018.

23. At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

24. Details of a landscape treatment on the northern and southern side of the access road to the western parcel shall be submitted to and approved in writing prior to the commencement of the development. The development shall be carried out in accordance with the details approved and retained thereafter.

Reason: To ensure the vehicles using the access do not have a detrimental impact on the adjoining residents and users of the Thorley Park Primary School open space in accordance with policy EQ4 and DES4 of the East Herts District Plan 2018.

25. Prior to the commencement of the development, an air quality assessment shall be submitted to and approved in writing by the local planning authority. The mitigation details approved shall be implemented prior to commencement and shall be retained in accordance with those details thereafter.

Reason: In order to promote sustainable air quality levels for residents of the new dwellings in accordance with policy EQ4 of the East Herts District Plan 2018.

26. No development shall commence until details of the model, and location of 15 integrated bat boxes and 15 integrated swift boxes has been submitted to and approved by the Local Planning Authority. These should be incorporated into the brickwork of suitable buildings adjacent to open space or beneficial habitat. The boxes shall be fully installed prior to the first occupation and retained as such thereafter.

Reason: In accordance with Policy NE3 of the East Herts District Plan 2018.

27. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangements, 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. Confirmation of the installed system.
 3. A photo record demonstrating the installation of the SuDS features.
 4. Maintenance and operational activities.
 5. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.
- The development shall be carried out in accordance with the details approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

28. Prior to the first occupation hereby permitted the vehicular access (indicated for improvement on drawing number 102199-T-002) shall be upgraded to a minimum width of 5.5 metres and provided with kerb radii of 12 metres on the southern kerb and 6 metres on the northern kerb in accordance with the Hertfordshire County Council residential /industrial access construction specification for the first 12 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

29. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number 102199-T-002. The splay shall thereafter be maintained at all times free from any

obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

30. Prior to the first occupation of the development hereby permitted, each detached, semi-detached and terrace dwelling shall incorporate an Electric Vehicle ready domestic charging point.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy EQ4 of the East Herts District Plan 2018.

31. Prior to the first occupation of dwellings, the development shall include provision for 10% of the car parking spaces for residential dwellings within a flatted building to be designated for plug-in Electric Vehicles (EV) and served by EV ready [domestic and/or fast] charging points.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

32. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs Monday to Saturday, or after 18.30hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

33. Prior to the first occupation of the development, details of the arrangements for the management and maintenance of all external communal area, landscaped areas and the Local Equipped Area of Play (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a plan identifying all external communal areas and equipment which are to be managed and maintained. Thereafter all such areas shall be managed and maintained in accordance with the approved details.

Reason: To ensure that all external communal areas within the development are managed and maintained to a suitable and safe standard in accordance with Policies DES4, CFLR1 and BISH6 of the East Herts District Plan 2018.

34. All planting, seeding and turfing shown and other works included in the landscaping details of the reserved matters, shall be carried out during the first planting and seeding season (October – March inclusive) following the first occupation of the development. Any trees or shrubs which, within a period of 5 years of being planted, die or seriously damaged or removed, shall be replaced in the next planting season with new trees/shrubs of similar size and species.

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.

35. No development shall commence until details of the model, and location of 15 integrated bat boxes and 15 integrated swift boxes has been supplied to and approved by the LPA. These should be incorporated into the brickwork of suitable buildings adjacent to open space or beneficial habitat. They shall be fully installed prior to occupation and retained as such thereafter.

Reason: In accordance with Policy NE3 VIII of the East Herts District Plan 2018.

Informatives

1. Enabling works are defined as surveying, environmental and hazardous substance and soil testing and sampling, pegging out, tree protection, ecological survey and mitigation works, archaeological investigation, contaminated land remediation, ground improvement works or similar related works but does not include tree removal or demolition.

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

KEY DATA

| Residential density | Up to 34 units/Ha | |
|-------------------------------------|--------------------------|------------------|
| | Bed spaces | Number of units |
| Number of existing units demolished | | Caretakers House |
| Number of new flat units | 1 | |
| | 2 | |
| | 3 | |
| | | |
| Number of new house units | 1 | |
| | 2 | |
| | 3 | |
| | 4+ | |
| Total | | Up to 223 |

Affordable Housing

| Number of units | Percentage |
|------------------------|-------------------|
| 89 | 40% |

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

| Parking Zone | 4 | |
|------------------------------------|-----------------|-----------------|
| Residential unit size (bed spaces) | Spaces per unit | Spaces required |
| 1 | 1.50 | |
| 2 | 2.00 | |
| 3 | 2.50 | |
| 4+ | 3.00 | |
| Total required | | |

| | | |
|-------------------------|-----|---|
| Accessibility reduction | 25% | |
| Resulting requirement | | |
| Proposed provision | | Unknown - Outline planning application |