

**HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
TUESDAY 21 NOVEMBER 2000 AT 10.30 AM**

EAST HERTFORDSHIRE DISTRICT

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

Report of the Director of Environment

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Local Member : B C Engel

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. It is the policy of the Local Education Authority (LEA) normally to seek to provide 2FE primary schools within urban areas. As originally submitted, the application for this site was for a 1FE school, but with some core facilities suitable for a 2FE size. This was to enable the LEA, if it so wished, subsequently to bring forward proposals to develop a larger school on the site, when the areas of special restraint within the northern bypass were developed. However, following considerable objections to this, the LEA reconsidered its proposals and amended the application to make it for solely a 1FE school.
- 2.3 The original detailed planning application for the new school was submitted in June, and it was amended in October. It now proposes a single storey building of some 1,570 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. Forty car parking spaces would be provided, and the layout includes a long internal roadway, turning circle and drop-off areas within the site. The application also includes a cycleway/footpath from Woburn Avenue around the west of the school site to its southern boundary. An existing earth bund within the site but to the west of the cycleway/footpath would remain.

- 2.4 The District Council had no objection to the application as originally submitted if the proposal was for a 1FE school subject to conditions, but it did object if it was intended to develop the site with a view to significant expansion (i.e. to 2FE) in the future. Its views on the amended application are not available at the time of drafting this report. The Highway Authority has no objection to the application subject to the imposition of certain conditions. There are no objections from statutory undertakers. There had been over thirty letters of objection (and other objection slips) to the original application, and by the end of the three week period for the receipt of representations on the amended application over twenty letters of objection had been received together with completed objection forms from over twenty other addresses.
- 2.5 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 The most important consideration is 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. In its amended form, the layout has also been designed to encourage parents to drive into the site, with the extended drop off/pick up zones and perhaps twenty parking spaces available. The routing of all school-related traffic to follow effectively a one-way system through the adjacent housing estate would also assist. The applicant is also prepared to make provision for “school keep clear” markings outside the site to try and reduce conflict and congestion there, but that is not favoured at this stage. However, the applicant has agreed to make £5,000 available to pay for any traffic management measures which may become necessary.

3.3 The report, therefore, concludes that the Director of the Environment should be authorised to grant planning permission subject to conditions including the prior approval of a detailed landscaping scheme, cycle storage facilities, maintenance of the facility for parents to drive into the site to set down and pick up, a programme for the provision of the cycleway/footpath, measures to prevent the deposit of mud on the public highway, 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 for a 2FE size to facilitate future expansion should it be required, bearing in mind proposals for additional housing development to the north.
- 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 and amended in October 2000. It relates to approximately 2.2 hectares of land of which 1.8 hectares in the amended application would form the school site. The building provides classrooms for a 1FE school (210 pupils) and a 30 place nursery class. The supporting statement explained that it had been designed with core facilities so that the school could be expanded to double the capacity if the LEA needed additional places in the future and subject to planning permission. The amended application makes no provision for other than a 1FE school. 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 amended application proposes a single storey building of some 1,570 square metres (reduced from 1,700 square metres in the original submission) with walls of red/brown facing brick-work, 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 western 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 Forty (increased from thirty) car parking spaces would be provided, and the amended layout includes an internal roadway along the northern edge of the site, a turning circle and extended drop-off areas within the site. A covered store for ten cycles increasing to sixteen spaces after five years is proposed, but no details of its design have been submitted. The application also includes a four metres wide cycleway/ footpath from Woburn Avenue around the western boundary of the school, with an additional pedestrian entrance into the site at its southern end. An earth bund within the application site and to the west of this pathway would remain.
- 1.10 The outline landscaping scheme for the amended application indicates the planting of a significant number of trees around the site, particularly along its northern, southwestern and southeastern boundaries and adjacent to the grass play area. There would be a pond feature at the front of the site adjacent to the kitchen delivery area and shrub beds around some 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 it is assumed that they will not transfer to the new school when it is built (although there is no reason why they should not do this if they so wished). 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 had been 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. The LEA has given a commitment to provide 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 District Council and the Town Council were re-consulted on the amended application, which was re-publicised with letters to everyone living adjacent to the site and to anyone else who had made representations on the original application. The applicant also leafleted all the houses in the northern part of the estate and those in Woodpeckers Close in the south about both the original application and the subsequent amendment. Drawings of the original proposals for the new school were on display at the estate's Tesco store for two weeks in June/July.
- 2.2 East Hertfordshire District Council's original response was that it does 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, waiting restrictions, cycleway/footway infrastructure, the introduction of a travel plan and highway and safety requirements being satisfactorily met. However, the District Council would object if it was 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. Its response on the amended application is not available at the time of writing this report and will be reported orally to the Committee.
- 2.3 Bishops Stortford Town Council - no consultation response was received on the original application and at the time of writing this report there has not yet been one on the amended application.
- 2.4 Statutory undertakers were consulted on the original application, but were not re-consulted on the amendments. There are no objections from the responses received, although the Environment Agency asks for a condition related to foul drainage. 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. No responses have been received from the electricity undertakers, Thames Water Utilities and Three Valleys Water.
- 2.5 The County Council as Highway Authority does not object to the application, subject to the provision of wheel washing facilities for the construction phase, permanent

access to the site for parents delivering and collecting children, 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 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, in commenting on the original application, 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 was also regretted that, as well as all the activities associated with the access, the building too had been crammed on to the northwestern corner of the site. It was, 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 on the original application, almost without exception objections, were received from 34 addresses, all but three of them in the northern part of the estate. In addition completed objection slips were received from 33 other addresses, all but one of which are also in the northern part of the estate. A petition has also been received from Bishops Park Residents Association containing 183 signatures expressing the view "that the site is not appropriate for a two form entry primary school and is seriously detrimental to local residents on the grounds of unacceptable traffic volumes and the safety and environmental problems that it would cause." The main thrust of these objections was 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 referred to the availability of other education land off Patmore Close. Further details are set out in the appendix attached to this report. It was 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 were also raised.
- 2.8 In respect of the amended application, at the close of the three week period for the receipt of public representations, individually written letters had been received from twenty-three addresses and completed objection slips from another twenty-two addresses. Whilst there was one letter of support for the amended application, objections remained on the grounds of the principle of any school being built on the site with its only vehicular access being through a residential area, the proximity of the building to the adjacent houses, traffic problems (congestion and danger, ineffectiveness of the proposed road markings and their possible knock-on effects further from the school entrance), the design of the access and internal roadway being dangerous, traffic dangers in Woodpecker Close and the private roadway continuing from there, fears about the future expansion of the school and the view that the school should be built elsewhere such as Patmore Close. Human rights issues were again 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. Samples of the brickwork have been supplied and this should be specified in a condition attached to any planning permission which may be granted. The applicant could also 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 the amended scheme makes less use of these than the original design. Schools frequently incorporate such coloured panels within their design, and it is understood that the particular colour has been chosen as it relates to Hillmead JMI School colours rather than for any architectural reason.
- 3.5 The application proposes a single storey building about 5.3 metres to the ridge line of its hipped roof, except for the hall where the roof is about 7.5 metres high in the amended scheme (reduced from 8.7 metres in the original). Although the nearest part of the building to the adjacent houses is the hall, it would be just under 20 metres from the nearest house, which is built sideways on to the site, and the distance would be greater than that between some of the immediately adjoining facing houses. The kitchen would be 25 metres from the boundary. The hall needs to be at this end of the

site, to be close to the main entrance into the building as well as to the kitchen, which in turn needs ready vehicular access for delivery purposes.

- 3.6 A possible concern about the layout of the building is that it could give the appearance of being back to front, with its main entrance on the far side of the building from the vehicular entrance into the site and the first thing seen on entering the site being the intervening kitchen and associated bin store and delivery area. To offset this the application proposes a brick wall around the kitchen yard area, incorporating double entrance gates and a pitched roof over the open-sided bin store, and the landscaping scheme provides for a pond feature with some low level planting adjacent to it. This is acceptable, although an alternative and possibly more effective solution would have been to redesign the northern end of the building with the reception, staff and administrative accommodation on the western side and the kitchen and dining room on the eastern side.
- 3.7 Site layout - The amended site layout is an improvement on the original submission. The building is moved into the northeastern corner of the site further from the vehicular entrance, thereby enabling the provision of an internal roadway leading to the car park on the far side of the building and making better use of the site as a whole. The roadway and turning circle provide ample dropping off opportunities for both school coaches and parents' cars. The applicant is making further minor revisions to the roadway layout to ensure it can operate in a safe and effective manner.
- 3.8 The provision of forty parking spaces would be more than adequate to meet current transportation standards for staff and visitor parking for the main school and the 1:4 place standard for nursery parents. With possibly only sixteen staff on site at either end of the day, there are likely to be many spaces available for parents' use at these busy times. The amended layout would also enable access through the kitchen delivery area to the school's hard play area which could be used to accommodate overspill parking at times of major events at the school, whether school or community related.
- 3.9 The indicative landscaping scheme is acceptable in principle. However, it only gives a general indication of what might be provided and the scheme lacks any specific details. Before the development is started, the County Planning Authority needs to be satisfied with the details of the hard and soft landscaping proposals, including finished ground levels, surface treatment and fencing. It would be essential that a detailed scheme, which includes at least as much planting as that indicated in the outline scheme, is approved prior to the commencement of the development.
- 3.10 A more radical amendment to the site layout, such that the building was located at the southern end of the site with the grass play area in the intervening area adjacent to the houses would have meant a development form which encroached further into the Green Belt and could have been more visually intrusive. It is more appropriate that the built part of the site should be closest to the urban edge, albeit an alignment with the northern boundary would have minimised still further the Green Belt impact.
- 3.11 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 it is intended that children from there be 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 usage 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).

- 3.12 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.
- 3.13 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.
- 3.14 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.
- 3.15 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 less than 1,000 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.
- 3.16 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 when the school is fully operational and, with the help of a school transport plan, could be somewhat less.
- 3.17 However, this number of vehicles could not possibly be all accommodated within the site at the same time and many would inevitably be stopping and waiting on Woburn Avenue or Dukes Ride. To minimise this, the applicant has been asked to confirm that the school accepts that parents should drive into the site and that there will be no

attempt to reverse that decision in the future. At the time of writing this report that confirmation has not yet been received. However, it could be secured by condition, by requiring that there to be no locking of the school gates to prevent vehicular access to the site between stated times covering either end of the school day. Without that provision the access situation would not be acceptable.

- 3.18 To avoid congestion around the school entrance and at the junction of the two roads, the applicant is prepared to make provision for “school keep clear” markings on the carriageway in Woburn Avenue and Dukes Ride in the vicinity of the school. Whilst this could assist, it would also need to be backed up with suitable enforcement, and it does not generally appear to be favoured by local residents.
- 3.19 However, the Highway Authority, having considered the situation following the submission of the amended application, does not now recommend a condition requiring such “school keep clear” markings at the outset. Instead the applicant has been asked to pay the cost of any traffic management measures in Woburn Avenue and Dukes Drive which may become necessary once the school becomes operational. £5,000 has been requested to be available for a period of ten years from first occupation, with all or any part unspent at the end of the period being refunded to the applicant. The applicant’s response is still awaited.
- 3.20 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 also help to distribute traffic more evenly and to 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.
- 3.21 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).
- 3.22 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, 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 housing developer, including provision of the Woodpecker Close route as a cycleway rather than as a narrower footpath link, but nothing has yet been secured.
- 3.23 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.

- 3.24 As regards provision for cycle storage, the Highway Authority's latest draft guidance requires one space per ten full time members of staff plus one space per fifteen pupils. This equates to sixteen spaces on the application site when the school is fully operational, whereas the proposed provision is for only ten spaces. It is suggested that if this provision is not made from the outset, then a condition could be imposed requiring a minimum of sixteen spaces to be provided once the school roll reaches 150 pupils. The landscaping proposals around the cycle shelter would need to make due allowance for this later enlargement of the facility.
- 3.25 Possible future enlargement of the school - The original application left open the possibility of proposals subsequently being brought forward for doubling the size of the school from a 1FE to a 2FE school. However, neither the original legal agreement, the outline planning permission nor the District Local Plan provides for other than a 1FE school, and there was strong opposition to any such possible enlargement. The application was, therefore, amended to provide solely for a 1FE school. Any proposals for future expansion would need to be considered on their merits, and consideration would need to take into account the natural constraints of the site.
- 3.26 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 from the estate starting in primary schools in the next academic year), ultimately the demand from the estate itself will settle down to 1FE.
- 3.27 Therefore, if there were any expansion proposals for the existing school they would not generally be 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 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 an expanded school would all be additional to local estate-generated traffic rather than instead of it.
- 3.28 Alternative locations - Objectors have referred to the availability of other education land, off Patmore Close. This site is immediately north of the Bishops Park development. 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 could not accommodate both. A 1FE primary school on this site rather than in Woburn Avenue, whilst it might serve the northern housing area of Bishops Park equally well, would be further from the southern part of Bishops Park and hence would involve more children travelling to school by car. The Patmore Close site would only be preferable if it was intended ultimately to expand the new

school to 2FE school in order also to serve future housing development to the north of the A1250.

- 3.29 Nevertheless it should also be noted that the District Plan Review, when it is put on formal deposit in 2001, is expected to identify the Patmore Close site as a potential housing site for development after 2006. In addition, at an earlier stage the District Council's draft brief for the Areas of Special Restraint (ASRs) for housing north of Bishops Park, published in November 1998, included provision for a secondary school within that development, on the opposite side of the A1250 from the Patmore Close site. More recently in August 2000 an outline application was submitted to the District Council for the development of the first of the ASRs. This includes provision for a primary school as part of the overall development but no secondary school. The application is still only in the early stages of consideration, and the LEA's views on it are not yet known.
- 3.30 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, therefore, 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.
- 3.31 Given the grant of outline planning permission for the site and the inclusion of a school site in this area on the proposals map of the adopted District Local Plan, it is not considered that the proposed development of a 1FE primary school on the Woburn Avenue site would be a departure from the Development Plan. The application does not need to be referred to the Secretary of State under departure procedures before planning permission could be granted.
- 3.32 Other issues - Some objectors have referred to an infringement of their rights under the Human Rights Act. This Act came into force on 2 October 2000 and applies to any decision taken by this Committee after that time. It brings much of the European Convention on Human Rights into UK law and introduces an obligation on public authorities to act consistently with such rights. Article 8 provides that everyone has the right to respect for his private and family life, home and correspondence. The courts have held that the preservation of the environment falls within the scope of this right.
- 3.33 This is a qualified rather than absolute right. In this instance the County Council as Local Planning Authority has a need to provide a replacement school in the interests of education. The decision of the Committee must demonstrate that it has weighed the need for the facilities against individual rights under Article 8. This report concludes that the concerns of local residents as summarised in this report can be mitigated by

the imposition of conditions if planning permission is granted but that in so far as those concerns cannot be mitigated they are outweighed by the need for improved educational facilities.

4. **Financial implications**

There are none for this Committee.

5. **Conclusions**

- 5.1 The circumstances of this application are not those normally associated with a planning application for a new primary school, in that initially the school would not in the main be serving the local area. The proposal 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, however, 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 The site was originally identified for a primary school to serve the two housing areas which make up the Bishops Park estate, and a 1FE school on the application site has to be acceptable in principle. However, the site is not well located to serve any wider area and the amended application makes no provision for any future enlargement. To build a 1FE school to serve the Bishops Park estate on the Patmore Close land, whilst being no further from the northern part of Bishops Park estate, would be too far away for children from the southern part of the estate to walk there, thus being contrary to the County Council's sustainable transport policies.
- 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 not exceed the design capacity of these roads, although there are certain measures which can be taken to limit the impact. In particular parents should be allowed to drive into the site to drop off and pick up their children.
- 5.4 Further details of certain aspects of the proposed development would need to be approved before the development was started, including a detailed scheme for hard and soft landscaping including fencing and the design of the cycle storage facility. Other conditions to be attached to any planning permission granted would include permanent availability of the drop off areas for parents' use at either end of the school day, measures to prevent the deposit of mud on the public highway, maintenance of the car parking area, the amount of cycle storage provision, drainage and, possibly, the size of vehicles used for the transport of the existing Hillmead pupils.

- 5.5 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 original drawings numbered 117/A/100, 117/A/101, 117/A/105, 117/A/300, 117/A/400, 117/A/401 and 117/L/900 and six amended drawings numbered 117/PA/202, 117/A/101, 117/PA/200/D, 117/PA/300/D, 117/PA/301/C and 117/L/902; also traffic count figures for 14 July 2000 and drawing AMO3/163/2/SK1 showing possible road markings outside site;

Consultation responses and representations received;

East Hertfordshire District Local Plan adopted 1993 including Alterations adopted 1999;

also draft brief for development of ASRs Bishops Stortford North published November 1998, pre-deposit consultation draft of Second Review, March 1999, and draft deposit version of Bishops Stortford settlement chapter agreed by Local Plan Working Party April 2000.

Proposed new primary school and nursery

Woburn Avenue, Bishops Stortford (application 3/1139-00)

Main points raised in public representations on application as originally submitted - 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 IFE 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 IFE school is contrary to County policy - a IFE 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 development 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.