

## **Legal Obligation Agreement and Conditions Old River Lane, Bishop's Stortford**

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### **S106 Legal Obligation Agreement: Heads of Terms**

1. The provision of up to 40% affordable housing either as direct provision or through a commuted sum, the amount of which is to be determined;
2. Prior to demolition of the URC Church hall, the provision of replacement facilities of equal or greater quality to those currently provided in the hall in a location in close proximity to the existing URC Church hall;
3. The provision of £307,916 financial contribution towards enhancing bus services that access the town and related infrastructure;
4. The provision of a financial contribution of up to £50,000 to enable the implementation of selective vehicle detection equipment at Adderley Road / The Causeway; Station Road (next to the bus interchange); South Street / Station Road; Riverside / Adderley Road; New access junction on Link Road (to serve the proposed development) within the town centre in order to mitigate for delays caused to bus service 510.
5. The agreement of appropriate timescales and criteria against which the operation of the Bridge Street/Link Road junction can be monitored and, if agreed operational criteria are breached, the provision of additional improvements including signalisation at that junction;
6. The provision of an enhancement to the existing VMS (Variable Messaging Signs) within the Town Centre to provide enhanced information in relation to the availability of parking and other traffic information;
7. The provision of temporary and alternative public parking during the construction of the development to ensure that overall level of public parking provision currently provided on the main site is maintained throughout the construction phase;
8. The provision of a car park management plan to ensure that the parking facilities within the development site follow the overall parking strategy for the Town Centre;
9. The provision of financial contributions towards nursery and secondary education, childcare, youth and libraries in accordance with the proposed residential type and mix and the Planning Obligations Supplementary Planning Guidance 2008;
10. To undertake further investigations into the potential impact, in flood risk terms, of the removal of the existing river wier to the north of the FCA (GR TL4886721913). Subject to the agreement of the Environment

Agency and the Council with regard to the implications, the removal of the wier and subsequent works of reinstatement to the river banks.

11. A financial contribution of £25,000 for river enhancements at Grange Paddocks and Red, White and Blue public open spaces;
12. Bridge – prior to the occupation of the first Class A1 or A2 or A3 or A4 or A5 unit to submit to the Local Planning Authority an application for planning permission to construct a pedestrian bridge over the watercourse between Link Road and Castle Gardens and, if permission is secured, to construct the bridge within 12 months of the granting of permission;
13. The provision of fire hydrants;
14. All reasonable legal and monitoring fees are to be paid by the applicant.

### **Conditions**

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.  
Reason  
To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design and external appearance of the building(s) and landscaping of the site, which shall have been approved in writing by the Local Planning Authority before any development is commenced.  
Reason  
To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.
3. No demolition or 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. No use or occupation shall take place until the approved written scheme of investigation for archaeological works has been implemented in full, and the Local Planning Authority has received

and approved an archaeological report of all the required works, and provision has been made for analysis and publication where appropriate.

Reason

To ensure the protection of and proper provision for any archaeological remains in accordance with Policy BH2 of the East Herts Local Plan April 2007 and Planning Policy Statement 5: Planning and the Historic Environment.

4. No development shall take place until detailed plans, showing the existing and proposed ground levels of the site relative to adjoining land and buildings, together with the slab levels of the proposed buildings have been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To ensure that the development is properly related to the levels of adjoining development in the interests of amenity.

5. Prior to or concurrently with the submission of the first of any reserved matters applications for the site, a Design Guide shall be formulated and submitted to the Local Planning Authority for approval. The Design Code shall be prepared in accordance with the principles and parameters established in the outline application and shall include more detailed information in relation to the following:

a) the approach to be followed in relation to the design and external appearance of the buildings, including the ratio of glazing to other elements of the buildings, external materials to be used and colour treatments to be applied;

b) the approach to be followed in relation to the surface treatment to be applied in any areas of the site outside of buildings, street furniture, lighting, public art and any other structures to be placed in these areas;

c) the approach to be followed in relation to advertising to be applied to the external façade of any of the buildings or otherwise within the site

Reason

To ensure high quality design and coordinated development in accordance with policy ENV1 and BH6 of the East Herts Local Plan Second Review April 2007

6. No development shall take place until all materials to be used for hard surfacing within the site including roads, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not detract from the appearance of the locality in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Prior to the first occupation of any of the A1, A2, A3, A4, A5 units (retail units), a plan showing the use designated for each unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with that plan and any change in use of the units within the approved plan shall be agreed in writing by the Local Planning Authority.

Reason

To ensure that there is an appropriate mix of retail and other uses to sustain the vitality and viability of the Town Centre in accordance with policies STC1 and STC2 of the East Herts Local Plan Second Review April 2007.

8. No development shall take place until details of the management and availability of any D1 community facility space have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the community facility is properly provided for within the site for the local community in accordance with policy LRC11 of the East Herts Local Plan second Review April 2007.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. Drawings and full details of any temporary highway works and the phasing of any highway works;
- ii. Methods for accessing the site;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Wheel washing facilities;
- viii. Measures to control the emission of dust and dirt during construction;
- ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- x. The management of any crossings of the public highway and/or other public rights of way.

Reason

To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

10. No development shall take place until details of the phasing of construction of development on the application site have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
- the details of access to be provided to buildings located on the site which are to remain in use during construction;
  - detail of the timing of the provision of vehicular and foot access to new buildings which are to be constructed;
  - detail of the timing of the provision of the public area of the site located between proposed block A and the western perimeter of the site (adjacent to the extent of Coopers, as proposed) as shown on plan references T04 10 and T12 09.

The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason

11. Prior to first occupation of any part of the development hereby approved, the Green Travel Plan as set out in Chapter 9 of the Transport Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To promote the use of non car modes of transport in accordance with national guidance in PPG13 and policy TR4 of the East Herts Local Plan Second Review April 2007.

12. No development shall take place until details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, those facilities shall thereafter be implemented in accordance with the approved details, made available for use prior to the first occupation of the site and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To encourage the use of sustainable means of transport in accordance with policies TR13 and TR14 of the East Herts Local Plan Second Review April 2007.

13. The development shall be carried out in accordance with the Flood Risk Assessment (WSP, October 2011 Revision 1) and the Flood Risk Addendum (WSP, March 2011) and the mitigation measures detailed within those documents.

Reason

In the interests of flood risk in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 25: Development and Flood Risk.

14. Prior to the first occupation of the development hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of a specification of works to open up and naturalise the current culverted route of the watercourse within the flood compensation area and as identified in the WSP report 'Justification for not de-culverting Old River Lane culvert' 29 July 2011. Once agreed, the works shall be implemented as such and shall be completed prior to the first occupation of the development hereby agreed. The timing and specification of the works may be further varied and agreed in writing by the Local Planning Authority.

Reason

To ensure that the development maximises its ecological and biodiversity potential and in recognition that such potential is not being achieved within the main part of the development site. In accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007

15. Prior to first occupation of any part of the development a management plan for the flood compensation area and any drainage system used on the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To prevent flooding by ensuring that the flood compensation area and any other drainage system is satisfactorily maintained and managed by the responsible party, in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 25: Development and Flood Risk.

16. No development shall take place until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:-

1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

17. Prior to first occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:

To ensure the site no longer poses a potential risk to groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If piling is found to be necessary the development shall be carried out in accordance with the approved details.

Reason

In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

19. No development shall take place until details of facilities to be provided for the storage and removal of refuse from the Main site during the operational phase have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided and retained in accordance with those approved details.

Reason

In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

20. No trees located on land within the Bishop's Stortford Memorial Gardens (shown on plan reference 42806L/ topo 1 of 3 and 2 of 3 within Chapter 12.1 of the EIA) shall be removed, unless otherwise agreed in writing by the Local Planning Authority. Those trees shall be protected from damage as a result of works on the site, to the satisfaction of the Local

Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

21. No development shall take place until a management plan for all open spaces and routes within the site which are outside of buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that outside spaces and routes are properly managed in the interests of the amenity of the site and the surroundings.

22. Details of replacement bat foraging, commuting and habitat to replace that lost as part of the development shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason

To ensure that appropriate levels of replacement bat foraging, commuting and habitat space are provided for, in accordance with policy ENV16 and EN17 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 9: Biodiversity and Geological Conservation.

23. Details of CCTV provision on the site together with a management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of ensuring that the development provides adequate means to protect against crime, in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

24. No development shall take place until a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and renewable or low-carbon sources, shall be submitted to and approved in



writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason

To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

25. The development shall, except to the extent that the Local Planning Authority otherwise agrees in writing, be carried out in accordance with the details submitted with the application.

Reason

To comply with the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

26. The development hereby approved shall be carried out in accordance with the following approved plans: T03A 07, T03B 08, T04 10, T05 09, T06 08, T07 08, T08 10, T09 10, T10 10, T11 10, T12 09, T13 09, 0721/GA/010 D, 0721/GA/009 D.

Reason

To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

**Directives:**

1. Other legislation (01OL1)
2. Under the terms of the Water Resources Act (1992) and the Land Drainage Byelaws(1981) the prior written consent of the Environment Agency is required for certain works in over, under or with 8 metres of a Main River (or as otherwise agreed by the Environment Agency).
3. Planning obligation (08PO1)
4. Street name and numbering (19SN4)

**Summary of Reasons**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD3, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR4, TR7, TR8, STC1, ENV1, ENV2, ENV3, ENV11, ENV16, ENV18, ENV19, ENV21, ENV23, ENV25, LRC11, BH1, BH2, BH3, IMP1 and PPS1 Delivering Sustainable Development, PPS3 Housing, PPS4 Planning for Sustainable Economic Growth, PPS5 Planning for the Historic Environment, PPG13 Transport, PPG17 Open Space, Sport and Recreation, PPG24 Planning and Noise, PPS25 Development and Flood Risk. The balance of the considerations having regard to those policies and the significant investment of the proposed into the town is that permission should be granted.

