

EAST HERTFORDSHIRE DISTRICT

**PROPOSED NEW PRIMARY SCHOOL AND NURSERY
WOBURN AVENUE, BISHOPS STORTFORD**

Report of the Director of Environment

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1. Purpose of Report

To consider a planning application for a new primary school and nursery at the end of Woburn Avenue, Bishops Stortford (reference 3/1139-00).

2. Summary

- 2.1 Outline planning permission for what is now known as the Bishops Park development (originally HS2 and HS3) was granted in October 1988. It included provision for a one form of entry (1FE) primary school with vehicular access from the northern housing area. A primary school in this general location has been included on the proposals map of the adopted District Local Plan since the adopted version of 1993, albeit the site is also included within the Green Belt. The whole development, with the exception of the proposed hotel/conference centre and primary school, has now been completed in accordance with details approved by the District Council. Woburn Avenue forms the access road to the school site. Children from the estate are currently attending other schools in the town.
- 2.2 In July 1999 the Education Committee resolved to close Hillmead JMI School on its existing site on the eastern side of the town, where there is an over-provision of primary school places, and to rebuild it on the reserve site in Woburn Avenue on the western side where there is a shortfall of places. The proposed development is for a 1FE school, but with some core facilities suitable for a 2FE size. This is because the Local Education Authority may wish in due course to bring forward proposals to develop a larger school on the site, when the areas of special restraint within the northern bypass are developed, and the later expansion of the core facilities would be awkward and disproportionately expensive.
- 2.3 The detailed planning application for the new school was submitted in June. It proposes a single storey building of some 1,700 square metres with walls of red/brown facing brickwork, white rendered blockwork and cobalt blue insulated panels and a grey concrete tiled pitched roof. The hall, dining area and kitchen would be at the northern

end of the site adjacent to the houses and the nursery and reception classrooms at the far southern end. Thirty car parking spaces would be provided, and the layout includes a turning circle and drop-off point within the site. The application also includes a cycleway/footpath from Woburn Avenue around the west of the site to its southern boundary. An earth bund within the site will need to be moved.

- 2.3 Many consultation responses are still outstanding, including those from Bishops Stortford Town Council and some of the statutory undertakers. However, over thirty letters of objection have been received (and other objection slips), concerned mainly about the impact of the school on the adjacent housing areas, particularly the implications of the additional traffic and what is considered to be inadequate provision for on-site parking, but some people also object to details of the layout of the accommodation and the loss of trees. It is also suggested that the development should be referred to the Secretary of State under departure procedures. East Herts have no objection if the proposal is for a 1FE school subject to conditions, but raise objections if it is intended to develop the site with a view to significant expansion (i.e. to 2FE) in the future.
- 2.4 Whilst it has long been intended that there should be a 1FE primary school in the general area of the application site, the current application raises a number of issues which are considered in the report: the layout and design of the building, the layout of the site including parking provision and landscaping, traffic and parking outside the site, pedestrian and cyclist access, possible enlargement of the school, alternative locations and departure considerations.

3. **Conclusions**

- 3.1 Given the history of this site and the general development of the Bishops Park estate, a 1FE primary school on the application site is acceptable in principle. Outline planning permission for the school exists and a site in this general location is defined in the adopted District Local Plan. Therefore, although the site is also included within the Green Belt, the proposed development would not be a departure from the Development Plan requiring referral to the Secretary of State before it could be formally determined.
- 3.2 However, planning permission should not be granted until satisfactory amendments have been made to the submitted application in relation to the moving of the earth bund and the layout of the front of the site. The development would also be improved if the overall layout were to be amended by moving the building further from the northern boundary, with consequential adjustments to the hard and soft play areas. That this could jeopardise any subsequent enlargement of the school of the school is not relevant, as that specifically does not form part of the current application and is unlikely to be acceptable in planning terms anyway.
- 3.3 The most important considerations are the traffic and highways implications of the proposed development. The local estate roads have been designed to cope with the anticipated additional traffic, which would be generated by the school. The main impact initially would be the vehicles involved in transporting existing Hillmead pupils to and from the site from the opposite side of the town, and the scheme has been designed to enable the vehicles laid on by the LEA to park within the site. However, as the balance changes, so the build up of cars is likely to increase and, as with any

school site, the on-site parking provision would not be adequate to enable all parents to park within the site. Measures are, therefore, required to reduce conflict and congestion outside the site, including the routing of vehicles and “school keep clear” markings. Provision should also be made within the site for additional parking at times of major school events.

- 3.4 The report, therefore, concludes that, once the necessary amendments to the application have been made, the Director of the Environment should be authorised to grant planning permission subject to conditions including the prior approval of all materials samples, a detailed landscaping scheme (including removal of the bund) and cycle storage facilities; a programme for the provision of the cycleway/footpath, measures to prevent the deposit of mud on the public highway, provision of “school keep clear” markings, the preparation of a school transport plan and drainage. Advice would also be needed about the routing of vehicles to the site and the roofing material, as well as the advice required by both the Environment Agency and BGTransco.

1. **Description of the site and proposed development**

- 1.1 Background to the application and the application site - Outline planning permission for what is now known as the Bishops Park development was granted in October 1988. The development permitted included two housing areas of about 1,000 units (HS2 and HS3), a neighbourhood centre, a 1FE primary school, a hotel/conference centre, open leisure uses, a distributor road and related development. A primary school in the general location indicated on the outline application/permission has been included on the proposals map of the adopted District Local Plan since the adopted version of 1993, albeit the site forms part of the green wedge between the two parts of the estate and is also included within the Green Belt.
- 1.2 The whole development, with the exception of the hotel/ conference centre and primary school, has now been completed in accordance with details approved by the District Council. There are a total of 1,073 housing units in the two parts of the estate. Both parts have been developed as a series of cul-de-sacs off an internal loop road system. Vehicular access to the reserve school site from the B1104 Bishops Park Way (part of the town's south-western bypass) is via Lancaster Way to a roundabout junction by Tesco's and thence via either Dukes Ride or Burghley Avenue into Woburn Avenue. The only vehicular access to the facilities, including the school site, in the northern part of the estate from the south involves a circuitous route around the bypass.
- 1.3 Children from the estate are now attending other schools in the town, notably Northgate and Manor Fields JMI Schools. Both these schools are 2FE, although Manor Fields was recently expanded on a temporary basis to a 3FE school until new permanent provision elsewhere was available.
- 1.4 In July 1999 the Education Committee reviewed the overall provision of primary school places in Bishops Stortford. It resolved to close Hillmead JMI School on its existing site on the eastern side of the town, where there is an over-provision of primary school places, and to rebuild it on the reserve site in Woburn Avenue on the western side where there is a shortfall of places. The Committee then authorised the submission of a planning application for the development of the Woburn Avenue site. It was to be a 1FE school, but with some core facilities suitable for a 2FE size. This is because the Local Education Authority may wish in due course to bring forward proposals to develop a larger school on the site, when the two nearest areas of special restraint within the northern bypass (ASR1 and ASR2) are developed and the later expansion of those core facilities would be awkward and disproportionately expensive.
- 1.5 Bishops Park estate has been developed as two separate areas of housing separated by an area of open land and with no internal vehicular link between them. A footpath link was required under the terms of the legal agreement which preceded the grant of outline planning permission, but it has not yet been provided. Meanwhile there is a private roadway from Woodpecker Close in the southern part of the estate to the farm, which still exists between the two housing areas and with a branch off it to a group of cottages. Supplemented by other footpaths which have now become established, it is possible to walk between the northern and southern housing areas, albeit not on legally established routes, and not along routes which are surfaced and lit for their entire length.

- 1.6 The application site is currently in agricultural use, with a well defined footpath (though not a right of way) across it from the end of Woburn Avenue to the roadway leading to Park Cottages. The only features are a small earth bund near the site entrance and mainly small trees and bushes along the ditches on the southwestern and southeastern boundaries. Vehicular access to the site is only from the northern housing area, via either Dukes Ride or Burghley Avenue, and Woburn Avenue. These are estate roads of minimum width 5.5 metres with 1.8 metre wide footways on either side, and they were designed as major access roads able to serve up to 300 dwellings or the equivalent.
- 1.7 The planning application - A detailed planning application for the new school was submitted in June 2000. It relates to approximately 2.2 hectares of land of which 1.9 hectares would form the school site. The building provides classrooms for a 1FE school (210 pupils) and a 30 place nursery class, although the supporting statement explains that it has been designed so that it could be expanded to double the capacity if the Local Education Authority needed additional places in the future and subject to planning permission. The school is expected to have a full time equivalent staff of sixteen, although in the middle of the school day there are likely to be about twenty staff present on the site.
- 1.8 The application proposes a single storey building of some 1,700 square metres with walls of red/brown facing brickwork, white rendered blockwork and cobalt blue insulated panels and a grey concrete tiled pitched roof. Samples of the brickwork and a colour card for the insulated panels have been supplied. The hall, dining area and kitchen would be at the northern end of the site adjacent to the houses and the nursery and reception classrooms at the far southern end. With the exception of the nursery, the other seven classrooms would be on the eastern side of the building with direct access onto the hard play area and the grass play areas beyond, which include a full size junior football pitch.
- 1.9 Thirty car parking spaces would be provided, and the layout includes a turning circle and drop-off point within the site. A covered store for “up to twenty bicycles” is proposed, but no further details given. The application also includes a four metres wide cycleway/ footpath from Woburn Avenue around the west of the site to its southern boundary. An earth bund within the site will need to be moved, and it is understood that this would be to an area to the west of the application site. A ditch is to be diverted around the outside of the cycleway with the loss of most of a group of trees in that area.
- 1.10 An indicative landscaping scheme was submitted with the application. It indicates the planting of a significant number of trees around the site, particularly along its northern and western boundaries and around the grass play area, with some shrub beds around parts of the building.
- 1.11 When originally included as part of the outline planning application, the proposed primary school was intended to serve the adjacent housing areas to the north and south. With the housing having been completed without the development of the school, children from the estate are now attending other local schools and are not expected to transfer to the new school when it is built. Numbers of children attending the new school from the estate, therefore, are expected to build up only slowly (at the rate of perhaps 30 children a year), and in its first year there are expected to be more children

from the existing site of Hillmead JMI School on the northeastern side of Bishops Stortford than from the local area.

- 1.12 The Local Education Authority is planning for the new school to open in September 2001. Numbers are anticipated to build up from a total of 88 in the first year to reach the school's full size seven years later in 2008-9. There is a commitment to the provision of free transport for all children currently attending the existing Hillmead School and for their existing siblings for as long as is necessary. Current estimates of transport needs include a 53-seater coach and two 12-seater minibuses for the first three years, reducing to a 25-seater hopper and up to two minibuses for the next three years, to one minibus for the next two years and only one taxi in the ninth year.

2. Consultations and publicity

- 2.1 East Hertfordshire District Council, Bishops Stortford Town Council, statutory undertakers, the Highway Authority and the Built Environment Advisory Management Service (BEAMS) were consulted on the application. Publicity was by means of notices in the local press and on the site, and neighbour notification letters sent to sixteen properties adjoining the site. The applicant also leafleted all the houses in the northern part of the estate and those in Woodpeckers Close in the south. Drawings of the proposed new school were on display at the estate's Tesco store for two weeks in June/July.
- 2.2 East Hertfordshire District Council do not object to the proposal on the basis that it is intended to be used and to remain as a one form of entry school, subject to satisfactory landscaping, no waiting restrictions, cycleway/footway infrastructure, the introduction of a travel plan and highway and safety requirements being satisfactorily met. However, the District Council object if it is intended to develop the site with a view to significant (i.e. two forms of entry) expansion in the future, due to the traffic congestion, noise, nuisance and disturbance that would ensue.
- 2.3 Bishops Stortford Town Council - no consultation response has so far been received.
- 2.4 Statutory undertakers - there are no objections from the responses so far received, although the Environment Agency has asked for a condition related to foul drainage and confirms that from direct discussions with the applicant it is satisfied in respect of land drainage and floodplain matters. British Gas has plant in the vicinity that would be affected by the development and so the applicant would need to provide further details if planning permission were granted. The responses from the electricity undertakers, Thames Water Utilities and Three Valleys Water are still outstanding.
- 2.5 The County Council as Highway Authority does not object, subject to the provision of wheel washing facilities for the construction phase, the prior provision of the footpath/cycleway to a temporary standard and its completion prior to occupation, with a full link to the housing area to the south within two years of the school's opening, the provision of "school keep clear" markings and a school transport plan to be in place before the site is occupied with at least a seven year programme of target reduction levels for car-based journeys. Recommendations are also made about the routing of construction traffic and buses transporting children to and from the school.

2.6 BEAMS has no objection to the proposals in principle, considering the materials appropriate in their context, if a little disappointing. A preference for slate or reconstituted slate tiles rather than concrete ones is expressed and the submission of sample materials for approval is advised. It is regretted that, as well as all the activities associated with the access, the building has also been crammed on to the northwestern corner of the site. It is, therefore, suggested that the building be eased away from that corner and advantage taken of the remainder of the ample site. Given the exposure of the site and the proximity of houses to its northern boundary, there should be a detailed landscaping scheme.

2.7 Public representations - representations, almost without exception objections, have been received from 34 addresses, all but three of them in the northern part of the estate. In addition completed objection slips have been received from 35 other addresses, all but one of which are also in the northern part of the estate. The main thrust of the objections is the traffic impact on the estate and the parking implications, with a few people also concerned about the layout of the building (the tallest part, the hall, and the kitchen being at the northern end closest to the houses) and loss of trees. A number of objectors refer to the availability of other education land off Patmore Close. Further details are set out in the appendix attached to this report. It is also suggested that, as the application involves development within the Green Belt and the application site is not exactly as defined on the Local Plan proposals map, then it should be referred to the Secretary of State in accordance with departure procedures. Human rights issues have also been raised.

3 **Planning considerations**

3.1 Development Plan policies - A site for a 1FE primary school adjacent to the northern part of the Bishops Park estate and in the general area of the application site has been defined on the proposals map of the adopted District Local Plan since the adopted version of 1993. The whole of the intervening area of land between the two housing areas, including the school site, is also included within the Green Belt and identified as a “green wedge”.

3.2 The relevant policies of the Development Plan are:

- County Structure Plan - policy 1 (sustainable development), 2 (design and provisions of development), 13 (education and training), 22 (reduction of travel need and car usage), 23 (networks and facilities for non-motorised transport and buses), 25 (car parking), 41 (hedge and tree cover) and 48 (rights of way);
- District Local Plan (adopted) - RA8 (lanes and hedgerows), BE2 (layout and design), BE8 (landscaping), BE9 (surface water drainage), L2 (public rights of way), M7 & M8 (car parking), M10 (cyclists) and BS2 (Bishops Stortford).

3.3 The main planning considerations to be considered in the determination of the application are:

- the layout and design of the building;
- the layout of the site including parking and landscaping;
- traffic and parking outside the site
- access for pedestrians and cyclists
- possible enlargement of the school;

- alternative location;
- departure considerations.

- 3.4 Layout and design of the building - The design of the building is acceptable and, as advised by BEAMS, appropriate in the area. The applicant could be advised about the use of reconstituted slate tiles (the cost of more expensive pure slate tiles could not be justified in this location), but it is not considered that they could be insisted upon, especially as the roofs of the adjoining houses are of concrete tiles. The use of cobalt blue for the insulated panels would be rather prominent, but schools frequently incorporate such coloured panels within their design. It is understood that the colour has been chosen as it relates to Hillmead JMI School colours rather than for any architectural reason.
- 3.5 As this is a new development (unlike an extension to an existing school where reference to the use of matching materials is normally accepted as adequate), it is important that the County Planning Authority should be satisfied about the materials to be used. Samples of the all proposed external materials would, therefore, need to be supplied by the applicant and approved in writing by the County Planning Authority before the development commences.
- 3.6 The main part of the building is about 5.3 metres to the ridge line of the roof, but the hall is more than 8.7 metres high, the equivalent of a two-storey house, and comes to within 16 metres of the site boundary with the adjacent houses. The kitchen is slightly further away at 23 metres. The East Hertfordshire District Local Plan does not set out detailed guidance on minimum distances between residential properties, which could be taken as an indication of what might be acceptable in this situation. Although the tallest part of the school building is nearest to the houses it would not result in any loss of amenity due to direct overlooking or loss of light as there is sufficient distance separation. The stated reason for the location of the hall is the need for proximity to the main entrance to the school building as well as to the kitchen, which in turn needs ready vehicular access for delivery purposes.
- 3.7 Site layout - As submitted, the vehicular layout adjacent to the site access is not well designed to separate short term dropping off/parking traffic including coaches/ minibuses from longer term parking and requires amendment. The applicant is aware of this and has submitted an amended layout which is currently being assessed.
- 3.8 The provision of thirty parking spaces would be adequate to meet current transportation standards for staff and visitor parking for the main school and the 1:4 place standard for nursery parents. Although there is a “drop off zone”, it could accommodate only a limited number of vehicles and would certainly not be adequate for all the parents’ cars which may well be wanting to access the site at either end of the school day. Moreover, with the hard play area on the far side of the building, there is no available overspill area as there is on many other school sites which can be brought into use at times of major events at the school, whether school or community related. It would be possible to extend the staff parking area on this site, if the provision were considered necessary, and the use of grasscrete or similar construction would enable it to retain its green appearance.

- 3.9 Whilst the trees where the ditch is to be diverted are not particularly good specimens, the layout seems to have been imposed on the site rather than taking account of existing features such as trees and seeking to retain them. However, in purely numerical terms far more trees would be planted according to the indicative landscaping submitted than would be lost. It would be pedantic, therefore, to insist that the layout was amended purely to retain those trees.
- 3.10 However, there would be a benefit in amending the site layout as far as the location of the building is concerned. PPG1 advises that new buildings and their curtilages have a significant effect on the character and quality of an area. The appearance of proposed developments and its relationship to its surroundings are therefore material considerations in determining planning applications. There would appear to be no reason in principle why the building could not be moved a few metres southeastwards to pull it further away from the adjoining houses (see above paragraph 3.6). This would involve adjusting the position of the hard play area and soft play pitch, but there is ample room on the eastern side of the site to accommodate these.
- 3.11 The indicative landscaping scheme is acceptable so far as it goes. However, there is only a general indication of what might be provided and the scheme lacks any specific details. It would be essential, therefore, that before the development is started, the County Planning Authority is satisfied as to the detailed provisions for both the hard and soft landscaping of the site, including finished ground levels and fencing, and that such a detailed scheme has been approved. Details have also yet to be submitted for the moving of the earth bund, currently lying across the cycleway and parking area.
- 3.12 Traffic and parking outside the site - As with all proposals for new schools or expansions of existing schools, a potential concern is the impact on the local road system arising from the traffic associated with the development. In this case an existing school on the opposite side of the town is to be closed and children from there transported to the new site, where the build up of pupils from the local catchment area is expected to be at the rate of one class a year. Moreover, whilst it is intended that all children would use the free transport provided, that cannot be guaranteed. Thus the traffic situation in Woburn Avenue will be continuously changing in the early years, and is only likely to stabilise around seven years after the school is first opened when the school is first estimated to be full with all its pupils coming from the local area. Until then there would be the traffic associated with the transport of Hillmead children from across the town (see earlier paragraphs 1.4 and 1.11-1.12).
- 3.13 Highways advice is that, as far as the distributor road network in and around the town is concerned, at no time in the foreseeable future is the traffic generated by the proposed development likely to have a material impact on it.
- 3.14 As far as local roads in the Bishops Park estate are concerned, the applicant supplied figures from a traffic survey carried out one Friday morning in July between 7.30 and 9.30 a.m., thus covering the period when school traffic would peak. These indicate that existing traffic movements on local access roads leading to the school site are very light and, as would be expected, tail off with increasing distance from the exit roundabout at the northern end of the estate.

- 3.15 The addition of school traffic, whilst significant in percentage terms, would not overload the residential roads concerned i.e. Burghley Avenue, Woburn Avenue and Dukes Ride, which were all designed as major access roads able to serve up to 300 dwellings or the equivalent. Each has a carriageway width of at least 5.5 metres, which is adequate to enable all types of vehicle to pass each other. The maximum estimated flow on these roads would not exceed the practical capacity of the carriageways and in highways engineering terms they would remain below what is normally considered as environmentally acceptable on residential roads. Seeking to reduce the impact by using entirely 25-seater hoppers rather than the larger and more difficult to manoeuvre 53-seater coaches has to be balanced against the effects of there then being a greater number of vehicles involved.
- 3.16 In terms of walking/cycling distances, the maximum distance is about 540 metres between the school's main entrance and the furthest house in the northern part of the estate and about 1,050 metres between the pedestrian entrance and the furthest house in the southern part of the estate. The latter figure, however, assumes both use of the private road leading to Stortford Park Farm and also the establishment of a second link from another point in the southern part of the estate.
- 3.17 A Countywide travel survey last autumn of all the County's schools (primary and secondary) showed an average of 42% of pupils walking to school and 37% travelling by car. If this applied to the Woburn Avenue site, then the maximum number of pupils transported by car would not exceed 90 and, with the help of a school transport plan, could be somewhat less, but in any case that would not be until eight years after the school was opened.
- 3.18 However, this number of vehicles could not possibly be accommodated within the site but would inevitably be stopping and waiting on Woburn Avenue or Dukes Ride. To avoid congestion around the school entrance and at the junction of the two roads, the Highway Authority, therefore, recommends the provision of "school keep clear" markings on the carriageway. Whilst this should assist, it will also need to be backed up with suitable enforcement.
- 3.19 The Highway Authority also suggests that the contract for the vehicles transporting children from the existing Hillmead site should specify an inbound route via Burghley Avenue and Woburn Avenue and outbound via Dukes Ride. It would help distribute traffic more evenly and help avoid potential congestion and conflict if the school transport plan, when it is produced, were to include a similar code for cars coming from outside the northern part of the estate.
- 3.20 As far as roads in the southern part of the estate are concerned, it is quite possible that parents from the furthest parts might wish to drive as near as they could and then walk on from there to the school. This would mean additional traffic in Woodpecker Close, beyond which there is already a car park for those using the adjacent recreation ground. It would also be likely to impact at the end of whichever other road is the one from which the second direct footpath link to the school is taken (see following paragraph).
- 3.21 Access for pedestrians and cyclists - The layout plan for the school includes an access point off the footway/cycleway around the western boundary of the site. However, as has been explained, whilst it may be possible now to walk between the two parts of the

Bishops Park estate, the exact line of the formal footpath link, required under the terms of the original legal agreement, has yet to be agreed and the path established. Moreover if pupils from throughout the southern part of the estate are to be encouraged to walk or cycle to the school, then appropriate links are required from both Woodpecker Close and from another point i.e. from Larksway or Primrose Close. The applicant is still pursuing these possibilities in discussions with the developer, including provision of the Woodpecker Close route as a cycleway rather than as a narrower footpath link, but nothing has yet been secured.

- 3.22 Therefore, any planning permission for the school granted at this stage would have to be on the basis that the applicant would use his best endeavours to secure such routes as soon as possible rather than with any absolute certainty of their being there from the outset. If, for some reason, the negotiations did not achieve the full cycleway link and/or the second footpath link, then it could encourage parents from the south to drive round to the school, thereby increasing the traffic on the roads of the northern part of the estate. However, the applicant is confident that this should not be the case.
- 3.23 Possible future enlargement of the school - Whilst there can be no doubt about the principle of a 1FE primary school on this site, neither the original legal agreement, the outline planning permission nor the District Local Plan provides for other than a 1FE school. The applicant has confirmed that this application is for a 1FE school. Any future expansion would need to be considered on its merits, however given the natural constraints of the site this may difficult to support on planning grounds.
- 3.23 The proposed school site at 1.9 hectares, although slightly larger than the 1.5 hectares referred to in these other documents, is unlikely by itself to be large enough for a 2FE school. The site of Manor Fields JMI, for example, which was planned from the start to become a 2FE school ultimately, is over 2.9 hectares. It is the LEA's expectation that, whatever bulge there may be in the early years of the estate's development, (there will be the equivalent of approximately 1.5FE children from the estate starting in primary schools in the next academic year), ultimately the demand from the estate itself will settle down to 1FE.
- 3.25 Therefore, any expansion proposals for the existing school would not be wholly providing for local children. With the catchment covering a wider area, perhaps future new housing development within the bypass and north of the A1250, then the additional pupils would almost inevitably have to be transported to school by car (or bus). It is has not been established that the local estate roads could cope with such extraneous traffic. Unlike that associated with the existing Hillmead site in the early years of the school's establishment on the Woburn Avenue site, the traffic associated with a 2FE school would all be additional to local estate-generated traffic rather than instead of it.
- 3.26 Alternative locations - Objectors have referred to the availability of other education land, off Patmore Close. This is held in reserve by the LEA as the site for a possible new secondary school should one be needed for the town in the future. No decision has been taken on this, nor is one expected in the immediately foreseeable future. Meanwhile, to build a primary school there would effectively close off the secondary school option, as the site is only large enough for a secondary school and could not accommodate a primary school as well. On the other hand, initial plans for the

development of the land within the northern bypass, on the opposite side of the A1250 from the Patmore Close site, now make provision for the possible inclusion of a secondary school site.

- 3.27 Nevertheless a primary school on the Patmore Close site rather than in Woburn Avenue, whilst it might serve the northern housing area of Bishops Park equally well (and be readily capable of expansion to serve the future housing development to the north of the A1250), would be further from the southern part of Bishops Park and hence involve more children from there travelling to and from the school by car.
- 3.28 Conformity with the Development Plan - There is outline planning permission for a primary school within the Bishops Park development, with vehicular access to it from the northern housing area. This is reflected in the adopted District Local Plan. For obvious reasons, neither the drawing accompanying the outline planning permission nor the proposals map of the District Local Plan, both preceding the actual development of the estate, show the detailed layout of the adjacent housing area. Detailed comparisons between them and the school site as defined in the current application are not easy. However, it is quite clear that the District Local Plan provides for a new primary school in this area, even though the site is included within the Green Belt. The latter is in line with established practice in this County, where the Green Belt is used to establish the limit of housing development and where, for towns surrounded by Green Belt, schools on the edge of the urban area are usually included within the Green Belt.
- 3.29 Given the grant of outline planning permission for the site it is not, therefore, considered that the proposed development of a 1FE primary school on the Woburn Avenue site would be a departure from the Development Plan requiring the application to be referred to the Secretary of State under departure procedures.
- 3.30 Other issues - Some objectors have referred to an infringement of their rights under the Human Rights Act¹. The Act comes into force on 2 October 2000 and would apply to any decision taken by this Committee on 12 September 2000 if the decision notice was issued after 2 October.
- 3.31 The objections refer to the right to the peaceful enjoyment of possessions (Article 1 of Protocol 1) and respect for private and family life, home and correspondence (Article 8 of Protocol 1). These are qualified rather than absolute rights. The decision must demonstrate that it has weighed up social need/economic well-being against individual rights.
- 3.32 In this instance the County Council has a duty to make appropriate provision for the education needs of the county and in reaching a conclusion the report has sought to identify all the material considerations to be taken into account in reaching a balanced decision including the impacts on the amenity of local residents.

4. **Financial implications**

¹ The Act brings much of the European Convention on Human Rights into UK law and introduces an obligation on public authorities to act consistently with Convention rights. The Convention Rights will be enforceable in the UK courts.

There are none for this Committee.

5. Conclusions

- 5.1 This is not the normal type of application for a new primary school, in that initially the school would not be serving just the local area. In the first instance it is to enable the LEA to achieve a more equitable distribution of primary school places in Bishops Stortford by transferring an existing school to this site from the other side of the town, with most of the pupils being bussed in from there. Over the first seven years of the school's existence, therefore, the number of children coming from across the town to the school would steadily decline while the number of local children attending it would increase, probably at the rate of about one class or thirty children a year.
- 5.2 A 1FE school on the application site is acceptable in principle. However, any proposals for a permanent enlargement of the school to serve a wider area are unlikely to be acceptable and in any event should not constrain consideration of the current application which is for a 1FE school. Building the school on other Education land at Patmore Close would be too far away for children from the southern part of the Bishops Park estate to walk there, thus being contrary to the County Council's sustainable transport policies, and would preclude its possible future development for secondary school purposes.
- 5.3 The application has to be determined in the context of uncertainty over certain aspects of transport and access, including the extent to which the existing Hillmead pupils would use the LEA's free transport rather than travelling there by car; the provision of formal cycleway/footpath links from the southern boundary of the school site to one or more points on the northern boundary of the southern housing area; and the effectiveness of any school transport plan which may be produced in limiting the number of car journeys to the site. However, whilst there would be a significant increase in traffic on some local estate roads at either end of the school day, the clear advice of the Highway Authority is that this would nowhere exceed the design capacity of these roads, although there are certain measures which can be taken to limit the impact.
- 5.4 Before it can be determined, certain amendments are required to the application as submitted, notably the redefinition of the site boundary to include the area to which the earth bund is to be moved and the internal parking and turning arrangements at the front of the site, with additional grasscrete or similar parking provision. It would also make for a better development if the building were to be moved further from the houses on the northern boundary, with consequential changes to the hard and soft play areas.
- 5.5 Further details of a number of aspects of the proposed development would need to be approved before the development was started, in particular materials samples, a detailed scheme for hard and soft landscaping including fencing and details of the cycle storage facility. Other conditions to be attached to any planning permission granted would include measures to prevent the deposit of mud on the public highway, the provision of "school keep clear" markings, drainage and, possibly, the size of vehicles used for the transport of the existing Hillmead pupils.

- 5.6 Advice would also need to be appended about the routing of vehicles to the site (construction traffic, school contract vehicles and parents from outside the northern part of the estate) and consideration being given to the use of reconstituted slate tiles, as well as that required by the Environment Agency and BGTransco.

Background material used by the author in compiling this report

Application documents i.e. application form dated 13.6.00, supporting statement, seven drawings numbered 117/A/100, 117/A/101, 117/A/105, 117/A/300, 117/A/400, 117/A/401 and 117/L/900; also traffic count figures for 14 July 2000;
Consultation responses and representations received;
East Hertfordshire District Local Plan adopted 1993 including Alterations adopted 1999;
also pre-deposit consultation draft of Second Review, March 1999;
PPG1 General Policy and Principles February 1997

Proposed new primary school and nursery
Woburn Avenue, Bishops Stortford (application 3/1139-00)
Main points raised in public representations - appendix to committee report

Access - residential estate roads are narrow and winding with tight corners - were not designed to take school traffic too i.e. cars, buses, coaches (Hillmead children as well as school outings/ swimming), goods delivery vehicles and grounds maintenance - also special school events and evening/weekend functions;

- congestion at either end of school day - inadequate on-site parking provision for parents cars, especially nursery, who will have to park outside the school blocking residents driveways and causing frustration and anger - especially Woburn Avenue and Dukes Ride adjacent to the site, but also possibly in Woodpecker Close to the south - many dropped kerbs - yellow lines ineffective - not even any other car parks to use as at Manor Fields;

- cost of damage to pavements and kerbs caused by vehicles having to mount them in order to pass one another - existing tarmac, footways should be paved;

- will be more traffic than when the school/estate were originally planned, due to transfer of Hillmead children - also if school expanded to serve a wider area

- most children will be brought there by car, regardless of anyone's desire to promote other means of travel or provision of transport from Hillman. site - especially in winter and other times of bad weather;

- safety implications for pedestrians (residents and school related) especially children - if proceeds, should be reduced traffic speeds / traffic calming measure on approach road - other comments that such measures would be ineffective;

- potential access problems for emergency vehicles caused by school congestion also wider issue of single access to whole estate and problems if that becomes blocked;

- should be direct access from Bishops Park Way, either from roundabout or another dedicated access;

- potential for increased traffic down private road/bridlepath leading to Stortford Park Farm and cottages - danger to cyclists, dog-walkers and young children going to playground;

- should include provision for "safe routes to schools" - adjacent footpath/cycleway does not appear to extend into adjacent housing areas - suggestion of "walking bus" from Tesco's car park;

- School Travel Plan should be prepared, subjected to public consultation and considered as part of planning application - not subsequently, when little control;

- construction site should have wheel-washing facilities;

- need for maintenance of footpath access to playground throughout construction period.

Environmental impact - additional traffic and parking -

- pollution

- increased noise levels - loss of peace and quiet / general disruption of life if permitted, then should be a restriction on the hours of construction working i.e. 8am-6pm with none at weekends;

- landscaping inadequate;

- increased litter.

Design / layout - highest part of building i.e. hall/gymnasium, which is hardly single storey, is to be built closest to boundary with adjacent houses;

- kitchen and rubbish bins also close to boundary - smells and noise nuisance;

- should be joint responsibility for boundary fencing with adjacent houses;
- lack of energy efficiency features in terms of materials and design;
- application should include detailed, not indicative, landscaping proposals and identify trees to be removed - possible loss of mature trees.

Size / location - site only large enough for and originally intended to be a 1FE school - should be a commitment that will remain at that size;

- clear that soon likely to be expanded to a 2FE school, although the site area is too small for this - previous miscalculations have led to expansion of other nearby schools - provision of 1FE school is contrary to County policy - a 1FE school is inadequate, given the other proposals for housebuilding in the area;

- original rationale for school no longer exists, with adequate provision now made elsewhere, including expansion of Northgate JMI - existing children now settled in other local schools, so this site would only be serving children from outside the area;

- with Hillmead children likely to be inadequate for all local children;

- should be built on HCC land off Patmore Close, where access would not be along residential roads and site large enough for a 2FE school - especially as existing secondary schools are now likely to be expanded rather than a new school built or a new school built on as part of devt of land within northern bypass - site better located in relation to existing Hillmead site;

- a site on St Michael's Mead would be a better relocation for Hillmead;

- transporting children across town from Hillmead would be contrary to Government's policy of encouraging people to walk and will add to current early morning and afternoon traffic delays.

Security - no provision for an on-site caretaker - concerned about access in event of an out-of-hours emergency;

- will provide a focal point for local youths, drug users and vandals in evenings.

Planning policy - site is within the Green Belt and so application should be treated as a departure and referred to the Secretary of State - GB considerations override its identification as a reserve JMI site - should have been an environmental appraisal comparing this site with other non GB sites - no very special circumstances to justify it, given the availability of Patmore Close land.

General - no consideration has been given to wishes of local residents;

- whole scheme motivated by financial needs / greed of Council - short sighted - new housing development also taking place on Hillmead side of the town - money would be better spent on modernising that school;

- adverse impact on value of residential properties;

- people not told about any plans for such a school when they bought their houses - nor was it mentioned in 1996 education review document;

- provision of a 1FE rather than a 2FE school is contrary to HCC education policy - LEA's ultimate intention is to provide a 2FE school there, but site is not big enough without some further provision being made.

Human Rights - article 8: respect for private and family life, home and correspondence - questions need for the development related to closure of another school elsewhere and chaos caused to pleasant residential environment caused by access arrangements, with no real consideration of other options - quality of life will be severely impeded.