

**HERTFORDSHIRE COUNTY COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**  
**WEDNESDAY 20 MAY 2020 AT 10AM**

Agenda No.

**1**

EAST HERTS DISTRICT COUNCIL

**RESERVED MATTERS APPLICATION (COVERING LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR THE CONSTRUCTION OF A NEW 6FE SECONDARY SCHOOL (D1), CAR PARKING, CYCLE STORAGE LOCATIONS, MINIBUS DROP OFF, PLAYING FIELDS, MULTI-USE GAMES AREA, SURFACE WATER ATTENUATION MEASURES AND OTHER ASSOCIATED DEVELOPMENT PURSUANT TO OUTLINE PLANNING PERMISSION REF. 3/1058-19 DATED 14 NOVEMBER 2019 LAND TO THE SOUTH OF WHITTINGTON WAY IN BISHOP'S STORTFORD**  
**LPA REF: 3/0527-20**

*Report of the Director of Environment and Infrastructure*

Report Author: Chay Dempster- Principal Planning Officer (Tel: 01992 556211)

Local Member: Graham McAndrew – Bishop's Stortford Rural

**1. Purpose of report**

1.1 To consider reserved matters application 3/0527-20 for reserved matters covering layout, scale, appearance and landscaping in connection with outline planning permission ref. 3/1058-19 (14 November 2019) - the construction of a new 6FE secondary school (Use Class D1), car parking, cycle storage locations, minibus drop off, playing fields, multi-use games area, surface water attenuation measures and other associated development at land to the South of Whittington Way in Bishop's Stortford.

**2. Summary**

2.1 Members will recall determining hybrid application 3/1058-19 on 31 October 2019,<sup>1</sup> resolving that outline planning permission may be granted for the construction of the school buildings and playing fields, together with full planning permission for the vehicular, pedestrian and cycle accesses, new footways and cycleways.

2.2 Condition 2 of 3/1058-19 requires the submission of "Reserved Matters" applications relating to scale, appearance, layout, landscaping

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<sup>1</sup> <https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CIId=157&MIId=1457&Ver=4>

within two years of the outline permission. The current application provides the information required by Condition 2.

- 2.3 The report concludes that the proposals for layout, scale, appearance and landscaping of the development forming part of this application comply with (a) the Masterplan for Bishops Stortford South; (b) the relevant policies of the East Herts District Plan 2018; and (c) relevant policies of the All Saints, Central, South, and Part of Thorley Neighbourhood Plan 2017. Therefore, it is recommended that planning permission should be granted subject to the conditions set out in Appendix 1.
- 2.4 Planning permission was granted under delegated powers on 29 April 2020 for construction of a temporary access and haul road linking the school site with St James' Way to enable construction of the school. The temporary construction access and haul road are required throughout the school construction until October 2022. When the school opens to students the only access will be via the main spine road linking Whittington Way and St James' Way, which is to be constructed by the main developer.

### **3. Site and surrounding area**

- 3.1 The application site is located on land between Whittington Way, Thorley Street, St James Way and Obrey Way. The Hertfordshire Way runs along the northern boundary of the application site. The area of the school site is 9.62 hectares (ha). The land is currently in agricultural use. The site is within the Thorley Uplands character area. The application area is shown on the Site Location Plan in Appendix 3.
- 3.2 The application site is relatively open and slopes from west to east. The highest part of the site is approximately 75.5m Above Ordnance Datum (AOD) in the north east corner to 63m AOD in the south east corner. There is a drainage ditch (ordinary watercourse) which runs along the south west boundary of the site discharging to the River Stort approximately 650m to the south of the site. The site is within Food Zone 1, at low risk of flooding from rivers. The Thorley Flood Pound SSSI is located approximately 550m south east of the site.
- 3.3 There are no statutory heritage or environmental designations affecting the site. Extensive archaeological investigations have been ongoing on site for the last 6 months<sup>2</sup> which have revealed archaeological remains from the Iron Age and Roman Periods.

### **4. Background**

- 4.1 The East Herts District Plan (EHDP) 2018 provides for the development of 750 homes and related infrastructure at land at Bishops Stortford South in order to meet district housing needs. In December 2019

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<sup>2</sup> Pursuant to written schemes of investigation secured under 3/1058-19 and 3/19/2053/OUT

EHDC granted planning permission for hybrid application 3/18/2253/OUT comprising outline planning permission for 142 dwellings in development Zone A, to the north of the school playing fields on land adjoining Whittington Way, together with means of access, and outline planning permission for a further 608 homes, plus four hectares of employment land, a local centre, a 3FE primary school and a 6FE secondary school.

- 4.2 In November 2019 the County Council granted hybrid application (3/1058-19) comprising:
- 1) outline planning permission for the construction of a new 6FE secondary school (as a necessary part of the infrastructure required to support the development at Bishops Stortford South); and
  - 2) full planning permission for main vehicular access, footways, cycleways, pedestrian and cycle crossings<sup>3</sup>
- 4.3 The construction of the school is part funded by Government grant. The conditions placed on Government funding requires the school development to commence during 2020.

## **5. Environmental Impact Assessment**

- 5.1 Application 3/18/2253/OUT was subject to Environmental Impact Assessment (“EIA”). The same Environmental Statement (“ES”) was submitted for application 3/1058-19 plus an ES addendum to assess the specific environmental impacts associated with development of a 6FE secondary school. The current application is subject to EIA and the environmental impacts were assessed as part of application 3/1058-19<sup>4</sup>.
- 5.2 The ES addendum for application 3/1058-19 identified adverse environmental impacts, ranging from minor to moderate in significance, in relation to:
- the loss of best and most versatile agricultural land,
  - the loss of habitat for farmland bird species,
  - damage to existing hedgerows
- 5.3 The ES addendum also identified residual impacts affecting (a) listed buildings; (b) Thorley Flood Pound SSSI, (c) feeding and foraging areas for bats and badgers, (d) archaeological assets, and (e) visual and landform.

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<sup>3</sup> Full planning permission has been granted for the main vehicular access, footways, cycleways, pedestrian and cycle crossings have been granted under 3/1058-19 and 3/2258-19

<sup>4</sup> The haul road application includes an ES addendum to address the potential impacts associated with the construction of a temporary haul road because the environmental impacts were not considered as part of application 3/1058-19

- 5.4 The Environmental Statement and addendum have been considered in the preparation of the report and are taken into account in its conclusions and recommendation.
- 5.5 The conditions attached to 3/1058-19 provide mitigation to limit, as far as possible, the residual impacts of the school development.

## **6. Proposed development**

6.1 The application proposes the following amount of development;

- School building: 10,017sqm
- Sports building: 1,793sqm
- 4 tennis court multi use games areas (MUGA) 2,600sqm (65x40m) (fenced floodlit)
- Rugby grass pitch 9,120sqm (100mx70m)
- Football grass pitch 6,586sqm (100mx64m)
- U13/U14 grass football pitch (82x50m)
- U15/U16 grass football pitch (91x55m)
- 8 lane 400m grass athletics track
- Parking for parent drop off/visitors/ part time staff car park (44 spaces)
- Bus drop off
- Minibus parking (3 spaces)
- Main car park (139 spaces including 11 accessible bays)
- Overspill parking on MUGA
- Cycle parking 144 spaces
- Deliveries access
- Cycle/footway access
- Emergency (playing field) access
- SuDs attenuation basins

6.2 The application proposes construction of Phase 1 only, to include: The 6FE accommodation block and 8FE core, sports hall, 1 x floodlit multi-use games area, accesses, car parks, landscaping, and sustainable drainage. The application does not include the 3G rugby and football pitches, caretaker's house or conference centre granted outline planning permission under 3/1058-19. Separate reserved matters applications would need to be submitted to cover these aspects of the outline development (if required) not later than 16 November 2022.

6.3 As a result of the revised proposals seeking to develop Phase 1 only -

- the school buildings are similar in scale and massing;
- the footprint is reduced by omitting the conference centre;
- the building height is below 80m AOD (except wind catchers);
- the caretaker's house is omitted;
- car and cycle parking space is reduced consequent to omitting the conference centre;
- MUGA 1 to be floodlit, fenced and artificially surfaced;
- MUGA 2 will be grass surfaced (not floodlit or fenced);

- The 2 x 3G pitches will be grass surfaced (not floodlit or fenced);
- changes to the levels of the sports pitches to retain as far as possible the existing levels and minimise cut and fill.

## 7. Statutory Consultations

7.1 East Herts District Council (EHDC) supports the proposal in principle but highlights their concern with regards to the adequacy of the information submitted on the reserved matters application.

- a) in relation to appearance, the application provides insufficient information;
- b) in relation to landscaping, the Landscape & Visual Assessment (LVIA0) Addendum does not provide sufficient information to be satisfied that the proposed landscaping would provide adequate softening of the built form;
- c) in relation to layout, further information is required for the 4m wide cycle/pedestrian path proposed on the adjoining land in parallel (east of) the primary school land; and
- d) in relation to scale, insufficient information is provided on the scale of nearby buildings with only part sections provided showing houses proposed on the adjoining land (as approved by EHDC under 3/18/2253/OUT).

7.2 EHDC supports delivery of the school but wants to be satisfied that adequate details are provided as part of the reserved matters application and in order to discharge the conditions attached to 3/18/2253/OUT and therefore request the information is submitted and to be reconsulted on these details.

7.3 Thorley Parish Council objects for the following reasons:

- The proposal is intrinsically linked to the proposals to develop the school existing site on London Road. We have repeatedly expressed concerns regarding traffic volumes on the London Road Corridor. Hertfordshire County Council Highways have objected to that development which must also apply to the proposals contained within this application;
- Previous objections by Bishops Stortford Civic Federation, Bishops Stortford Town Council, Thorley Parish Council, and by other bodies and individuals are still valid and relevant to this application;
- the limited size and number of attenuation ponds because due to the site being close to aircraft flight paths could adversely affect drainage and cause water dispersal problems affecting local roads and properties;
- insufficient research into the use of innovative energy supply;
- sustainability has not been clearly demonstrated.

- 7.4 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission. This application is for reserved matters covering layout, scale, appearance and landscaping for the construction of a new 6FE secondary school. This is pursuant to outline planning permission 3/1058-19 dated 14 November 2019. The access arrangements and other traffic related issues formed part of the previously approved application.
- 7.5 In terms of internal layout, parking management (Stomor drawing BSHS-ST-2851-10-A) has been submitted indicating parking for 139 spaces, including 11 accessible bays has been calculated for the 6FE school site. There is also provision for 20 electric vehicle charging spaces. Three minibus parking spaces and an area for parent drop off accommodating 44 spaces. Such details were approved in-principle at outline stage. In addition, swept path analysis (Stomor drawing BSHS-ST-2851-17) has also been provided for refuse and delivery, buses coaches and emergency vehicles.

7.6 Sport England

Sport England<sup>5</sup> is a non-statutory consultee for this application. Sport England has no objection in principle to the quantity and quality of the level of proposed sports provision and offers advice in relation to acceptability of the proposed playing fields for replacing those at the existing BSHS site on London Road. Sport England offers advice in relation to the proposed quality of provision, location and accessibility of facilities, floodlighting, and indoor facilities.

Sport England suggests conditions in relation to –

*Multi Use Games Area (MUGA)*

No development of the multi-use games area hereby approved shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details. Reason: To ensure the development is fit for purpose and sustainable and to comply with the relevant policies of the East Herts District Plan

*Indoor Sports facilities*

No development of the sports hall shall commence until details of the design and layout of the sports hall including dimensions, line markings, flooring and lighting specifications have been submitted to and approved in writing by the Local Planning Authority after

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<sup>5</sup> Sport England is a statutory consultee in relation to the application for the redevelopment of the existing Bishops Stortford High School on London Road.

consultation with Sport England. The development shall not be constructed other than in accordance with the approved details.  
Reason: To ensure the development is fit for purpose and sustainable and to accord with the relevant policies of the East Herts District Plan.

- 7.7 The Historic Environment Advisor confirms a series of archaeological investigations have been carried out at this site between 2008 and 2015 which have established the area contains significant and very extensive archaeological remains of Bronze Age, later prehistoric, and Roman date likely to be of regional importance, which included evidence of later Bronze Age, Iron Age and Roman settlement (including burials) and agriculture.

Due to the extent and complexity of the archaeological remains known to be present a programme of additional archaeological evaluation via trial trenching, and open area archaeological excavation has been carried out between October 2019 and March 2020. These investigations have revealed regionally important archaeological evidence relating to occupation and land use of this area from the later prehistoric period (c.1600BC) through to the medieval period. These include very extensive remains of a Roman farmstead with possible pre-conquest origins, and areas of closely spaced ditches which might be vineyards, or other specialist agriculture, as well as post hole-holes or rectilinear structures and a trackway dating to the Late Anglo Saxon-early conquest period.

A programme of post-investigation assessment and analysis, leading to full publication of these investigations, is now required.

I therefore recommend the following provisions be made, should you be minded to grant consent:

- 1) The full post-excavation assessment and analysis of the results of the archaeological work (including the results obtained from the previous archaeological evaluations of the site) with provisions for the subsequent production of an interim report or reports, the creation of an integrated archive, and the full publication of the results of all the archaeological work.
- 2) Provision for community outreach, and provision for a display and other educational resources for the use of the new school on the site.
- 3) Such other provisions as may be necessary to protect the archaeological interests of the site.

In this case an appropriately worded bespoke condition on any planning consent would be sufficient to provide for the level of

investigation that this proposal warrants. I suggest the following wording:

“The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 on PL/0095/19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured”.

- 7.8 Local Lead Flood Authority objects to the application saying insufficient information has been provided in order to assess the flood risks arising from the development, in particular –
- (a) no full drainage strategy report has been submitted
  - (b) the application should clarify any future maintenance and adoption arrangement for the proposed drainage scheme; and
  - (c) while some additional information has been provided as part of the application to discharge Condition 15 (Detailed drainage scheme) of 3/1058-19, the sports pitches will be positively drained and discharged to the drainage system for the school and therefore calculations of the additional storage volume for the playing fields should be provided at this stage.

- 7.9 Herts and Middlesex Wildlife Trust: The management prescription of the wildflower meadow is inappropriate for the stated objectives and will result in the gradual nutrient enrichment and decline in biodiversity value of the area. At present the prescription states:

'Cut the meadow annually in November once all plants have flowered and released the seeds. Rake up and remove all arisings.' This should be changed to: Cut the meadow annually in mid-July and November. Leave strips of uncut vegetation of 10% within the sward after each cutting episode. Change the location of the strips each time. Rake up and remove all arisings.'

This regime will conserve and enhance the wildflower meadow and provide a refuge and resource for invertebrates. Cutting in November will create rank grassland.

#### Third-party representations

- 7.10 The application was advertised by way of press notice, site notices and 260 individual notification letters sent to nearby residential and businesses. In response four objections have been received rising the following issues:
- The objections due to damage to the environment, traffic congestion, road safety and the feelings of local residents has been totally disregarded



- The development is for financial reasons and decisions are taken by people who do not live near to the proposed site who will not have to endure the daily stress this site will cause
- Whittington Way is already during busy times and the increase in traffic as a result of the proposed development will be unsustainable
- The proposed development should be refused on grounds of pollution and insufficient infrastructure
- The roads cannot cope with normal daily traffic especially at Thorley traffic lights. The queues of traffic at peak time go back as far as the Obrey Way roundabout
- Obrey way is just a Lane which is too narrow for constant traffic

## 8. Planning legislation and policies

### 8.1 Legislation

Planning and Compulsory Purchase Act 2004 -

*Section 38(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other considerations indicate otherwise.*

Town and Country Planning Act 1990 –

*Section 70(2) In dealing with an application for planning permission in principle the authority shall have regard to (a) the provisions of the development plan, so far as material to the application. (b) any local financial considerations, so far as material to the application, and (c) any other material considerations.*

### 8.2 Policy

The Development Plan for the area comprises:

- East Herts District Plan 2018
- All Saints, Central, South and Part of Thorley Neighbourhood Plan
- Hertfordshire Minerals Local Plan 2007
- Hertfordshire Waste Development Framework, including
- Waste Core Strategy and Development Management Policies (DPD) November 2012
- Waste Site Allocations DPD July 2014

### 8.3 List of policies (The wording of the policies is set out in Appendix 2)

*East Herts District Plan 2018*

	Bishops Stortford – Chapter 5
BISH3	Bishops Stortford North
BISH5	Bishops Stortford South

BISH6	Bishops Stortford High School, London Road
	Design and Landscape - Chapter 17
DES1	Masterplanning
DES2	Landscape Character
DES3	Landscaping
DES4	Design of Development
DES5	Crime and Security
	Transport – Chapter 18
TRA1	Sustainable Transport
TRA2	Safe and Suitable Highway Access Arrangements and Mitigation
TRA3	Vehicle Parking Provision
	Community Facilities, Leisure and Recreation – Chapter 19
CFLR1	Open Space, Sport and Recreation
CFLR10	Education
	Natural Environment – Chapter 20
NE2	Sites or Features of Nature Conservation Interest (Non-Designated)
NE3	Species and Habitats
	Heritage Assets – Chapter 21
HA1	Designated Heritage Assets
HA3	Archaeology
HA7	Listed Buildings
	Climate Change – Chapter 22
CC1	Climate Change Adaption
CC2	Climate Change Mitigation
CC3	Renewable and Low Carbon Energy
	Water – Chapter 23
WAT1	Flood Risk Management
WAT2	Source Protection Zones
WAT3	Water Quality and the Water Environment
WAT4	Efficient Use of Water Resources
WAT5	Sustainable Drainage
WAT6	Wastewater Infrastructure
	Environmental Quality – Chapter 24
EQ2	Noise Pollution
EQ3	Light Pollution
EQ4	Air Quality

*All Saints, Central, South, and Part of Thorley Neighbourhood Plan 2017<sup>6</sup>*

	Highways
HDP3	Design Standards
GIP5	Enhancement of footpaths, bridleways and cycle paths
TP1	Tackling traffic congestion
TP2	Improving air quality

<sup>6</sup> The adoption of the Neighbourhood Plan in October 2017 followed consultation in March and April 2016, public examination in May 2017, and a referendum on 7<sup>th</sup> September 2017.

TP3	Create walking and cycle friendly neighbourhoods
TP4	Develop a connected town for pedestrians and cyclists
TP5	Better bus travel
TP5a	Safer, sustainable school travel
TP7	Cycle parking
TP8	Residential parking
TP10	Traffic speeds within new developments
TP11	Promote road safety
BSS4	Access/egress to site
	Design
BSS2	Setting and character of buildings
GIP4	Protect wildlife and increase biodiversity
	Community
HDP5	Building for the community
CI	Contributions to infrastructure and community facilities
GIP3	Green space management and zoning
GIP6	Improving/expanding allotments
HP1	Accessible GP practices
HP2	Services for the elderly, disabled and for mental health
SLCP1	Provision of outdoor sporting and leisure facilities
SLCP2	Development or expansion of multi-purpose facilities
BSS3	Community facilities
	Education
EP1	School availability
EP2	New secondary school places
EP3	New primary schools
EP4	Pre-school and early years
EP5	Travel plans
EP6	High quality design
EP7	Adult, vocational education and community use
	Flood Risk
GIP7	Flood mitigation
	Environment
BSS5	Hertfordshire Way and green spaces
	Heritage
HDP9	Archaeology
	Ecology
GIP4	Protect wildlife and increase biodiversity

#### *Hertfordshire Local Transport Plan 4*

Policy 1	Transport User Hierarchy
Policy 2	Influencing Land Use Planning
Policy 3	Travel Plans and Behavioural Change
Policy 4	Demand Management
Policy 5	Development Management
Policy 6	Accessibility
Policy 7	Active Travel: Walking
Policy 8	Active Travel: Cycling

- Policy 9 Buses
- Policy 13 New Roads and Junctions
- Policy 15 Speed Management
- Policy 17 Road Safety
- Policy 19 Emissions reduction
- Policy 20 Air Quality
- Policy 21 Environment

## 9. Planning issues

- 9.1 The key considerations in the determination of the current application are:
- Reserved matters (layout, scale, appearance, landscaping),
  - Design,
  - Amenity,
  - Sustainable development,
  - Transport,
  - Drainage,
  - Compliance with strategic policies of the East Herts District Plan 2018.

### Reserved Matters

#### Layout<sup>7</sup>

- 9.2 Policy DES4 of the East Herts District Plan (EHDP) requires all development to be appropriate in terms of orientation, siting, and layout and respect the character of the site.
- 9.3 Application 3/1058-19 established layout principles based on:
- school buildings located on the lower south eastern part of the site,
  - playing fields on the higher northern part of the site,
  - 2 and 3 storey buildings with flat roofs,
  - school buildings cut into the sloping ground on the northern side,
  - school hall adjacent to the central 3 storey element (at the same height),
  - school buildings below the 80m AOD height,
  - 2 x floodlit Multi-Use Games Areas (“MUGA”) north of the school buildings,
  - 2 x full size floodlit 3<sup>rd</sup> Generation (“3G”) pitches (1 for rugby, 1 for football) with 5m high weldmesh fencing to the north of the MUGAs,
  - Grass playing fields to the north of the 3G pitches comprising an - athletics track and junior football pitches.
- 9.4 Overall, the proposed layout closely follows the layout shown in the plans for application 3/1058-19, which itself is based on the Bishop’s Stortford School (BSS) Masterplan. The development is considered

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<sup>7</sup> “layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

acceptable in terms of siting, layout and orientation in accordance with Policy DES4 of the EHDP and are a sustainable form of development.

### *Buildings*

- 9.5 The building layout is designed around a single floorplan centred around a central spine circulation space, or street, with three individual accommodation blocks, or fingers, positioned at right angles to the main street on the eastern side of the street, and two individual accommodation blocks on the western side of the street. Each floor accommodates an individual faculty.
- 9.6 The National Planning Policy Framework (NPPF)<sup>8</sup> (paragraph 153) requires local planning authorities, in determining planning applications, to expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The arrangement of the central spine and accommodation blocks articulates the shape of the building and creates enclosed courtyards which offer shelter and space for planting. The orientation of the accommodation blocks on an east to west axis ensures each courtyard will receive adequate light and shade during the day.
- 9.7 Access to the building from the outside is obtained via the main pedestrian access at the southern end of the street. The close arrangement of circulation and accommodation spaces provides efficient movement within the building from common areas to each individual faculty.
- 9.8 In terms of the amount of development, the decision not to include the conference centre has reduced the quantum of development, and correspondingly there is a reduction in floorspace for the school building of 10,279.00sqm (reduced from 10,017 sqm) and for the sports hall 2,663sqm (reduced from 1793 sqm).

### *Playing fields*

- 9.9 The playing fields are located to the north of the school buildings and MUGA on the higher part of the site which allows the buildings to be located on the lower part of the site and helps to minimise the visual impact of the overall development.

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<sup>8</sup> [https://www.planninghelp.cpre.org.uk/planning-explained/national-planning/national-planning-policy-framework?gclid=EAlaIqObChMI8vmjrKuh6QIVFuDtCh3Q8ADoEAAYASAAEgJfWPD\\_BwE](https://www.planninghelp.cpre.org.uk/planning-explained/national-planning/national-planning-policy-framework?gclid=EAlaIqObChMI8vmjrKuh6QIVFuDtCh3Q8ADoEAAYASAAEgJfWPD_BwE)

- 9.10 Access to the MUGA from the school buildings will be via ramped access (max. 1:14 gradient) with open access to the playing fields beyond
- 9.11 Sport England has no objection to the quantity and quality of the level of sports facilities. The provision of suitable quality and quantity of outdoor recreation space and playing fields is supported by Policies Policy CFLR1 (Open Space, Sport and Recreation) and CFLR10 (Education) of the EHDP 2018.
- 9.12 Overall, the arrangement of buildings and playing fields within the site complies with the BSS Masterplan, the parameter plans for application 3/182253/OUT, and closely follows the outline scheme 3/1058-19. The details of the proposed layout of buildings, playing fields, landscaping, informal spaces, and drainage are acceptable.

#### *Access and Parking*

- 9.13 The main access road is in front of the building providing access to the main car park which is located to the west of the sports hall. Pedestrian walkways are provided alongside the access road, including pedestrian crossings with raised tables and contrasting surfacing material to emphasise the crossing places.
- 9.14 The total number of parking spaces is 139 spaces in the main car park (including 11 accessible bays), 44 spaces in the visitor car park at the front of the site (including 20 EV charging points), 122 cycle spaces to the side of the main entrance, and three minibus parking spaces.

#### Appearance<sup>9</sup>

- 9.15 Policy DES4 (Quality of Design) requires all development to be a high standard of design and layout with regards to the opportunities and constraints of a site and to use high quality building materials (colour, texture). Policy CFLR10 (Education Facilities) requires new school development to be of the highest quality of design, providing flexible accommodation to meet the needs of the community.
- 9.16 The school buildings are mostly two storeys with a central three storey core. The sports hall is equivalent in height to the central core. The buildings have flat roofs with wind catchers for ventilation.
- 9.17 The main building material for the external elevations is a soft texture yellow colour facing brick with slight variation in colour to soften the appearance of the buildings appropriate to the landscape setting.

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<sup>9</sup> "appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture

- 9.18 The windows are dark grey colour powder coated aluminium frames and are designed to meet daylight and ventilation requirements. Ventilation is provided by a combination of opening windows and louvres. The windows form horizontal bands and the elevations will be punctuated with louvres, dark grey metal spandrels and sections of brickwork. The horizontal format is emphasised by a second darker colour brick forming a continuous ribbon around the elevations which are used to add texture and visual interest and emphasise the external stair cores on the end of the accommodation blocks.
- 9.19 The main circulation space has glazed curtain walls to the eastern courtyards to maximise daylighting and helps to create lively and well-lit circulation spaces.
- 9.20 The sports hall uses a darker colour brick for the lower 3m parts of the walls with cement fibre panels above. The design sets the panels on a horizontal format and uses three subtly contrasting colours to help break up the mass of the sports hall.
- 9.21 The use of good quality materials of subtly contrasting colours and texture helps to create an interesting appearance to the buildings. The materials palette gives confidence in the design. Samples of materials and cross section drawings of the elevations will be required by condition<sup>10</sup> to ensure the final appearance reflects the design.
- 9.22 The proposal is considered to meet the requirements of Policies DES4 (Design of Development) and CFLR10 (Educational Facilities) of the EHDP 2018.

#### Scale<sup>11</sup>

- 9.23 Policy DES4 of the EHDP requires all development to be appropriate in terms of its scale, height, massing, and density
- 9.24 The EIA parameter plans for 3/18/2253/OUT show the area of the school site as suitable for development of up to 3-storeys in height not exceeding 80m AOD.
- 9.25 The plans submitted for application 3/1058-19 show the proposed building heights up to 12.2m (max. 3 storeys). The proposed maximum building height in the current application is 12.5m (2 and 3 storeys). The parapet heights have been reduced by 0.3m in order to ensure that the building does not exceed 80m AOD<sup>12</sup>.
- 9.26 The accommodation is divided into individual blocks set around a central circulation space. This arrangement of building blocks provides

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<sup>10</sup> Conditions 10 and 13

<sup>11</sup> *scale* "except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings;

<sup>12</sup> 80m AOD is the maximum building height to comply with the EIA parameter plans for planning permission 3/19/2053/OUT

articulation and help to break up the building mass. The use of a darker brick to create a band and emphasise the stairs at the end of the blocks also helps to break up the mass of the building.

- 9.27 The details are consistent with the scale of development permitted under 3/1058-19 and accord with the ES parameters plans for 2/2253/OUT. The proposed scale is appropriate in accordance with Policy DES4 and the EHDP.

### Landscaping<sup>13</sup>

- 9.28 Policy DES4 of the EHDP requires all development to provide high quality and appropriate landscaping.
- 9.29 The application includes a Landscape and Visual Impact Assessment (“LVIA”) Addendum (December 2019) which address the landscape and visual impacts proposed in Phase 1 of the proposed development. The LVIA addendum considers the existing landscape as medium quality and value and medium sensitivity to the proposed development, noting the BSS development will change the landscape context, such that the school buildings and playing fields will be viewed within the context of an urban development separated in physical and visual terms from the countryside.
- 9.30 The LVIA compares the landscape and visual effects of the Phase 1 against the overall development proposed in application 3/1058-19, concluding:
- there would be no significant change in the degree of visibility from public views from any direction. The building height would remain below 80m AOD and the overall quantum of development is reduced,
  - the visual impact for users of the Hertfordshire Way would be slightly greater due to the inclusion of wind catchers on the roof but this would be balanced by the omission of the conference centre. The effects would remain moderate adverse,
  - the landscape effects would be similar i.e. no more than slight adverse with such effects being insignificant after 10 years.

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<sup>13</sup> “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

a) screening by fences, walls or other means;  
(b) the planting of trees, hedges, shrubs or grass;  
(c) the formation of banks, terraces or other earthworks;  
(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and  
(e) the provision of other amenity features;



- 9.31 In summary, the landscape and visual effects would be within the same broad categories but at slightly lower levels as a result of the reduced quantum of development.
- 9.32 The current application includes detailed landscape plans showing the new landscaping proposed within the site i.e. -
- i. a substantial landscape buffer on the southern side of the access road,
  - ii. new tree avenue along the footway adjacent to the access road,
  - iii. buffer planting along the site boundary comprising a native species mix,
  - iv. tree planting within the car park at the ends of parking bays to create buffers between bays and soften the appearance of the car park,
  - v. canopies for outdoor dining in courtyards,
  - vi. raised planters within courtyards to incorporate tree and shrub planting
  - vii. seating and social areas within courtyards,
  - viii. planting providing flowering and pollinator species,
  - ix. flexible and informal external spaces to the north of the school buildings,
  - x. boundary planting of sports pitches to comprise a native thicket mix,
  - xi. species rich wildflower meadow mix adjacent to boundary planting.
- 9.33 The proposed landscaping areas provide for a varied and interesting mix of spaces around buildings and will create new habitat areas, in particular along the site boundary and around the sports pitches. The creation of landscape and enhanced habitat areas is incorporated within the Landscaping condition<sup>14</sup>.
- 9.34 The application includes a landscape management plan setting out the ongoing maintenance requirements over a five year period. The condition requires the new landscape and enhanced habitat areas to be maintained for the lifetime of the school. The management prescriptions advised by Herts and Middlesex Wildlife Trust are noted and incorporated within the requirements of the Landscape Management Plan condition<sup>15</sup>
- 9.35 The proposed landscaping scheme will provide high quality and appropriate landscaping in accordance with Policy DES4 of the EHDP 2018.

## **Design**

- 9.36 The NPPF (Part 12: Achieving well-designed places, at Paragraph 127) requires all decisions to ensure that developments: (a) function well and add to the overall quality of the area over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of

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<sup>14</sup> Conditions 7 & 8

<sup>15</sup> Condition 9

place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 9.37 In terms of the appearance, the buildings are enhanced by the use of good quality materials; the proposed layout helps to break up the building mass with suitable articulation of building blocks and the uses detailing of materials to add visual interest and ensure the buildings are visually attractive.
- 9.38 In terms of the impact on landscape setting and surrounding environment, the development will result in moderate adverse visual and landscape impacts, however the effects will be insignificant levels after 10 years. The proposed mitigation includes creation of extensive new planting and habitat areas on the boundary of the site which will ensure that the development is sympathetic to the surrounding area. The additional planting along the southern boundary will soften the impact of the building in public views from the south.
- 9.39 With regards to sense of place, the proposed secondary school sits alongside the primary school at the heart of the BSS development; placing the school campus at the centre of the BSS development will help to establish a strong sense of place for both schools and ensure they become a focal point of the community, and are accessible from other parts of the town via new off-site cycle and pedestrian infrastructure.
- 9.40 In terms of making the best use of the site, the placement of school buildings on lower part of the site close to the main access and playing fields to the north responds well to the site topography; the layout of buildings and open spaces provides good connections within the site and makes the best use of the available land to accommodate the quantum of development.
- 9.41 In terms of safe and inclusive access, the access strategy provides for controlled access points and the secure boundary provides a safe and secure environment. The proposed layout offers ease of movement for all users between different areas of the site.
- 9.42 In terms of promoting health and well-being, there will be opportunities for community access to school facilities and sports facilities in the evenings and at weekends.
- 9.43 Overall it is considered the development meets the aims of achieving well designed places as set out in the NPPF.

### **Amenity**

- 9.44 Policy DES4 of the EHDP requires proposals for development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.
- 9.45 The school is located within the part of the site allocated for school uses alongside a primary school. The nearest adjoining properties are some distance from the school separated by playing fields to the north and a linear landscape and SuDS feature along the southern side of the site. The application includes a noise impact assessment which indicates that although the site is affected by aircraft noise the impact will not be significant. The building construction is designed to mitigate against external noise sources and will create suitable internal teaching environments. The ventilation strategy is based on a combination of opening windows and louvres to provide options for school to ensure that there will be adequate ventilation compatible with acceptable standards of noise for teaching spaces.

### **Sustainable development**

- 9.46 The NPPF (Paragraph 11) confirms there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development should be approved without delay. The NPPF also requires that Local Planning Authorities should take decisions in a positive and creative way and approve applications for sustainable development where possible (NPPF, paragraph 38).
- 9.47 The application includes a Sustainability Addendum April 2018. The addendum has been tailored to address the decision of Hertfordshire County Council to adopt a Sustainable Hertfordshire Strategy (“SHS”) on 28 February 2020 setting out its initial policies and strategies to embed sustainability across its operations throughout the County.
- 9.48 The SHS explains the County Councils’ strategy to lead by achieving its sustainability targets in delivering its own services through the implementation of the following policy objectives:
- to be carbon neutral by 2030 for all Hertfordshire County Council operations;
  - prepare for all operations and services to be ready for future climates;
  - improve biodiversity on Hertfordshire County Council land assets by 20% by 2030; and
  - reduce what we throw away and send nothing to landfill by 2030
- 9.49 The Sustainability Addendum sets out how the proposed school development would contribute to meeting these objectives.

*Carbon neutral by 2030*

- 9.50 The NPPF (Paragraph 148) requires planning to support the transition to a low carbon future. In order to be carbon neutral by 2030 the County Council is seeking to remove fossil fuel derived energy from its schools. The construction of a new school creates the opportunity for the highest standards of energy efficiency and reduce carbon emissions.
- 9.51 The energy statement submitted with the planning application demonstrates that the school building will contain highly efficient air source heat pumps for heating and cooling requirements. The proposals include the use of high efficiency boilers (>95% gross seasonal efficiency) with variable heating controls, and low energy LED lighting. As a result, the proposal will achieve a 15.4% improvement on Part L of the Building Regulations.
- 9.52 To further improve on these efficiencies the planning application proposes the following energy efficient technologies:
- Photo-voltaic (PV) panels across the roof space (net 2,000m<sup>2</sup> PV panels) to contribute towards overall energy consumption and export surplus to the grid when not being used by the school;
  - Hydrogen ready boilers capable of burning 80/20 gas/hydrogen mix which is the most viable energy efficient technology available;
  - Triple glazing to improve on double glazing;
  - Enhanced roof insulation;
  - Reduction in air permeability and reduced thermal bridging as a result of detailed design of the unions of different building materials;
  - Low fluid fittings for hot water to reduce demand.
- 9.53 The introduction of the PV panels and triple glazing would further increase the improvement on Part L of the Building Regulations close to net zero regulated carbon emissions. The use of all the above technologies would offer an alternative to fossil fuels and help to meet the objective of meeting Sustainable Hertfordshire Strategy (SHS) targets for removing fossil fuels from schools by 2030.
- 9.54 In order to specifically meet SHS target for removing fossil fuels from schools by 2030 the application should include all the above technologies. The energy statement has been amended to reflect this. Condition 11 requires provision of all the above measure as part of the implementation of the development.

*Services climate ready for future climate change*

- 9.55 The SHS requires all services to be resilient and able to manage extreme weather events and ensure that buildings are adaptable to future climates.
- 9.56 The application includes sustainable drainage (SuDS) scheme in accordance with the principles of the application 3/1058-19, together with a drainage strategy to demonstrate the school will not be flooded

and will not lead to flooding elsewhere. The flood risk assessment provides for the 1 in 100-year storm event +40% allowance for climate change.

- 9.57 The Sustainability Strategy (December 2019) sets out the passive design measures which contribute to resilience of the building to climate change:
- Solar gain: the north-to-south orientation of teaching spaces avoids solar gain, the north elevations will not get direct sunlight, the south facing elevations are protected by opaque solar shading which reduces solar gain. The east-to-west orientation of the courtyards provides shaded areas throughout the day;
  - Concrete building frame and exposed concrete soffits provide a thermal heat which helps to facilitate the ventilation strategy and avoids overheating;
  - Building fabric exceeds Part L requirements with improved thermal transmittance (U values) and low air permeability; good thermal fabric helps retain warmth during cold weather and cool in warm weather;
  - External materials chosen for robustness and good weathering characteristics. The high-quality brick envelope will cope with more extreme temperature changes;
  - Window cills and parapets are designed to shed rainwater efficiently and external grounds levels fall away from the building and slot drains to prevent water ingress into the building;
  - Landscape design contributes towards maintaining comfortable temperatures through tree planting to provide shade and areas of shrub planting helps mitigate the air warming generated by hard landscaping.
- 9.58 The above measures will help to ensure the building is resilient to future extreme temperature variations. The proposal complies with the requirements of the Department for Education Output Specification<sup>16</sup> which is used to help design and construction of school building projects.

*Improve biodiversity on Hertfordshire County Council land by 20% by 2030*

- 9.59 The SHS sets the objectives for the management of land, ponds and watercourses, the conservation of pollinator species through the Hertfordshire Pollinator Strategy, and the provision of habitat banks to provide biodiversity compensation for current and future growth and to support 20% biodiversity enhancements by 2030.
- 9.60 Condition 37 of 3/1058-19 requires detailed proposals to provide for:
- A detailed plan showing the proposed habitat creation areas;
  - A metric specifying how the biodiversity enhancements are to be achieved;

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<sup>16</sup> The Department for Education's generic design brief and technical information

- A detailed plan showing the locations of habitat areas proposed within the site;
  - mitigation proposals (on site / off-site as appropriate); and
  - Annual monitoring and measurement of biodiversity enhancements using an appropriate metric i.e. Defra Biodiversity Metric 2.
- 9.61 The requirements are carried forward as part of this application (Condition 12) and will ensure that the 20% (or greater) biodiversity enhancement will be achieved on this site.

*Reduce disposal to landfill to zero by 2030*

- 9.62 The waste management plan submitted with application 3/1058-19 identifies 655.0 tonnes of waste would be sent for recycling with 25 tonnes sent to landfill, which equates to over 97% of waste being recycled. The residual waste represents a small proportion of overall waste generated by the project. Therefore, the proposals will help towards reducing the volumes of waste sent to landfill by 2022.

**Transport**

- 9.63 Policy TRA1 (Sustainable Transport) of the EHDP requires development proposals to be (a) located in places which enable sustainable journeys to be made to key services and facilities to help reduce carbon emissions; (b) take account of the provisions of the Local Transport Plan; (c) ensure that a range of sustainable transport options are available to occupants or users, such as improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives (d) provide site layouts that prioritise the provision of modes of transport other than the car (particularly walking, cycling and passenger transport) (e) earlier implementation of sustainable travel infrastructure or initiatives (f) protection of existing rights of way, cycling and equestrian routes and the introduction of new bus routes or significant changes to existing routes to avoid adverse impacts on air quality.
- 9.64 Policy CFLR10 requires proposals for the creation of new or extended-education facilities to be in accessible locations, served by a choice of sustainable travel options.
- 9.65 The NPPF (Paragraph 103) requires development to be focused on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. In assessing development proposals it should be ensured that (a) opportunities have been taken to promote sustainable transport, (b) safe and suitable access to the site can be achieved for all users, and

(c) any significant impact on the transport network or highway safety can be cost effectively mitigated to an acceptable degree.

- 9.66 The development proposals provide access to the site by walking and cycling through new and improved walking and cycle routes within and running through the development site. The development includes 4m wide footways/cycleways along the spine road and on the south side of Whittington Way. New pedestrian and cycle crossings are proposed on Whittington Way to connect with existing footways and cycleways on Thorley Park estate. In relation to public transport, priority is given to public transport using the spine road. Bus stops are located close to the school site. Existing bus services will be diverted to run through the site. A condition of 3/18/2053/OUT provides for discounted bus travel for future residents of the BSS development to reduce car usage.
- 9.67 In terms of location, the school will relocate a short distance (less than 1km) from its current site on London Road and will continue to support the local population. The application site is further from the bus and rail stations than the existing site. In order to promote public transport network improvements are proposed on London Road to prioritise buses. These measures will provide safe and accessible access for users and demonstrates that the opportunities to promote sustainable travel have been taken up. The new school is an accessible location and will be served by a choice of sustainable travel options.
- 9.68 The proposal complies with the aims of promoting sustainable travel in the NPPF 2019 and is consistent with the policy objectives in Policies TRA1 and CFLR10 of the East Herts District Plan 2018.

### **Drainage**

- 9.69 The NPPF (Paragraph 163) requires local planning authorities to ensure that flood risk is not increased elsewhere. Major developments should incorporate sustainable drainage systems designed to appropriate operational standards with maintenance arrangements which ensure effective operation for the lifetime of the development; and, where possible, provide multifunctional benefits.
- 9.70 Policy WAT4 of the EHDP requires development proposals to utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy. Development proposals should ensure that: (a) achieve Greenfield run-off rates and manage surface water run-off as close to its source as possible; (b) implement sustainable drainage to achieve other policy objectives such as achieving water use efficiency and quality objectives, biodiversity, amenity and recreation (c) provide information on long term maintenance of SuDS features; and (d) ensure that SuDS networks are designed with sufficient capacity to cope with infrequent adverse weather conditions to reduce flood risk.
- 9.71 The aims of SuDS is to capture rainfall within the site and provide attenuation and multiple stages of treatment in order to slow the rate of

discharge from the site in order to reduce the risk of flooding elsewhere and to improve surface water quality and reduce sedimentation of ordinary watercourses and main rivers.

- 9.72 The application includes a drainage-areas plan showing permeable and impermeable areas within different parts of the site that has been used to calculate the total storage volume requirements for the whole site.
- 9.73 The plan shows the playing fields areas are permeable. The grass playing fields have positive drainage and a filter trench is proposed between the athletics track and the grass football pitches to infiltrate the water collected by the pitch drainage systems. An additional filter trench is located to the south of the grass playing fields which discharges via a swale and a flow control device to a drainage basin in the south west corner of the site. The flow controlled water then outfalls to a larger drainage basin, before finally discharging to the strategic SuDS network via the ordinary watercourse running alongside the southern boundary of the site.
- 9.74 The MUGA has an artificial surface with a 300mm permeable sub-base. The surface water is discharged to the drainage basin in the south west corner of the site.
- 9.75 The main car parks are constructed with a permeable sub-base discharging to the drainage basin in the south west corner of the site.
- 9.76 The school buildings and visitor car park have impermeable surfaces. Surface water is intercepted and transferred via a system of drainage trenches to the drainage basin in the south west corner of the site.
- 9.77 The modelling of the discharge rates demonstrates that the SuDS system is capable of coping with the 1 in 100-year rainfall event + 40% climate change without increasing the risk of flooding elsewhere. The treatment train proposes three stages of treatment (infiltration trenches, swales and attenuation basins) which improve water quality and reduce the sedimentation of ordinary watercourses and main rivers.
- 9.78 Notwithstanding the Lead Local Flood Authority (LLFA) objection on grounds that insufficient information has been provided regarding additional volumes of surface water that will be generated by providing positive drainage for the grass playing fields, much of the information has already been provided as part of a separate application to discharge Condition 15 (Detailed Drainage Scheme) of 3/1058-19. The additional information requested by the LLFA, including further modelling if required, can be obtained via that application. Therefore, delaying a decision on this application in order to obtain that information is not justified.
- 9.79 With regards to the LLFA comments on the lack of information regarding the overall drainage strategy, the LLFA accepted the principles of the drainage strategy for application 3/1058-19 and



recommended conditions. It is proposed to carry forward for the same conditions for the reserved matters. In addition, a separate condition<sup>17</sup> is proposed that requires additional surface water modelling to be carried out prior to the installation of any positive drainage for the playing fields to demonstrate adequate attenuation will be provided within the site. The condition will not be discharged until the LLFA has confirmed that these matters are acceptable.

- 9.80 The proposals will therefore comply with the aims of the NPPF to reduce the risk associated with flooding and ensure that the development is resistant and resilient to future flooding. The SuDS system provides the attenuation and water quality treatment required by Policy WAT4 of the East Herts District Plan.

### **Achievement of strategic policy objectives**

- 9.81 Policy DES1 (Masterplanning) of the EHDP 2018 requires significant development proposals to be prepared using a Masterplan process to establish the quantum and distribution of land uses; means of access; sustainable high-quality design and layout principles.
- 9.82 Policy BISH5 of the EHDP for the development of BSS requires proposals to be based on Masterplan prepared collaboratively with site promoters, landowners, East Herts Council, Hertfordshire County Council, Bishop's Stortford Town Council, Thorley Parish Council and other key stakeholders. The BSS Masterplan was development in consultation with the key stakeholders.
- 9.83 The proposal closely follows the BSS Masterplan principles and ES parameter plan of the hybrid application 3/19/2058/OUT that has been prepared with the key stakeholders. The proposal is consistent with principles agreed as part of the BSS Masterplan and with the objectives of Policy DES1 of the EHDP.
- 9.84 A key part of the BSS Masterplan is the provision of education facilities, to include a 2FE primary school and a 6FE secondary school with potential to expand to 8FE to meet longer term needs of the town. The proposal will provide the necessary capacity as part of the new community at BSS and provide for a choice of school places to meet the needs of both the new and existing communities in accordance with the NPPF (Paragraph 94).
- 9.85 Policy BISH6 provides for the redevelopment of The Bishops Stortford High School (TBSHS) site on London Road following the relocation of TBSHS to land south of Whittington Way. The proposal will provide for the relocation of TBSHS in accordance with the objectives of Policy BISH6. The proposal will deliver a new school with 6FE capacity plus 8FE core facilities to support the future expansion of the school and to

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<sup>17</sup> Condition 18

meet long term needs of the town. The proposal provides a key part of the infrastructure required as part of the BSS development.

- 9.86 The proposal is compatible with Policies BISH5 and BISH6 of the East Herts District Plan 2018.

## **10. Conclusion and planning balance**

- 10.1 The application proposes the construction of a new 6FE secondary school with 8FE core facilities to enable the relocation of Bishops Stortford High School from its current site on London Road to land south of Whittington Way and provides the potential for expansion to 8FE if required in the future. The construction of a new secondary school is a key part of the infrastructure requirement for the development of a new community at Bishops Stortford South granted planning permission under 3/19/2058/OUT. The proposal would fulfil the objectives of strategic policies BISH5 and BISH6 of the East Herts District Plan 2018.
- 10.2 The submission of a reserved matters application is a requirement of Condition 2 of planning permission 3/1058-19. The proposals for layout, scale, appearance and landscaping which form part of the reserved matters application will ensure the new school is a high standard of design and appearance, and is accessible by walking, cycling and promotes the use of sustainable transport. The proposal provides sustainable drainage and the buildings are designed to be resilient to climate change. The proposals comply with the design, landscaping, drainage, and transport policies of the East Herts District Plan 2018.
- 10.3 It is acknowledged that the development will result in some negative environmental impacts, and the impacts have been assessed as part of the EIA process for applications 3/1058-19 and 3/19/2053/OUT. The impacts are noted to affect:
- listed buildings (minor significance),
  - loss of 12.85ha of best and most versatile agricultural land (moderate significance),
  - loss farmland bird habitat, and impacts upon sensitive receptors, namely, the Thorley Flood Pound SSSI - resulting from changes in hydrology;
  - adverse impacts on lighting on foraging and commuting bats;
  - temporary effects on badger populations during construction;
  - damage to hedgerows;
  - moderate to major impacts on archaeological remains (moderate significance); and adverse landscape and visual impact of school buildings, school playing fields, and lighting (minor to moderate significance).

10.4 The adverse impacts on heritage assets, biodiversity and landscape are partly mitigated by conditions attached to applications 3/1058-19 and 3/19/2053/OUT, in addition to the conditions attached to this application which provide:

- adequate investigation and satisfactory conservation of the archaeological heritage assets;
- net biodiversity enhancements on site; and
- detailed landscaping schemes to mitigate visual and landscape impacts to insignificant levels after 10 years and will create new landscaping and habitat areas.

10.5 Planning balance

- Moderate negative weight is given to the adverse impacts of the development.
- Great positive weight is given to the need to create school places to ensure there is sufficient choice available to meet the needs of new and existing communities in accordance with the NPPF (Paragraph 94).
- Great positive weight is also given to benefits of the new school in delivering one of the key pieces infrastructure to support the development of Bishops Stortford South consistent with the policy objectives of the East Herts District Plan 2018 to secure the delivery of development at Bishops Stortford South, consistent with BSS Masterplan and key policies of the All Saints, Central, South, and Part of Thorley Neighbourhood Plan Neighbourhood Plan 2017.

10.6 It is considered that the positive aspects of the proposed development and the public benefits that will flow from the development in delivering sustainable development and promoting sustainable travel clearly outweigh the limited harms that will be generated by the development. Accordingly, it is recommended that planning permission should be granted subject to the conditions in Appendix 1.

## Appendix 1 - Conditions

### *Time limit*

1. The development hereby permitted shall commence within 3 years of the date of this notice

**Reason: to comply with the terms of the Town and Country Planning Act 1990 (sections 91 and 92)**

### *Approved plans and documents*

2. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents, including the recommendations contained therein, which form part of the application.

### Site plans

- 5280/010 Planning application plan Vincent
- 2583\_GAD\_100003\_A Site Location Plan APLB
- 2583\_GAD\_100010\_G Site Layout Phase 1 APLB
- 2583\_GAD\_100011\_B Phasing Plan APLB
- 2583\_GAD\_120009\_I Ground Floor Plan APLB
- 2583\_GAD\_120010\_H First Floor Plan APLB
- 2583\_GAD\_120011\_H Second Floor Plan APLB
- 2583\_GAD\_120012\_B Roof Plan APLB
- 2583\_GAD\_140000\_C North and South Elevations AA and BB APLB
- 2583\_GAD\_140001\_D East and West Elevations CC and DD APLB
- 2583\_GAD\_140002\_D Elevations EE, FF, GG and HH APLB
- 2583\_GAD\_140003\_D Sports Hall Elevations JJ and KK APLB
- 2583\_GAD\_140010\_B Bay Elevations 1 APLB
- 2583\_GAD\_140011\_B Bay Elevations 2 APLB
- 2583\_GAD\_150000\_D Site Sections APLB
- 2583\_GAD\_150001\_B Sections AA, BB, CC and DD APLB
- 2583\_GAD\_180000\_A Perspective View Main Entrance APLB
- 2583\_GAD\_180001\_A Perspective View Sports Building APLB
- 2583\_GAD\_180002\_A Perspective View Courtyard APLB
- SOR014683 Utilities and Topographical details 1 to 4

### Landscape plans

- TBSHS-UBU-XX-XX-DR-L-1000-P9 General Arrangement Plan
- TBSHS-UBU-XX-XX-DR-L-2000 Boundary Sections
- TBHS-UBU-XX-XX-DR-L-1100 Graphic Plan
- TBHS-UBU-XX-XX-DR-L-1200-P1 Graphic Plan

### Drainage

- BSHS-ST-2851-05-D Drainage Areas Plan
- BSHS-ST-2851-08-F Drainage Strategy

- BSHS-ST-2851-20 Drainage Strategy (buildings)

Access and car parking

- BSHS-ST-2851-10-A Car parking management plan
- BSHS-ST-2851-17 Swept path analysis plan

Documents

- Planning design and access statement: December 2019
- Statement of Community Engagement
- Construction Traffic Management Plan
- Landscape and Visual Assessment addendum
- Landscape Management
- Bird Hazard Management Plan
- Lighting Assessment (MUGA)

*Construction Management Plan*

3. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas for parking, loading/ unloading and turning areas
  - e. Siting and details of wheel washing facilities
  - f. Cleaning of site entrances, haul roads and the adjacent public highways
  - g. Timing of construction activities to avoid school pick up a drop off times
  - h. provision of sufficient parking for construction workers during construction
  - i. reinstatement of working areas and temporary accesses
  - j. any requirements for site hoarding and pedestrian routes which might impact on the public highway

**Reason:** in the interests of highway safety and Policies 5, 12, 17 and 22 of the Hertfordshire Local Transport Plan (adopted 2018)

*Archaeology*

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 on PL/0095/19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** to ensure the archaeological heritage assets are appropriately conserved in accordance with the Written Scheme of Investigation. To comply with Policy HA3 (Archaeology) of the East Herts District Plan 2018

*Multi Use Games Area*

5. No development of the multi-use games area hereby approved shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure the development is fit for purpose and sustainable and to comply with Policies CFLR1 (Open Space, Sport and Recreation) and CFLR10 (Education) of the East Herts District Plan 2018

*Indoor Sports facilities*

6. No development of the sports hall shall commence until details of the design and layout of the sports hall including dimensions, line markings, flooring and lighting specifications have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and high quality of design in accordance with Policies CFLR1 (Open Space, Sport and Recreation) and CFLR10 (Education) of the East Herts District Plan 2018.

*Landscaping strategy*

7. The proposed landscaping strategy indicated on the landscaping drawings and plan approved under Condition 2 above, shall be implemented in full within the first available planting season following first occupation of the school. The landscaping strategy shall include the landscape zones and habitat areas shown on the approved drawings, to include:
  1. a landscape buffer along the southern side of the access road
  2. a new tree lined avenue along the footway adjacent to the access road
  3. buffer planting along the site boundary comprising a native species mix
  4. tree planting within the car park at the end of parking bays to create buffers between bays and to soften the appearance of the car park

5. canopies within courtyard areas (or alternative locations to be agreed in writing)
6. raised timber planters within courtyards (or other locations to be agreed in writing) to incorporate tree and shrub planting
7. seating and social spaces within courtyards
8. planting mixes to include predominantly flowering and pollinator species
9. flexible and information external spaces to the north of the school buildings
10. habitat corridor along the site boundary created using a native thicket mix
11. species rich wildflower meadow adjacent to the boundary planting adjoining the playing fields

**Reason:** to ensure the proposed landscaping achieves high quality spaces and provides effective landscaping; to secure net gains for biodiversity across the site; and to ensure that landscape impacts are properly mitigated and opportunities for enhancement are appropriately addressed. To comply with the aims of NPPF (paragraphs 127 and 174) and Policy DES3 (Landscaping) and NE3 (Species and Habitats) of the East Herts District Plan 2018.

#### *Landscaping scheme*

8. Prior to the implementation of the Landscape Strategy in accordance with Condition 7 above, a detailed Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority to included details proposals for:
  - Planting schedules and specifications (species, number, density, height) for all individual trees, shrubs and herbaceous planting across all landscaping zones and habitat creation areas; and
  - Management proposals comprising periodic maintenance schedules for watering and general maintenance techniques to be employed over the first 5 years following completion of landscaping schedule
  - Any individual or groups of trees, shrub species, or planting zones that fail to establish within the first 5 years shall be replaced with suitable replacement species to match the approved planting schedule/ specification.

**Reason:** to ensure the quality of landscaping provided by the Landscape Strategy is successful and delivers the anticipated landscape and biodiversity benefits. To comply with Policies DES3 (Landscaping) and NE3 (Species and Habitats) of the East Herts District Plan 2018.

*Landscape Management Plan*

9. Within 6 months of the implementation of the Landscape Strategy and Landscape Scheme(s) in accordance with Conditions 7 and 9 above, a detailed Landscape Management Plan to cover the first 5 years following implementation of planting schedules shall be submitted to the Local Planning Authority for its written approval. The Landscape Management Scheme and Landscape Management Plan shall be carried out as approved and managed and maintained for the approved duration.

**Reason:** to ensure the development complies with Policies DES3 (Landscaping) and NE3 (Species and Habitats) of the East Herts District Plan 2018.

*Samples of materials*

10. Prior to the commencement of the development hereby permitted physical samples of the materials proposed for use on the external elevations of the development hereby permitted, comprising the Materials Palette drawings submitted as part of the planning application, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using only those materials approved under this condition.

**Reason:** to ensure the quality of design is realised. In accordance with Policy DES4 (Design of Development) of the East Herts District Plan 2018.

*Energy efficiency*

11. The development shall be constructed using the materials and technologies listed in Paragraphs 2.5 and 2.9 of the revised Planning, Design and Access Statement, including:
- (a) The measures for heating, cooling, ventilation and lighting; the passive design measures including highly efficient building fabric and low and zero carbon (LZC) technologies available (described in Paragraph 2.5 of the PDAS statement and within the Energy Statement: December 2019); and
  - (b) The renewable energy and energy efficient technologies (described in Paragraph 2.9 of the of the PDAS statement and within the Energy Statement December 2019); to include,
    - 2,000m<sup>2</sup> Photo-Voltaic roof panels,
    - hydrogen ready boilers capable of taking 80/20 gas/hydrogen mix
    - Triple glazing for all windows
    - Enhanced roof insulation
    - Reduced air permeability and reduced thermal bridging in building fabric junction details
    - Low flow hot water fittings to reduce demand



**Reason:** to ensure the development meets the targets in the Sustainable Hertfordshire Strategy (adopted 28 February 2020), in particular, removing fossil fuel derived energy from its offices and schools by 2030.

*Biodiversity enhancement*

12. Within 6 months of the commencement of construction of the school buildings a Biodiversity Habitat Management Plan shall be submitted to by the Local Planning Authority for its written approval. The Plan shall set out proposals providing for net biodiversity enhancement gains within the site, including:
- a detailed plan showing proposed habitat creation areas for species affected by the development, i.e. farmland birds, bats, and badgers;
  - planting plans and schedules;
  - a metric specifying how the biodiversity enhancements are to be achieved;
  - a detailed plan showing the location(s) of habitat areas within the site;
  - proposals for mitigation (on / off-site as may be required); and
  - annual monitoring and measurement of biodiversity enhancements using an appropriate metric.

Thereafter the approved Plan shall be implemented in full within 12 months of the first occupation of the school. The annual net biodiversity gains, and/or potential losses shall be set out in an annual monitoring report to be submitted to and approved in writing by the Local Planning Authority for the first five years following first occupation of the school.

**Reason:** to comply with the requirements of the NPPF (Paragraph 174) to pursue opportunities for securing measurable net gains for biodiversity and ensure the development meets the target of improving biodiversity on land owned by the County Council by 20% by 2030 in accordance with the Hertfordshire Sustainability Strategy adopted 28 February 2020.

Multi-use Games Areas –specification

13. No development of the multi-use games area hereby approved shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details.  
Reason: To ensure the development is fit for purpose and sustainable and to comply with the relevant policies of the East Herts District Plan

### Sports Hall - specification

14. No development of the sports hall shall commence until details of the design and layout of the sports hall including dimensions, line markings, flooring and lighting specifications have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure the development is fit for purpose and sustainable and to accord with the relevant policies of the East Herts District Plan

### Detailed drainage scheme

15. No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Stomor reference ST2851/FRA-1904-TBSHS Rev 0 dated 2019. The scheme shall also include:
- a. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - b. All calculations/modelling and drain down times for all storage features.
  - c. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
  - d. Details of final exceedance routes, including those for an event which exceeds to 1:100 4- cc rainfall event.  
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

### Flood Risk Assessment

16. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Stomor reference ST2851/FRA-1904-TBSHS Rev 0 dated 2019. The surface water drainage scheme should include:
- a. Implementing the appropriate drainage strategy based on attenuation and discharge into the ordinary watercourse.
  - b. Limiting surface water discharge to a maximum of 23l/s for the 1 in 100 year event plus 40% for climate change.

- c. Providing attenuation 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; and
- d. Undertake the drainage to include filter trenches, swales/ditches, porous paving and attenuation basins as indicated in drawing ST-2851-08-B.

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

Submission of completion drawings

17. Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
- a. final confirmation of management and maintenance requirements
  - b. provision of complete set of as built drawings for both site drainage and overland flow route management.
  - c. details of any inspection and sign-off requirements for completed elements of the drainage system.

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

Grass playing pitches – further surface water modelling

18. No underdrainage shall be provided for the grass playing fields, including all grass football and rugby pitches and athletics track, until further modelling of surface water run-off and updated drainage scheme and Flood Risk Assessment, pursuant to Conditions 15 and 16, have been submitted to and approved in writing by the Local Planning Authority. The drainage of the playing fields shall be carried out in accordance with the approved details.

**Reason:** to ensure the underdrainage of the grass playing fields does not lead to flooding within the site and to ensure the condition of the playing surfaces are not adversely affected by flooding.

## INFORMATIVE

1. This planning permission grants consent for Phase 1 of the development approved under 3/1058-19 dated 14 November 2019, as set out in the Paragraphs 3.13 and 5.2 of the Planning, Design and Access Statement (December 2019). Planning permission is not granted for the conference centre, caretakers house, surfacing, floodlighting and fencing for the 2 x 3G pitches, surfacing, fencing and floodlighting of the MUGA on the western side of the site. Reserved matters applications will be required for these developments (if required) within THREE years of the approval under 3/1058-19 i.e. not later than 13 November 2022.
2. The development hereby permitted shall be carried out in accordance with the schedule of conditions above, in addition to, the conditions attached to planning approved granted for the hybrid application under LPA ref 3/1058-19 dated 14 November 2019

## APPENDIX 2 - POLICY WORDING

### East Herts District Plan (EHDP) 2018

#### Chapter 5 (Bishops Stortford)

Bishops Stortford is the largest town in the District with an important role in retail, leisure and employment. It is a Principal Town Centre and destination for visitors with good transport links. The town has a reputation for good schools. The need for additional primary school places is expected to be met by the expansion of existing facilities at Thorley Hill Primary School and the provision of up to three new primary schools at Bishop's Stortford North (BISH3) plus one new primary school in Bishop's Stortford South (BISH5). Additionally, one new secondary school will be provided at Bishop's Stortford North (BISH3) and one at Bishop's Stortford South (BISH5).

The use of land to the south of Whittington Way is allocated for a mixed-use urban extension to meet housing needs and to facilitate the provision of a new primary and secondary schools.

#### Policy BISH5 : Bishops Stortford South states –

- I Land to the south of Whittington Way is allocated as a residential-led mixed-use development, to accommodate around 750 new homes by 2027.
- II A Masterplan will be collaboratively prepared, involving site promoters, landowners, East Herts Council, Hertfordshire County Council, Bishop's Stortford Town Council, Thorley Parish Council and other key stakeholders. This document will further be informed by public participation in the process.'
- III The development is expected to address the following provisions and issues *inter alia*:
  - (e) education facilities, including land for a two-form entry primary school with an Early Years facility with room to expand to three-forms of entry; land for a six-form entry secondary school with room to expand to eight-forms of entry to meet longer term needs.

#### Policy BISH6: Bishops Stortford High School, London Road states -

- I. The Bishop's Stortford High School Site will only be released for residential development if sufficient secondary school capacity is provided within the Bishop's Stortford South development or elsewhere in the town.
- II. In the event that the site comes forward for non-educational development, around 150 new homes will be provided between

2017 and 2027.

#### Policy CFLR10 Education

- I. Development that creates a potential increase in demand for education will be required to make appropriate provision for new facilities either on-site or by making a suitable contribution towards the improvement or expansion of nearby existing facilities. Applicants will be expected to work in partnership with Hertfordshire County Council and other neighbouring local authorities with a duty for ensuring that there are sufficient school places available to serve new housing developments, to ensure appropriate facilities are provided.
- II. Proposals which fail to make appropriate provision for the education of its future residents will be refused.
- III. Proposals for the creation of new or extended education facilities for all ages should:
  - (a) be in an accessible location, served by a choice of sustainable travel options;
  - (b) be of the highest quality of design which offers flexible use of facilities, in order to ensure the various needs of the community can be met, in accordance with Policy DES4 (Design of Development) (see also Policy ED6 (Lifelong Learning));
  - (c) provide or retain a suitable provision of outdoor recreation space and playing fields, in accordance with Policy CFLR1 (Open Space, Sport and Recreation); and
  - (d) be designed to facilitate the community use of facilities, in accordance with Policy CFLR7 (Community Facilities) and Policy CFLR1 (Open Space, Sport and Recreation).

#### Policy CFLR1 Open Space, Sport and Recreation

- IV. Proposals should aim to provide for the dual or multiple-use of facilities for wider community access. The use of Community Use Agreements will be expected where appropriate.

#### Policy DES1 Masterplanning

- I. All 'significant' development proposals will 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 other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters.
- II. The Masterplan will be collaboratively prepared, involving site promoters, land owners, East Herts Council, town and parish councils and other relevant key stakeholders. The Masterplan will be further informed by public participation.

- III. In order to ensure that sites are planned and delivered comprehensively, any application for development on part of the site will be assessed against its contribution to the Masterplan as a whole.

#### Policy DES2 Landscape Character

- I. Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. For major applications, or applications where there is a potential adverse impact on landscape character, a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed.
- II. Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping.
- III. Where relevant, development proposals will have regard to the District Council's currently adopted Landscape Character Assessment Supplementary Planning Document.

#### Policy DES3 Landscaping

- I. Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features.
- II. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site. Replacement planting schemes should comprise mature, native species appropriate to the local conditions and landscape character, supported by a monitoring and replacement programme.

#### Policy DES4 Design of Development

- I. All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:
  - Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site;
  - Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing;

- Incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods. Proposals for residential and commercial development should seek to make appropriate provision for high speed broadband connectivity, ensuring that Fibre to the Premises (FTTP) is provided.

#### Policy DES5 Crime and Security

- I. Developments should be designed to reduce the opportunity for crime by encouraging the natural surveillance of streets, footpaths, parking and communal areas, and the creation of areas of defensible space. Such measures should not significantly compromise the provision of high quality design and landscape schemes nor be prejudicial to the existing character of the area and public amenity.

#### Policy EQ2 Noise Pollution

- I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.
- II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.
- III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources

#### Policy EQ3 Light Pollution

- I. External lighting schemes must:
  - (a) Not have an unacceptable adverse impact on neighbouring uses or the wider landscape;
  - (b) Be the minimum required for security and operational purposes;
  - (c) Minimise the potential glare and spillage;
  - (d) Minimise harm to the amenity of residents and road users and prevent impacts on the local ecology.
- II. Where appropriate, the District Council will seek to control the times of illumination

#### Policy EQ4 – Air Quality

- I. The effect of development upon air quality is a material consideration. All applications should take account of the Council's Air Quality



Planning Guidance Document, which details when an air quality assessment is required.

- II. All development should take account of the Council's latest Air Quality Action Plan, local Air Quality Strategies, Local Transport Plans, as well as national air quality guidance.
- III. All developments should include measures to minimise air quality impact at the design stage and should incorporate best practice in the design, construction and operation of all developments.
- IV. Where development (on its own or cumulatively) will have a negative impact on local air quality during either construction or operation, mitigation measures will be sought that will remove overriding impacts, such as an air quality neutral or negative development.

Evidence of mitigation measures will be required upfront.

- V. Where on-site mitigation is not sufficient, appropriate off-site mitigation measures may be required. Where adequate mitigation cannot be provided, development will not normally be permitted.
- VI. Developments must not:
  - lead to a breach or worsening of a breach of UK or EU limit values;
  - lead to a breach or worsening of a breach of an Air Quality objective or cause the declaration of an Air Quality Management Area or;
  - prejudice the implementation of any Air Quality Action Plan or local air quality strategy.

#### Policy WAT1 Flood Risk Management

- I. The functional floodplain will be protected from inappropriate development and where possible developed flood plain should be returned to Greenfield status with an enhanced level of biodiversity.
- II. Development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.
- III. Development should take into account the impacts of climate change and should build in long term resilience against increased water levels. Therefore, appropriate distances and buffers between water courses and built development should be maintained in accordance with Environment Agency guidelines.

- IV. In order to steer new development to areas with the lowest probability of flooding, the Sequential Test will be used. In exceptional circumstances, if developments are proposed which are required to pass the NPPF Exceptions Test, they will need to address flood resilient design and emergency planning by demonstrating that:
- (a) The development will remain safe and operational under flood conditions;
  - (b) A strategy of either safe evacuation and/or safely remaining in the building is followed under flood conditions;
  - (c) Key services will continue to be provided under flood conditions; and
  - (d) Buildings are designed for quick recovery following a flood.

#### Policy WAT2 Source Protection Zones

In Source Protection Zones (SPZs) development proposals for specific forms of development<sup>18</sup> will be required to submit an assessment of potential impacts and any mitigation measures.

#### Policy WAT3 Water Quality and the Water Environment

- I. Development proposals will be required to preserve or enhance the water environment, ensuring improvements in surface water quality and the ecological value of watercourses and their margins and the protection of groundwater.
- II. Unless there is clear justification for not doing so, an undeveloped buffer strip at least 8 metres wide should be maintained alongside all main rivers, and an appropriate buffer strip should be maintained at ordinary watercourses. Any development proposals should include an appropriate management scheme for buffer strips.
- III. Opportunities for removal of culverts, river restoration and naturalisation should be considered as part of any development adjacent to a watercourse. Additional culverting and development of river corridors will be resisted.

#### Policy WAT4 Efficient Use of Water Resources

Development must minimise the use of mains water by:

- (a) Incorporating water saving measures and equipment;
- (b) Incorporating the recycling of grey water and utilising natural filtration measures where possible;
- (c) Designing residential development so that mains water consumption will meet a target of 110 litres or less per head per day.

#### Policy WAT5 Sustainable Drainage

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<sup>18</sup> Incinerators, waste transfer stations, vehicle dismantlers, metal recycling, waste treatment facilities, cemeteries, discharge of foul sewage to ground, cess pools, waste site and underground storage, trade effluent stores, storage of manure, slurry, sewage sludge and other farm waste

- I. Development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy, unless there are practical engineering reasons for not doing so.
- II. Development should aim to achieve Greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- III. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation. The provision of balancing ponds as part of an area of public open space for recreation or wildlife should be designed to ensure the safety of other users of the space. Where SUDs are provided as part of a development, applicants should detail how it will be maintained in the long term.
- IV. Where practicable, SUDS should be designed to ensure the sustainable drainage networks have the additional capacity required to cope with infrequent adverse weather conditions and therefore reduce flood risk.

#### Policy WAT6 Wastewater Infrastructure

- I. Development proposals must ensure that adequate wastewater infrastructure capacity is available in advance of the occupation of development.
- II. Upgrade and expansion of existing, or provision of new, waste water treatment infrastructure will be supported provided that:
  - (a) It utilises best available techniques, and provided that
  - (b) It does not have an adverse effect on the integrity of Special Protection Areas, Ramsar Sites and Special Areas of Conservation either alone or in combination with other projects and plans, and
  - (c) A strategy to meet relevant national and European environmental standards can be demonstrated.

#### Policy TRA1 Sustainable Transport

- I. To achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should:
  - (a) Primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction;
  - (b) Where relevant, take account of the provisions of the Local Transport Plan;
  - (c) Ensure that a range of sustainable transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives. These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which may incorporate off-site mitigation, as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be

- sought, along with new moorings, where appropriate. The implementation of car sharing schemes should also be considered;
- (d) Ensure that site layouts prioritise the provision of modes of transport other than the car (particularly walking, cycling and, where appropriate, passenger transport) which, where feasible, should provide easy and direct access to key services and facilities;
  - (e) In the construction of major schemes, allow for the early implementation of sustainable travel infrastructure or initiatives that influence behaviour to enable green travel patterns to become established from the outset of occupation;
  - (f) Protect existing rights of way, cycling and equestrian routes (including both designated and non-designated routes and, where there is evidence of regular public usage, informal provision) and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards; and
  - (g) Ensure that provision for the long-term maintenance of any of the above measures (c) (d) and (f) that are implemented is assured.
- II. Where appropriate, contributions may be required towards the facilitation of strategic transportation schemes identified in the Local Transport Plan and other related strategies.
  - III. In order to minimise the impact of travel on local air quality in accordance with Policy EQ4 (Air Quality), where major developments involve the introduction of new bus routes or significant changes to existing routes, service providers should work with Hertfordshire County Council's Transport, Access and Safety Unit to secure optimal solutions.

#### Policy TRA2 Safe and Suitable Highway Access Arrangements and Mitigation

Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should:

- (a) Be acceptable in highway safety terms;
- (b) Not result in any severe residual cumulative impact; and
- (c) Not have a significant detrimental effect on the character of the local Environment.

#### Policy TRA3 Vehicle Parking Provision

- I. Vehicle parking provision associated with development proposals will be assessed on a site-specific basis and should take into account the provisions of the District Council's currently adopted Supplementary Planning Document 'Vehicle Parking Provision at New Development'.
- II. Provision of sufficient secure, covered and waterproof cycle and, where appropriate, powered two-wheeler storage facilities should be made for users of developments for new residential, educational, health, leisure, retail, employment and business purposes (to be determined on a site-specific basis). These should be positioned in easily observed and accessible locations.

- III. Car parking should be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments.
- IV. Where a private car park for non-domestic use is proposed, the Council will assess whether it should also be available for shared public use having particular regard to the needs of the primary user.
- V. For proposals involving residential development: public car parks (including those for Park and Ride facilities) are proposed, or where car parks are to be provided associated with major development involving educational, health, leisure, retail, employment and business uses, provision should be made for charging points for low and zero carbon vehicles which will be assessed on a site-specific basis taking into account the provisions of the District Council's currently adopted Supplementary planning Document 'Vehicle Parking Provision at New Development'.

#### NE2 Sites or Features of Nature Conservation Interest (Non-Designated)

- I. All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network.
- II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, as set out in the NPPF, and integrate ecologically beneficial planting and landscaping into the overall design.

#### Policy NE3 Species and Habitats

- I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The Biodiversity value of a site pre and post development will be determined by applying a locally approved Biodiversity Metric where appropriate. Submitted information must be consistent with BS 42020 2013. Where insufficient data is provided, permission will be refused.
- II. Proposals should detail how physical features will be maintained in the long term.

#### Policy HA1 Designated Heritage Assets

- I. Development proposals should preserve and where appropriate enhance the historic environment of East Herts.
- II. Development proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal.

#### Policy HA3 Archaeology

- I. Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should consult with the Hertfordshire Historic Environment Unit to submit an appropriate desk based assessment and, where necessary, the results of a field evaluation, prior to the submission of an application.
- II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.

#### Policy HA7 Listed Buildings

- III. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.

#### Policy CC1 Climate Change Adaptation

All new development should:

- (a) Demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter; and
- (b) Integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include appropriate tree planting, green roofs and walls, and soft landscaping.

#### Policy CC2 Climate Change Mitigation

- I. All new developments should demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy. Achieving standards

above and beyond the requirements of Building Regulations is encouraged.

- II. Carbon reduction should be met on-site unless it can be demonstrated that this is not feasible or viable. In such cases effective offsetting measures to reduce on-site carbon emissions will be accepted as allowable solutions.
- III. The energy embodied in construction materials should be reduced through re-use and recycling , where possible, of existing materials and the use of sustainable materials and local sourcing

#### Policy CC3 Renewable and Low Carbon Energy

- I. The Council will permit new development of sources of renewable energy generation, including community led projects, subject to assessment of the impacts upon:
  - (a) environmental and historic assets;
  - (b) visual amenity and landscape character;
  - (c) local transport networks;
  - (d) the amenity of neighbouring residents and sensitive uses;
  - (e) air quality and human health; and
  - (f) the safe operation of aerodromes.
- II. In considering the impact of renewable technologies, the Council will attach particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.