

18. **18/2040/FUL - Variation of Conditions 2 (Approved Plans), 8 (Permanent Access) and 32 (Construction Management Plan) and removal of Condition 11 (Temporary School Structures) of planning permission 17/2204/FUL to enable the construction of a permanent access prior to the first occupation of the school and the implementation of a temporary construction access from Baldwins Lane at LAND NORTH EAST OF BALDWINS LANE, CROXLEY GREEN, HERTFORDSHIRE (CROXLEY DANES) (DCES)**

Parish: Croxley Green Parish Council

Ward: Durrants

Expiry of Statutory Period: 11 January 2019

Case Officer: Matthew Roberts

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee.

## **1 Relevant Planning and Enforcement History**

- 1.1 95/0565: Erection of a stable - Permitted and implemented.
- 1.2 17/2204/FUL: Erection of a 9,212 sqm (GIA) secondary school, for 1206 pupils, incorporating the erection of a two storey academic building, sports hall and facilities, playing fields, landscaping, 1,242 sqm (GIA) of temporary accommodation (Use Class D1) together with car parking, drop-off area and associated highway works. Permitted and currently being implemented.
- 1.3 18/0851/DIS: Discharge of Conditions 4 (Drainage Strategy) and 6 (Archaeological Written Scheme) pursuant to planning permission 17/2204/FUL - Conditions discharged.
- 1.4 18/1181/DIS: Discharge of Condition 7 (Updated Transport Assessment) pursuant to planning permission 17/2204/FUL – Condition discharged.
- 1.5 18/1341/DIS: Discharge of Condition 5 (Surface water management) pursuant to planning permission 17/2204/FUL – Condition discharged.
- 1.6 18/2115/DIS: Discharge of Condition 26 (Archaeological Investigation) pursuant to planning permission 17/2204/FUL – Application pending.
- 1.7 18/2121/DIS: Discharge of Condition 4 (Drainage Strategy) pursuant to planning permission 17/2204/FUL – Application pending.
- 1.8 18/0152/COMP– Enforcement enquiry: Breach Of Conditions Pursuant To 17/2204/FUL: Use of Lodge End for access into site - Pending consideration.

## **2 Description of Application Site**

- 2.1 The application site is currently a construction site following the grant of planning permission 17/2204/FUL for a new secondary school, associated car park, sport facilities and playing fields.
- 2.2 The site has an area of approximately 12.3 hectares and was, prior to construction works, low grade agricultural land previously used for the grazing of horses and included some stables to the central part of the site. Land levels across the site are extremely undulating with the highest part of the site situated towards the north. The land levels slope down gradually from north to south, falling towards the Baldwin Lane frontage.

- 2.3 The northern boundary of the site adjoins Rousebarn Lane, to the north of which lies West Herts Golf Course. The western boundary of the site adjoins Lodge End which is predominately an unmade track running north to south for most of the length of this boundary. Immediately to the west of Lodge End there is residential development including dwellings fronting onto Links Way with their gardens adjoining the unmade track. The south eastern boundary of the site adjoins a railway embankment which is at a higher level and well vegetated. The Grand Union Canal runs north to south adjacent to the eastern boundary of the site with Canal Cottage (Cassiobridge Lock House - a Grade II Listed Building). At the south west boundary of the site with Baldwins Lane there are existing parallel parking bays on the highway.
- 2.4 There are a number of trees on the site, including individual trees and groups of trees protected by Tree Preservation Order 790.
- 2.5 The majority of the application site (with the exception of the north east section to the rear of Gade Bank) is allocated for education use to provide a secondary school within the Site Allocations document.
- 2.6 The southern part of the site is identified as a 'Building Zone', with much of the northern part of the site identified for 'Playing Fields', although this excludes areas of trees to the north, west and central parts of the site. The area outside the Building Zone falls within the Metropolitan Green Belt.

### **3 Description of Proposed Development**

- 3.1 To set some context, a variation of condition application is also commonly referred to as a Section 73 planning application. Section 73 of the Town and Country Planning Act 1990 states that applications can be made to the LPA for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The relevant section of the Act states that on such an application the LPA shall consider only the question of the conditions subject to which planning permission should be granted, and –
- a) if they decided that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
  - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application
- 3.2 This application seeks the variation of Conditions 2 (Approved Plans), 8 (Permanent Access) and 32 (Construction Management Plan) and the removal of Condition 11 (Temporary School Structures) of planning permission 17/2204/FUL to include a number of changes as set out below.
- 3.3 The applicant has submitted this application following liaison with Planning Officers and seeks a number of changes from the planning permission originally granted under reference 17/2204/FUL:
- To construct a temporary vehicular access from Baldwins Lane into the application site (this access is currently under construction at the time of writing this report and is anticipated to be in use prior to 15<sup>th</sup> November 2018)
  - Prior to the first occupation of the secondary school the permanent vehicular access from Baldwins Lane into the application site is to be constructed
  - To amend the Construction Management Plan (as previously secured by Condition 32 of 17/2204/FUL) to allow construction access via Lodge End (from Baldwins Lane to

the first gated access point), but only up to the point when the temporary access can be used via Baldwins Lane.\*

- 3.4 \*The Construction Management Plan has been amended during the process to remove any reference to the use of Lodge End by construction related traffic.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 Croxley Green Parish Council: [No objection]

*"The Parish Council have noted the variation of conditions"*

- 4.1.2 Highway Authority: No comments received. Any comments received will be verbally updated at Committee.

- 4.1.3 Environmental Health: No comments received. Any comments received will be verbally updated at Committee.

- 4.1.4 National Grid: No comments received. Any comments received will be verbally updated at Committee.

### **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted: 583                      No of responses received: 2

- 4.2.2 Site Notices: Expires 08.11.2018      Press notice: Expires 16.11.2018

- 4.2.3 Summary of Responses:

- At the commencement of the project Lodge End Lane was only to be used for pre-construction works
- Bemused as to why planning for a 'permanent works entrance' was not sought prior to the start of this long planned project
- Constructor had ignored their planning restrictions
- Use of Lodge End Lane has had a hugely detrimental impact upon ourselves and neighbours
- Loss of amenity; unable to use our rear garden and opening rear windows
- Plumes of dust flying over into our garden and property
- Personal health has been affected from stress
- Loss of right of access, unable to access our garage
- Damage to habitat, the trees along the lane have suffered significant damage

## **5 Reason for Delay**

- 5.1 None.

## **6 Relevant Planning Policy, Guidance and Legislation**

- 6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies

should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

## 6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 4 and 5.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP8, CP9, CP10, CP11 and CP12.

The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA3 and site S(b).

## 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

# 7 **Planning Analysis**

## 7.1 Overview

7.1.1 Following complaints to the LPA concerning the use of Lodge End by construction related vehicles an enforcement case was opened under reference 18/0152/COMP and a number of site visits have been undertaken.

7.1.2 Condition 32 of the planning permission (Reference: 17/2204/FUL) required that the measures set out within the Construction Management and Logistics Plan (CMP) Rev 2 shall be adhered to throughout the construction period. The approved CMP allowed the use of Lodge End for “initial access” to enable site setup and initial works only, with the “primary access” onto Baldwins Lane to be used thereafter.

7.1.3 Further to a site visit in early September, it was the opinion of the LPA that the works on site went beyond “initial” and in the absence of a vehicular access point via Baldwins Lane

the access arrangements into the site were not in accordance with the approved CMP and thus in breach of Condition 32. It should be noted that only a portion of Lodge End is being used by the appointed contractor as the lane is too narrow at certain points.

- 7.1.4 Due to legal issues between the applicant and Hertfordshire County Council (HCC) which were beyond the control of Three Rivers District Council, the highway agreement to enable works to start on the creation of a new access on Baldwins Lane was delayed considerably.
- 7.1.5 On 6<sup>th</sup> September the LPA wrote to the applicant explaining that the construction vehicles were entering the site in breach of Condition 32 of the planning permission and the use of Lodge End was detrimental to the residential amenity of a number of residents adjacent to the private track. Given that the highway agreement (Section 278) was in place and being considered by HCC it was considered difficult to issue formal enforcement action. However, the applicant was made aware that the continued long term use of Lodge End was not a position the LPA would endorse moving forward.
- 7.1.6 Moving forward and to avoid any further delays it was agreed that instead of constructing the permanent vehicular access from Baldwins Lane from the outset, a temporary access (also from Baldwins Lane) would first be installed with the permanent access fully constructed prior to the occupation of the school. The works on the temporary access have recently started following the approval from HCC with the access hopefully in use by the date of the Planning Committee.
- 7.1.7 The following analysis sections will discuss whether the changes proposed are acceptable in planning terms. Nevertheless, when applied to national policy, paragraph 130 of the NPPF states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

## 7.2 Impact on neighbouring properties

- 7.2.1 Policy CP12 of the Core Strategy states that development should protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space.
- 7.2.2 The key area of contention has been the continued use of Lodge End, a narrow unlit private track which runs parallel with the application site connecting Baldwins Lane with Rousebarn Lane. By virtue of its size and nature, Lodge End was clearly not designed for heavy construction related vehicles and is positioned immediately adjacent to No.50 Baldwins Lane and also to the rear of properties fronting Links Way, many of whom have a right of access to their rear garages.
- 7.2.3 During the application process the submitted CMP has been amended to remove the ability for any construction related vehicles to use Lodge End. It was originally requested by the applicant that site workers could use Lodge End to avoid any conflict within the site. However, on the basis that this could potentially involve up to 90 vehicles a day (during the peak of construction) this has been removed and all construction related traffic will now access and leave the site via the temporary access on Baldwins Lane once operational. This will now require on-site management (shown on the CMP) to ensure construction vehicles, office staff and pedestrians are segregated.
- 7.2.4 On the basis that Lodge End will not be used once the temporary access is in place there would be no impact to neighbouring amenity through noise, disruption and disturbance given the temporary access is sited away from neighbouring properties.

7.2.5 When considering that the changes made to the CMP it is considered that neighbouring residential amenity will be protected in accordance with Policy CP1 and CP12 of the Core Strategy.

### 7.3 Highways, Access and Parking

7.3.1 The temporary access will be located within the same position as the permanent access and thus the extent of the highway used to enable an opening into the site will not be materially different.

7.3.2 In order to minimise disruption on the highway the amended CMP states that banksman will be positioned at the site entrance to ensure there is no conflict between vehicles and pedestrians. In addition, all construction traffic will be required to turn left when leaving the site to avoid built up residential areas in Croxley Green.

7.3.3 To ensure that the permanent access is in place prior to the first occupation of the school, a condition has been imposed. Given the recent delays securing the highway agreement from HCC it is anticipated that sufficient time exists to ensure that the permanent access is in place prior to the first occupation of the school. This is important given that the access will be used extensively by staff and parents when the school is operational.

7.3.4 A number of parking spaces will be lost given the location of the access into the site. However, this remains as previously approved. The alterations to the highway immediately outside the site entrance will still provide two new parking spaces in-front of the shops with five spaces retained between the railway bridge and the access into the school. A total of 14 parking bays (including 2 disabled spaces) will therefore be provided in-front of the shops prior to the first occupation of the school.

7.3.5 All previously agreed highway improvements are to remain as agreed under planning permission 17/2204/FUL and have been re-imposed as planning conditions.

### 7.4 Impact on Heritage Assets

7.4.1 This application does not seek any changes which would have an impact on Canal Cottage (Grade II listed building) or on-site archaeology.

### 7.5 Trees and Landscaping

7.5.1 No trees or vegetation of amenity value are to be altered as a result of this application. To ensure that adequate replacement planting occurs across the site, the previous planning condition has been re-imposed.

### 7.6 Sustainability

7.6.1 There is to be no physical change to the school building as a result of this application.

### 7.7 Wildlife and Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.7.3 There are to be no changes in respect of biodiversity and previous conditions are to be re-imposed.
- 7.8 Flooding, Drainage & Contamination
- 7.8.1 There are no material changes to drainage matters across the site. Previous planning conditions have been re-imposed.
- 7.9 Community facilities
- 7.9.1 To ensure that the facilities are available for use by the local community the previous conditions have been re-imposed.
- 7.10 Conclusion
- 7.10.1 In conclusion, the application is considered acceptable and will ensure that construction traffic only accesses the site via Baldwins Lane rather than Lodge End. Due to the nature of the application and the fact that construction works are underway, the previous planning conditions have been re-worded and/or re-imposed to enable a degree of control over construction works and the development once in use. As works have started the time limit condition has been omitted. Furthermore, a number of previous planning conditions had, prior to the submission of this application been formally discharged by the LPA. However, as the details submitted are intrinsic to the development moving forward they have also been imposed as new worded conditions.

## 8 Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED, subject to the following conditions:

C1 In accordance with plan numbers:

The development hereby permitted shall be carried out in accordance with the following approved plans: 10001724-HKS-ZZ-00-DR-A-9000 Rev P1; 10001724-HKS-ZZ-GF-DR-A-2001 Rev P1; 10001724-HKS-ZZ-GF-DR-A-2002 Rev P1; 10001724-HKS-ZZ-FF-DR-A-2001 Rev P1; 10001724-HKS-ZZ-FF-DR-A-2002 Rev P1; 10001724-HKS-ZZ-RF-DR-A-2001 Rev P1; 10001724-HKS-ZZ-RF-DR-A-2002 Rev P1; 10001724-HKS-ZZ-ZZ-DR-A-2000 Rev P1; 10001724-HKS-ZZ-ZZ-DR-A-2001 Rev P2; 10001724-HKS-ZZ-ZZ-DR-A-2002 Rev P1; 10001724-HKS-ZZ-ZZ-DR-A-2003 Rev P1; 10001724-HKS-ZZ-ZZ-VS-A-0001 Rev P1; 10001724-HKS-ZZ-ZZ-VS-A-0002 Rev P1; 10001724-HKS-ZZ-ZZ-VS-A-0003 Rev P1; 10001724-HKS-ZZ-ZZ-VS-A-0004 Rev P1; 10001724-HKS-ZZ-ZZ-VS-A-0005 Rev P2; 10001724-HKS-ZZ-ZZ-VS-A-0006 Rev P1; 10001724-HKS-ZZ-ZZ-RP-A-0001 Rev 02 (Design & Access Statement); 10001724-FAB-00-XX-DR-L-0001 Rev B; 10001724-FAB-00-XX-DR-L-0100 Rev B; 10001724-FAB-00-XX-DR-L-0101 Rev B; 10001724-FAB-00-XX-DR-L-0102 Rev B; 10001724-FAB-00-XX-DR-L-0103 Rev B; 10001724-FAB-00-XX-DR-L-0104 Rev B; 10001724-FAB-00-XX-DR-L-0105 Rev B; 10001724-FAB-00-XX-DR-L-0106 Rev B; 10001724-FAB-00-XX-DR-L-0107 Rev B; 10001724-FAB-00-XX-DR-L-0108 Rev B; 10001724-FAB-00-XX-DR-L-0109 Rev B; 10001724-FAB-00-XX-DR-L-0110 Rev D; 10001724-FAB-00-XX-DR-L-0310 Rev B; 10001724-FAB-00-XX-DR-L-0400 Rev A; 10001724-FAB-00-XX-DR-L-0401 Rev A; 10001724-FAB-00-XX-DOC-L-0001 Rev A; 10001724-FAB-00-XX-DOC-L-0002 Rev A; L170279-101 REV A, L170279-121 REV A, L170279-131 REV A; L170279-141 REV A; 2200 1100 T 150 Rev A; 2200/1100/T/117 Rev D, 1062/AIA/200 & 2200/1100/200 & 2200/1100/204.

Reason: For the avoidance of doubt, in the proper interests of planning and in

accordance with Policies PSP2, CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA3 and site S(b) of the Site Allocations Local Development Document (adopted November 2014) and the NPPF (July 2018).

C2 Tree protection scheme:

The branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems shall be protected from any damage during site works, in accordance with the drawings contained at Appendix 3 of the Arboricultural Development Report dated October 2017 (submitted under planning application 17/2204/FUL) which has been prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction'.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C3 Drainage Strategy:

The development hereby permitted, shall be carried out in accordance with the detailed Drainage Strategy and submitted plans as approved by the Local Planning Authority on 11<sup>th</sup> July 2018 as part of Approval of Details Reserved by Condition Application 18/0851/DIS. The development shall be carried out in accordance with the Drainage Strategy and submitted plans and retained thereafter.

Reason: To ensure the site can effectively be drained during the lifetime of the development, also preventing the increase risk of flooding both on and off site to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C4 Surface Management:

The development hereby permitted, shall be carried out in accordance with the Surface Water Management Plan (SWMP) – 17/2204 Planning Condition 5 dated 26<sup>th</sup> July 2018 prepared by Kier as approved by the Local Planning Authority on 2<sup>nd</sup> August 2018 as part of Approval of Details Reserved by Condition Application 18/1341/DIS.

Reason: To ensure surface water can be effectively managed during construction to prevent the increased risk of flooding both on and off site to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C5 Archaeological works:

The development hereby permitted, shall be carried out in accordance with the Written Scheme of Investigation For Archaeological Evaluation by Trial Trenching dated 12<sup>th</sup> March 2018 (Rev 15<sup>th</sup> June 2018) prepared by Archaeological Solutions as approved by the Local Planning Authority on 18<sup>th</sup> June 2018 as part of Approval of Details Reserved by Condition Application 18/0851/DIS.

Reason: To define the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (March 2012).

C6 Transport Assessment:

The development hereby permitted, shall be carried out in accordance with the updated Transport Assessment (May 2018) agreed by the Local Planning Authority on 11<sup>th</sup> July 2018 as part of Approval of Details Reserved by Condition Application 18/1181/DIS. The development shall be carried out in accordance with the approved document.

Reason: In the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C7 Permanent highway access:

No part of the educational establishment hereby permitted shall be occupied until the highway access for the school (as shown on Drawing No. 2200/1100/T/150 Rev A) is fully constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C8 Sustainable travel improvements:

No part of the educational establishment hereby permitted shall be occupied until the proposed sustainable travel improvements (shown in indicative form on drawing number 2200/1100/T/150 Rev A) are fully constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development promotes opportunities for travel by sustainable modes and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C9 Travel Plan:

No part of the educational establishment hereby permitted shall be occupied prior to the implementation of the Framework Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Framework Travel Plan shall be

submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To deliver an acceptable development and to promote alternative modes of travel to the private car in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C10 Sustainability measures:

Prior to the first occupation of the educational establishment hereby permitted, the energy saving and renewable energy measures detailed within the submitted Energy and Sustainability Statement Rev 1 dated October 2017 (submitted under planning application 17/2204/FUL) prepared by Hoare LEA shall be incorporated into the approved development. The development shall not be occupied until the approved measures have been incorporated.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C11 Boundary treatments:

Prior to the first occupation of the educational establishment hereby permitted, the boundary treatments shall be erected in accordance with the details provided on page 50 of the Design & Access Statement (10001724-HKS-ZZ-ZZ-RP-A-0001 Rev 02) submitted under planning application 17/2204/FUL. The agreed boundary treatments once erected shall be permanently retained thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C12 External lighting:

Prior to the first occupation of the permanent educational establishment hereby permitted, all external lighting affixed to buildings and within the site shall be undertaken in accordance with the agreed External Lighting Assessment Rev 1 prepared by Hoare LEA dated December 2017 submitted under planning application 17/2204/FUL. The agreed lighting shall be maintained as such thereafter and shall not be operated other than within the agreed hours as set out within the External Lighting Assessment Rev 1 (submitted under planning application 17/2204/FUL).

No external lighting shall be installed on the site or affixed to any buildings unless shown on the submitted and agreed External Lighting Assessment Rev 1.

Reason: In the interests of visual and residential amenity, the openness of the Metropolitan Green Belt and biodiversity and to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C13 Car Par Management Plan:

Prior to the first occupation of the educational establishment hereby permitted, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in strict accordance with the approved Car Park Management Plan.

Reason: To ensure the appropriate operation of the car parking and drop-off areas, in the interests of the free flow of the highway and to meet the requirements of Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C14 Fire Hydrants:

Prior to the first occupation of the educational establishment hereby permitted, should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C15 Community Use Agreement:

Prior to the first occupation of the educational establishment hereby permitted, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the hall; indoor sports hall, gym, activity studio, all weather pitch (MUGA), games courts, playing fields and associated changing facilities and include details of pricing policy, hours of use, access and parking arrangements by non-educational establishment users, management responsibilities and a mechanism for review, in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C16 Artificial cricket wicket:

Prior to the first occupation of the educational establishment hereby permitted, details of the design and layout of the artificial grass cricket wicket together with an implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The artificial grass cricket wicket shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the artificial cricket wicket is prepared to an adequate standard and is fit for purpose and to meet the requirements of Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C17 Multi use games area:

Prior to the first occupation of the educational establishment hereby permitted, the playing pitches and MUGA shall be constructed and laid out and maintained in accordance with approved plans.

Reason: To ensure that the playing fields/MUGA are prepared to an adequate standard and are fit for purpose and to meet the requirements of Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C18 Hard and soft landscaping:

Prior to the first occupation of the educational establishment hereby permitted, a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C19 Landscape Management Plan:

Prior to the first occupation of the educational establishment hereby permitted, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C20 Refuse and recycling facility:

Prior to the first occupation of the educational establishment hereby permitted, full details of the size and appearance of the refuse and recycling facility as shown on drawing numbers 1001724-FAB-00-XX-DR-L-0108 Rev B & 10001724-FAB-00-XX-DR-L-0110 Rev D shall be submitted to and approved in writing by the Local

Planning Authority. The approved details shall be implemented prior to the occupation of any part of the development and be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies document (adopted July 2013).

C21 Cycling parking:

Prior to the first occupation of the educational establishment hereby permitted, space for 52 bicycles shall be provided in accordance with drawing numbers 10001724-FAB-00-XX-DR-L-0108 Rev B & 10001724-FAB-00-XX-DR-L-0110 Rev D. The cycle parking shall be permanently retained thereafter including the safeguard of future provision as shown on drawing number 10001724-FAB-00-XX-DR-L-0108 Rev B.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C22 Biodiversity Enhancement and Management Plan:

Prior to the first occupation of the permanent educational establishment hereby permitted, the biodiversity enhancements and management plan as set out within the agreed Biodiversity Enhancement and Management Plan Rev A prepared by Middlemarch Environmental dated December 2017 submitted under planning application 17/2204/FUL shall be incorporated within the development and be permanently retained thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013)

C23 Sound attenuation measures:

Prior to the first occupation of the educational establishment hereby permitted, details of the plant/machinery provided on the roof of the main school building and any required sound attenuation measures shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be permanently maintained thereafter.

Reason: To ensure that adjacent neighbouring properties do not suffer from unacceptable high noise levels and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C24 Analysis and publication of archaeological works:

Prior to the first occupation of the educational establishment hereby permitted, the archaeological investigation and post investigation assessment shall be completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition 5 (see above) and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (March 2012).

C25 Timing/phasing arrangements:

Prior to the first occupation of the educational establishment hereby permitted, the mitigation measures as agreed by Condition 3 (see above) shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme as agreed by Condition 4 (see above).

Reason: To ensure the site can effectively be drained during the lifetime of the development, also preventing the increase risk of flooding both on and off site to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C26 Junction capacity works:

No part of the educational establishment hereby permitted shall be occupied by students of Year 4 (2022) until the proposed junction capacity works (shown in indicative form on drawing number 2200/1100/T/117 Rev D) are fully constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development promotes opportunities for travel by sustainable modes and that the appropriate improvement works are delivered to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C27 In accordance with Written Scheme of Investigation:

The development shall commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5 (see above).

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (March 2012).

C28 Building materials:

The buildings and external hard surfaces within the site shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated in the Design & Access Statement (10001724-HKS-ZZ-ZZ-RP-A-0001 Rev 02) (submitted under planning application 17/2204/FUL) and no external materials shall be used other than those approved.

Reason: To prevent the building and external surfaces being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C29 Environmental Management Plan:

The measures as set out within the submitted Environmental Management Plan (EMP) Rev 01 dated 18 December 2017 prepared by Kier in relation to the construction of both the educational establishment shall be adhered to throughout the construction period.

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

C30 Construction Management Plan:

The measures as set out within the submitted Construction Management and Logistics Plan Rev 04 dated 25 October 2018 including the Outline Site Logistics Plan & Works Zones (page 13) prepared by Kier shall be adhered to throughout the construction period.

In accordance with the Construction Management Plan, Lodge End shall not be used at any time as a means of access to the application site throughout the duration of construction works.

Reason: To safeguard the residential amenities of adjacent neighbours and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C31 Site drainage after completion:

Upon completion, a complete set of as built drawings for both site drainage and any exceedance flow route should be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Provision of complete set of as built drawings for the site drainage and informal flooding arrangements shown on a plan.
2. Details of any inspection and sign-off requirements for completed elements of the drainage system.

Reason: To ensure the site can effectively be drained during the lifetime of the development, also preventing the increase risk of flooding both on and off site to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C32 Management and Maintenance Plan:

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the SuDS features and drainage network can be effectively managed and maintained throughout the lifetime of the development, preventing the

increase risk of flooding both on and off site to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980

to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

- 14 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 15 Thames Water:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921

- 16 Affinity Water:

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Tolpits Lane Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

- 17 National Grid:

Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.