

Appeal Decision

Site visit carried out on 8 December 2014

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2015

Appeal Ref: APP/X1925/A/14/2221199

**The Highfield School, Highfield, Letchworth Garden City,
Hertfordshire SG6 3QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W Hendry (Kier Construction Eastern), against the decision of North Hertfordshire District Council.
 - The application No 13/02867/1, dated 25 November 2013, was refused by a notice dated 24 February 2014.
 - The development proposed comprises redevelopment of the site to provide a new secondary school building (8387 square metres) new hard and soft surfaces to provide play areas, car parking, multi-use games area (four courts), hard and soft landscaping.
-

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for redevelopment to provide a new secondary school building (8387 square metres) new hard and soft surfaces to provide play areas, car parking, multi-use games area (four courts) and hard and soft landscaping at The Highfield School, Highfield, Letchworth Garden City, Hertfordshire, in accordance with the terms of the application, No 13/02867/1, dated 25 November 2013, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Amended plans were submitted to the Council prior to determination of the application. Among other things, the amendments included re-siting of the air conditioning unit to a less visible roof location, away from the north-eastern boundary; re-siting of a proposed maintenance store to where the existing store is, adjacent to the north-eastern boundary but on a smaller footprint; additional tree planting along the rear garden boundaries to Nos 41 and 43 Highfield; proposed water tank re-sited next to the sports hall; and relocation of potential future expansion area for cycle parking to the north of the repositioned cycle shelter. The plans also show that tree No 521 (a large lime near to the end of the rear garden of No 43 Highfield) is confirmed for retention.
3. The development proposed has been subject to the formal process of Environmental Impact Assessment (EIA) in accordance with Directive 2011/92/EU of the European Parliament and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council provided a screening opinion in December 2013, which concluded that whilst the scheme is a Schedule 2 project, the development would be unlikely to have any significant effects on the environment and an EIA was not required.

Main Issues

4. Other than the main access and an area of parking that fronts onto Highfield, the appeal site lies within the Metropolitan Green Belt, wherein the construction of new buildings is inappropriate other than in particular circumstances. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the exceptions. These include *'limited infilling, or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.'*
5. The appeal scheme comprises redevelopment of a previously developed site. Whilst the total floor space to be provided would be some 119 square metres greater than the existing, the overall building footprint would be reduced by some 2029 square metres. Moreover, the height of the buildings proposed would, for the most part, be no greater than the existing buildings on the site (the exception being two three-storey elements which would be 1.73 metres higher than the existing three storey building). I agree with the Council therefore, that there would be no material harm to the openness of this part of the Green Belt, or to the purposes of including land in it. Accordingly, the scheme would not comprise inappropriate development. On that basis, I consider the main issues in this case to be the effect of the proposal on the living conditions of occupiers of residential properties on Highfield, and its effect on the character and appearance of the surrounding area, including the setting of Letchworth Garden City Conservation Area.

Reasons for the Decision

6. The appeal site is located on the edge of Letchworth and use of the land as a school is well established. The site, which adjoins residential development to the south (properties fronting Hitchin Road) and to the east (properties fronting Highfield), includes a collection of buildings ranging in size, age and form, the majority being a 1960s system build of single, two and three storey flat roofed buildings which are now in a poor condition, together with a more recent brick faced classroom block, which I am advised is also in a poor condition. None of these buildings is of any particular architectural merit. In addition, there is a recently constructed sports hall building that remains in good condition.
7. The older school buildings are located within the north-western part of the site, separated from the rear gardens of residential properties on Highfield by a tarmac playground, a cycle shelter, and some smaller, low key buildings. In addition to playing fields on the main school site, the campus includes playing fields and a pavilion on the far side of Briar Patch Lane, immediately to the south-west. Briar Patch Lane, a cul-de-sac, provides access not only to the playing fields, but also to an education support centre and associated buildings.
8. It is proposed to redevelop the main site to create a new secondary school. The new school would be accommodated in three connected blocks ranged along the boundary with Nos 21-43 Highfield. The southernmost block would be conjoined with the existing sports hall, which would be retained. The other existing buildings would be demolished on completion of the new build. The sports pitch within the southern part of the main site (to the rear of properties on Hitchin Road) would be retained, four new multi-use games courts would be

laid out within the north-western part of the site, and a temporary hard play area would be reinstated to sports pitch specification.

Living Conditions

9. In relation to living conditions, the Council's reason for refusal refers only to the visual impact of the development proposed. However, I have also had regard to the wider concerns of local residents in terms of living conditions, as expressed in the letters of representation both at the application stage and following the lodging of the appeal.
10. The three blocks proposed would lie parallel to, but would be set some 6.8- 7.5 metres¹ away from the shared boundary with the nearest residential properties that back onto this part of the site (Nos 21-43 Highfield). During the course of the site visit, I walked all of the site boundaries and also viewed the site from the rear gardens of a number of the Highfield properties that back onto the site. As acknowledged by the appellant, notwithstanding existing planting within the rear gardens, and the new boundary planting proposed, the proposed buildings would be seen from the rear of the Highfield properties.
11. However, the visibility of new development does not, necessarily, equate to material harm. All the new buildings would be flat-roofed and the nearest parts to the Highfield properties would be two-storey, with a height of around 7.6 metres. Although blocks A and B would be connected via a staff bridge at first floor level, above external circulation space, with blocks B and C connected via a ground floor canopy, those connecting elements would be set well back into the site. As a consequence, in views from the rear of the adjacent properties, the development would appear as three separate building blocks rather than one large building mass.
12. The nearest residential properties have rear garden lengths of approximately 42-47 metres,² which means that the overall separation between the rear of the existing dwellings and the rear of the buildings proposed would be well in excess of the minimum 21 metres that is commonly regarded as an acceptable minimum distance between rear elevations of two storey dwellings, even taking account of the 'Garden City' concept. To put the distance into context, I understand the separation to be greater than currently exists between the dwellings facing each other across the street here.³ Given the distance separation involved, I consider that the proposed buildings would, in effect, be seen as more 'distant' elements in views from the rear of those properties, rather than having an immediate overbearing or unduly dominant impact on the outlook of existing residents. The appeal scheme also includes tree planting along the boundary here (the submitted details, including plan No D2158 L.200B, indicate that trees, 6 metre high on planting, would be positioned along the boundary here) as well as the use of climbing plants to parts of the facing walls, all of which would, in time, help to further mitigate views of the proposed buildings.
13. I recognise that the new buildings would be more apparent from the rear gardens themselves, increasing in visibility closer to the shared boundary. However, I saw that many of the properties already have mature vegetation

¹ Paragraph 4.3.16 of the committee report gives these dimensions, although paragraph 4.3.45 refers to the separation as 7.5 – 8 metres.

² Paragraph 4.3.45 of the committee report

³ The figure given by the appellant in this regard, is a separation of some 35-40 metres.

along the rear boundaries. Whilst some of that vegetation was not in the best of health, and was sparse in places, the overall height of the buildings proposed would not be dissimilar to the height to eaves of an average two storey house. I am not persuaded therefore, that the development proposed would, necessarily, be seen as oppressive or overbearing in views from the respective rear gardens, or that there would be an overwhelming sense of enclosure. Again, the additional planting proposed as part of the appeal scheme, would soften any impact in this regard.

14. In response to concerns of local residents, the scheme was tested against the BRE Guidelines for Daylight and Sunlight. The results of that testing are set out in a Daylight and Sunlight Report (May 2014) and demonstrate that none of the windows serving habitable rooms in the nearest properties on Highfield would experience any material/noticeable loss of daylight. Indeed, daylight levels would continue to be well above the BRE recommendations for good levels of natural light. It is also demonstrated that any impact in terms of sunlight and possible overshadowing to the garden areas would be minimal: not only would all the gardens comfortably exceed the 50% area threshold set out in the guidelines, no garden area would fall below 81%.⁴ There would be no material harm therefore, to the living conditions of nearby residents in this regard.
15. Turning to the issue of privacy, no clear glazed windows are shown at first floor level on those parts of the buildings directly facing the shared boundary with the adjacent residential properties. Two first floor windows are shown on the front elevation to block A, to the right hand side of the main entrance. However, these would be off-set from the rear boundary of the nearest property, such that any views would be oblique and would be to the office of the Deputy Head and a meeting/conference room, as opposed to classrooms or circulation space. The angle of view, combined with the use proposed and the distance separation to the corner of the long rear garden of the nearest property, would be sufficient to ensure that there would be no unacceptable loss of privacy for occupiers of that dwelling.
16. Blocks A and B do include three-storey elements (approximately 11 metres in height) which would be slightly closer to the residential boundaries than the existing three-storey building on site. However, at their nearest, those parts would still be some 31 metres from the common boundary.⁵ Whilst they might be seen in longer views from the rear facing windows to the Highfield properties, that would be beyond the two-storey elements proposed. The distance separation would be sufficient to ensure that those slightly taller parts of the buildings would not be seen as unduly dominant and there would be no loss of light or overshadowing.
17. The occupiers of properties on the opposite side of Highfield, facing the school entrance, have expressed concern in terms of their outlook. However, it is intended that the entrance car park and circulation area would be retained as existing, together with the existing landscaping and planting there. In addition, the lime tree to the rear of the parking area, in front of proposed block A, is to be retained, which would soften views of the building. Moreover, the existing building offset to rear of the car park would be demolished, allowing for longer

⁴ The percentages relate to those parts of the garden that would receive more than 2 hours of 'sun on the ground' at the Spring equinox.

⁵ Paragraph 4.3.46 of the committee report.

range views through the site. I find no material harm therefore, in terms of the outlook for occupiers of those properties on the far side of Highfield.

18. Other concerns raised relate to noise from externally mounted plant, from the siting of the school entrance, and from use of the drama studio and kitchen in block A. Escaping odours from the kitchen is also raised as a concern.
19. Among other things, the amended plans re-locate proposed air conditioning units further from the boundary with the Highfield properties, to the roofs of blocks A and B. Similarly, the extract flues for the kitchen are shown on the roof of block A, rather than close to the boundary with the residential properties. In such locations, I have no reason to suppose that there would be any material harm to the living conditions of adjoining occupiers in terms of odours, noise or disturbance from those elements of the scheme. In any event, noise from external plant is a matter that could be controlled by condition were the appeal to succeed.
20. In terms of noise from general activities on the site, I am advised that students would not generally enter the building via the main visitor entrance at the front of block A. Rather, they would enter from the south-west, via the proposed playground, with the proposed building blocks shielding the Highfield Road properties from noise from the playground area. The window to the drama studio is at ground floor level, and is not shown as having any opening lights. Whilst the kitchen is shown as having a pair of opening louvred doors to the rear elevation, I am not persuaded that this arrangement would be likely to give rise to any significant noise or disturbance.
21. To conclude on this issue I find that, whilst the buildings proposed would be seen, the development proposed would not result in unacceptable harm to the living conditions of local residents. There would be no conflict, in this regard, with the core planning principals set out at paragraph 17 of the Framework, particularly the need to ensure a good standard of amenity for all existing occupants of land and buildings.

Character and Appearance

22. Letchworth Garden City Conservation Area is a designated heritage asset. Paragraph 132 of the Framework paragraph confirms that the significance of a heritage asset can be harmed or lost by development within its setting. The significance of the Conservation Area derives from its history as the world's first Garden City, espousing the principles of Ebenezer Howard. It was designed as a self-contained corporate whole within a countryside setting and is a characteristically low density and generously landscaped settlement.
23. The appeal site, an established school complex, lies just outside the Conservation Area. The existing buildings (and those proposed) are separated from the Conservation Area boundary to the east, by dwellings on Highfield, which buildings themselves lie outwith the Conservation Area, and to the south by a playing field behind dwellings on Hitchin Road. Those dwellings, and their gardens, lie within the south-western corner of the Conservation Area, the appeal site having a contiguous boundary with the Conservation Area at this point.
24. The school site is not an integral part of the setting of the Conservation Area: the site does not afford any experience of the Conservation Area as a heritage

asset, nor an understanding or appreciation of its significance. Whilst block C would be slightly closer to the rear of the Hitchin Road properties that back onto the school grounds than the sports hall it would adjoin,⁶ it would still be some 60 metres away, separated by a sports pitch and existing vegetation along the rear boundaries of those properties. In other views, from Briar Patch Lane, and in longer range views from the west/south-west, the new buildings would simply replace existing buildings within the same part of the appeal site, with buildings of a similar overall height but on a smaller footprint. As is the case with the existing school buildings, the replacement buildings would not be readily apparent from most of the Conservation Area, due to their essentially backland location and the masking effect of existing buildings on Highfield, and would not impinge upon views into or out of the Conservation Area.

25. As well as fiscal constraints, development on the site is constrained by its Green Belt location, its proximity to residential properties, and the location of the southern half of the site (and the front parking area) within an area covered by saved policy 21 of the North Hertfordshire District Local Plan No 2 with Alterations (originally adopted in 1996). The policy seeks to maintain a general pattern of landscapes features and of public and private open spaces by requiring that new development does not have a significant adverse effect on the character, form, extent and structure of the existing landscape and open space pattern in the town. The appeal scheme seeks to recreate the existing school environment through the building of what are described as three 'pavilions' linked by covered walkways, in a landscaped setting. That arrangement will help to break up the potential bulk of the building mass. As already noted, the buildings would be flat-roofed and, for the most part, would be two storeys in height. They would be faced in brickwork, with powder coated aluminium window frames and louvres, the main entrance comprising full height curtain wall glazing. Having in mind the functional requirements of the school, and the need to ensure acceptable living conditions for adjoining occupiers, I consider that the design contains sufficient visual interest. I also consider the form, scale and massing of the development to be acceptable in relation to the sports hall building that would remain, the existing St Thomas More School buildings to the north, the pupil referral unit and other buildings on Briar Patch Lane to the south-west, and the surrounding residential properties on Highfield and Hitchin Road, all of which provide the urban context for the appeal scheme.
26. In my view, the proposal represents an appropriate modern design solution for the site, given the various constraints and functional requirements of the school. Whilst the siting of the buildings has largely been defined through the need to keep the existing school in use during construction, rather than decanting pupils elsewhere during the building work, I find no material harm to the established character and appearance of the area, or to the setting, and thus significance of the adjacent Conservation Area. There would be no conflict, therefore, with Section 7 of the Framework which requires, among other things, that new development should function well, adding to the overall quality of the area, optimising the potential of the site to accommodate development, responding to local character and reflecting the identity of the local surroundings. Neither would there be any conflict with Framework paragraph 132, which seeks to protect the significance of heritage assets.

⁶ In views from the rear of the Hitchin Road properties, blocks A and B would be screened by block C and the existing sports hall to be retained.

Other Matters

27. Although within Flood Zone 1, the planning application was accompanied by a site specific flood risk assessment (FRA). In response to initial objections from the Environment Agency, a revised FRA was submitted. However, the Environment Agency still has concerns and maintains its objection. In particular, there are concerns about the flood water storage volumes required on the site during a critical storm event, which could increase the risk of flooding off-site.⁷ However, whilst the drainage strategy lacks clarity in this regard, sufficient information has been submitted to demonstrate that a drainage solution based on infiltration is feasible on the site. Although further infiltration testing would be required, this would form part of the details that would need to be submitted in relation to sustainable drainage of the site, a matter that could be secured by condition. On that basis, I am satisfied that the appeal scheme need not increase flood risk for those either on, or off, the site.
28. With regard to local concerns in relation to parking and congestion, paragraph 32 of the Framework advises that development should only be prevented or refused on highways grounds where the residual cumulative impacts of development would be severe. Parking within the site, which is shared with the adjacent St Thomas More School, is currently at a premium. However, the appeal scheme would increase existing provision from 103 marked parking spaces within the school grounds for staff and visitors, to 147 spaces,⁸ and the existing cycle stands would be re-sited to the northern part of the site and extended. In addition, although a School Travel Plan is already in place, an updated version, submitted with the planning application, includes measures to reduce traffic problems associated with the operation of the school, and objectives and targets for promoting more sustainable travel patterns, together with monitoring arrangements. The increased parking provision proposed, combined with the Travel Plan measures (which include an action to introduce a car park management scheme) would, in my opinion, be sufficient to ensure that there would be no material increase in existing parking and congestion problems as a consequence of the development proposed. I note that no objection is raised by the highway authority in this regard.
29. I am in no doubt that the construction process could, at times, cause problems in terms of traffic flow on Highfield, which is relatively narrow, and possibly on other local roads also. However, problems such as increased congestion, noise and disturbance would be for a temporary period only and could, to a large extent, be managed through considerate construction. For example, the routing of vehicles, the location of developers' compounds within the appeal site, and the timing of deliveries so as not to coincide with the start and end of the school day. These are matters that can be dealt with through the submission of a Construction Management Plan, which could be secured by condition were the appeal to succeed.
30. Some local residents argued that alternative options for redevelopment are preferable, which would result in less impact for those living close to the site.

⁷.

⁸ Retention of the 27 spaces within the front part of the site (15 spaces for visitors to Highfield School and 12 spaces for pupil drop-off/pick-up for both Highfield School and St Thomas More School); 100 spaces for Highfield School staff; parking for two minibuses; and 12 informal spaces beneath two mature trees on the northern site boundary, for St Thomas More staff (the formal spaces originally shown here have been removed).

The school has been identified as one of the 261 in the country most in need of urgent repair and the Government has included it in its Priority Schools Building Programme. On that basis, doing nothing is not a feasible option. I also understand the extent of the work required to be such that refurbishment of the existing buildings is not a feasible option: not only would it have significant adverse implications in terms of the disruption that would be caused to the delivery of education during the building period, the requirement for temporary accommodation would divert budget away from the building programme, rendering the scheme unaffordable.

31. An Options Appraisal examined four new build alternatives. These comprised what are described as a 'super block', a finger block (north wing), a finger block (south wing), and externally linked blocks. The study concluded that the first two of these would require some decanting/phasing in any event. The 'super block' and both finger block options would also have significant bulk/mass and would create unacceptable living conditions for adjoining occupiers in terms of their outlook. Although a phased decant would still be necessary with the externally linked blocks option, it avoids the overbearing bulk of the single block options. In any event, I have found that there would be no material harm to the living conditions of local residents, or to the character and appearance of the area as a consequence of the development proposed.

Overall Conclusion

32. I have given careful consideration to the potential impact of the development proposed and have found that there would be no harm in terms of any adverse impact on the character and appearance of the area, or to the significance of the adjacent Conservation Area. Whilst the proposed buildings would be seen from the adjacent residential properties, improvements have been made to the detail of the scheme in response to local concerns and I have found that the development would not have a significant adverse impact on the living conditions of local residents.
33. Framework paragraph 72 confirms that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education, adding that great weight should be given to the need to create, expand or alter schools. Any harm arising from the appeal scheme would be limited and would, to my mind, be significantly and demonstrably outweighed by the benefits that would arise in terms of improved education provision and the choice of school places on a previously developed site, in an accessible location. When assessed against the policies of the Framework taken as a whole, I am satisfied that the proposal amounts to sustainable development and conclude, on balance, that the appeal should succeed.
34. Whilst there is support for the development proposed, including support from the local Member of Parliament, I recognise that this decision will be disappointing for those local residents whose houses back onto the site and who have maintained their opposition to the proposal. I am aware, of course, of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced

against other considerations. In coming to my conclusions on the main issues, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the National Planning Policy Framework. However, for the reasons set out above, I have found no significant adverse impact on the overall quality of the living conditions of adjoining occupiers, nor any other material harm. On balance, therefore, the evidence in this case leads me to conclude that there is no good reason to withhold planning permission in this instance.

Conditions

35. I have considered the conditions suggested by the Council, the appellant, and others in the light of advice in the Framework and the Planning Practice Guidance. In addition to the standard commencement condition, and otherwise than as set out in the decision and conditions, it is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
36. Conditions relating to external materials and landscaping are necessary in order to safeguard the character and appearance of the area.
37. In order to be sure that the appeal scheme would not increase flood risk for those either on, or off, the site, a condition is required to secure a sustainable drainage scheme for the site. The conditions suggested by the Environment Agency in this regard were very prescriptive, the detail of any sustainable surface water drainage scheme being a matter for the local planning authority in due course. The condition I have used secures the submission, implementation and long term management/maintenance of a sustainable drainage scheme.
38. In terms of existing contamination, the application was accompanied by a conceptual site model and preliminary risk assessment.⁹ It confirms that whilst significant soil contamination is unlikely, the presence of contamination associated with made ground, substations and historical tanks cannot be discounted. The appeal site also lies above a Principal Aquifer Water Framework Directive (WFD) groundwater body and a WFD Drinking Water Protected Area. Conditions securing a detailed ground investigation and any necessary remediation are therefore required, to safeguard human health, the built and natural environment, and controlled waters.
39. A Construction Environmental Management Plan is required, in order to minimise disruption on the local highway network, to minimise environmental impacts, and to minimise noise and disturbance for local residents. It would include matters covered by several of the separate conditions suggested by the Council, such as hours of delivery, traffic routing, location of developers' compounds etc.¹⁰
40. The application was accompanied by a new School Travel Plan. It is necessary to ensure that the measures set out therein are implemented, including the introduction of a car park management plan, in order to minimise congestion on the local highway network, to minimise disturbance to local residents, and to promote the use of more sustainable modes of transport in accordance with national guidance. It is also necessary to ensure that the formal and informal

⁹ Geoenvironmental Desk Study: Mott MacDonald (December 2010)

¹⁰ Suggested conditions 5, 6, 7, 8 and 16 in the Council's appeal statement.

car and cycle parking spaces are provided and made available for staff and students, in the interest of highway safety. Whilst the Council suggests a further separate condition relating to the specific use of the various car parking areas, that would be addressed through the car park management plan that forms part of the Travel Plan.

41. In order to protect the living conditions of those living in close proximity to the site, conditions controlling external lighting of the school premises and grounds are required. For the same reasons, notwithstanding that the external plant has been relocated away from the joint boundary with the neighbouring dwellings, I consider it necessary to ensure that combined noise from external plant does not exceed the lowest measured background noise level (indicated as 45dBL_{AF90, 5min} at a measurement position near the houses closest to the appeal site as referred to in the Plant Noise Impact Statement by Max Fordham (J4763:Highfield School Kier PSBP dated 15 November 2013)). I have combined the two conditions suggested by the Council to this effect, since they were potentially repetitious. I am mindful in this regard, that the Max Fordham Statement confirms that even were the three condenser units to be located externally on the north-west face of the buildings as originally proposed, the total plant noise level would be 36dBA at the façade of the nearest property, well below the minimum background noise levels.
42. The temporary contractors' compounds and associated buildings and other structures would be located on an existing playing field. In addition, a temporary hard play area would be developed on the western side of the complex, removing an existing playing field. A condition is necessary to ensure that the playing fields are reinstated to an appropriate standard, within an agreed timescale, so that they can continue to provide a necessary facility for the operation of the school on completion of the build programme. I have combined the three lengthy conditions suggested by the Council into a single condition, requiring the submission of a scheme to address these matters. The detail of the scheme would be a matter for the local planning authority in due course
43. In the interest of nature conservation and to encourage and protect biodiversity, a condition is necessary to safeguard bats and breeding birds that may be in any trees/hedges/scrub that would be removed between 1 March and 31 August 3. For the same reason, whilst the presence of badgers on the site is not confirmed, the welfare of badgers that may use the site needs to be secured, in line with the recommendations in the Mott MacDonald preliminary Ecological Assessment (July 2013).
44. In order to protect the openness of the Green Belt, and pursuant to saved policy 21 of the Local Plan (Landscape and Open Space Patterns in Towns) it is necessary to remove permitted development rights that relate to the erection of extensions to the school.
45. One of the Council's suggested conditions requires that any damage to highway verges etc caused by construction vehicles be made good by the appellant. However, the footways and verges etc comprise highway land, outside the appeal site, and are not in the ownership or control of the appellant. As a consequence, the suggested condition would be unlawful and I have not imposed it. Another suggested condition required that materials containing asbestos be handled and disposed of appropriately. However, such

arrangements are covered by other legislation and the suggested condition is therefore otiose.

Jennifer A Vyse

INSPECTOR

**Schedule of Conditions attached to
APP/X1925/A/14/2221199
Highfield School, Highfield, Letchworth Garden City,
Hertfordshire SG6 3QA**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

5031/001	Location Plan
[CP1].02 G	Ground Floor Plan
[CP1].03 E	First Floor Plan
[CP1].04 F	Second Floor Plan
[CP1].05 E	Roof Plan
[CP1].06 B	Block A ground floor plan
[CP1].07 B	Block A first floor plan
[CP1].08 C	Block A second floor plan
[CP1].09 B	Block B ground floor plan
[CP1].10 B	Block B first floor plan
[CP1].11 C	Block B second floor plan
[CP1].12 B	Block C ground floor plan
[CP1].13 B	Block C first floor plan
[CP1].14 C	Elevations 1 and 2
[CP1].15 C	Block A elevations
[CP1].16 C	Block B elevations
[CP1].17 C	Block C elevations
[CP1].18 B	Sections 1, 2 and 3
[CP1].19 E	Section 4
[CP1].20 D	Section 5
[CP1].21 D	Section 6
[CP1].22 D	Section 7
[CP1].27 C	Block A sections
[CP1].28 B	Block B sections
[CP1].29 B	Block C sections
[CP1].31 B	Elevation Bay studies
[CP1].40 A	Elevations 3, 4, 5 and 6
[CP1].41 A	Elevations 7 and 8

[CP1].42 A	Block A elevations
[CP1].43 A	Block B elevations
[CP1].44 A	Block C elevations
[CP1].50 A	Architect Site Plan (1:500)
[CP].501	Construction phasing drawings 1
[CP].502	Construction phasing drawings 2
[CP].503	Construction phasing drawings 3
D2158 L.100 C	Colour landscape masterplan
D2158 L.200 B	Combined hard and soft general arrangement (plan 1 of 2)
D2158 L.201 A	Combined hard and soft general arrangement (plan 2 of 2)
D2158 L.400	Indicative landscape sections
D2158 L.401	Indicative landscape sections
D2158 L.900	Indicative MUGA layout
D2158 L.901	Sports Pitch analysis

- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No part of the development hereby permitted shall be occupied until a sustainable surface water drainage scheme for the site has been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The submitted details, which shall be based on an assessment of the hydrological and hydrogeological context of the site, shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to each phase of the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) No development, including works of site preparation, shall begin until a Site Investigation (phase II environmental risk assessment) Report has been submitted to and approved in writing by the local planning authority. The Report shall include identification of the location and concentration of all pollutants on the site and relevant receptors (receptors shall include those specified within the Contaminated Land Statutory Guidance April 2012) and the results from the application of an appropriate risk assessment methodology.

- 6) No development, including works of site preparation, shall begin (other than as may be necessary pursuant to the discharge of this condition) until a detailed Remediation Scheme (if required pursuant to condition 5) has been submitted to and approved in writing by the local planning authority.
- 7) The development hereby permitted shall not be brought into use until:
 - a) any approved Remediation Scheme pursuant to condition 6 has been carried out in accordance with its terms;
 - b) if required, a formal agreement has been submitted to and approved in writing by the local planning authority that commits to ongoing monitoring and/or maintenance of the Remediation Scheme; and,
 - c) A Remediation Verification Report confirming that the site is suitable for the intended purpose has been submitted to and approved in writing by the local planning authority.
- 8) Any contamination that is encountered when carrying out the approved development that was not previously identified pursuant to condition 5, must be reported in writing to the local planning authority as soon as practically possible. A scheme to render this contamination harmless shall be submitted to and approved in writing by the local planning authority and subsequently fully implemented prior to the development hereby permitted being brought into use.
- 9) Prior to commencement of development, including any works of site clearance and demolition, a Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the local planning authority. Development shall be carried out only in accordance with the approved CEMP. The CEMP shall, include, but is not restricted to:
 - a) A phasing and environmental management programme for the development hereby permitted based on plan Nos [CP].501, [CP].502 and [CP].503.
 - b) Hours of construction operations, including the hours during which construction activities can take place on the site, and the timings for vehicle movements associated with the delivery of building materials, contractors' vehicles, and the removal of building waste.
 - c) Dust prevention and suppression measures (including the provision of wheel washing facilities for construction vehicles leaving the site).
 - d) Noise and vibration prevention and suppression measures (including a scheme for liaising with local residents and adherence to the code of practice for construction working and piling set out in BS 5228:1997).
 - e) Site management arrangements, including on-site storage of materials, plant and machinery, temporary offices and other facilities, contractors compounds, the parking of construction vehicles, provisions for the storage and removal of building waste,

- provision for the loading and unloading of materials within the site, and vehicle turning.
- f) The routing of construction traffic to and from the site, including enforcement measures.
 - g) The location and type/appearance of temporary security fencing, hoarding and lighting during construction works.
- 10) The development hereby permitted shall not be operated other than in accordance with the measures set out in the School Travel Plan (dated 14 November 2013) including the introduction of a car park management scheme, the details of which shall previously have been submitted to and approved in writing by the local planning authority.
 - 11) The development hereby permitted shall not be brought into use until the formal and informal car and cycle parking spaces shown on plan No D2158 L100C have been provided and made available for use. Once provided, those spaces shall be retained and kept available for their intended purpose.
 - 12) All planting, seeding or turfing comprised in the approved details of landscaping (as shown on plan Nos D2158 L.200B and D2158 L.201A and as comprised in the Indicative Soft Landscape Schedule and Specification Stage D: 21 November 2013) shall be carried no later than the first planting and seeding seasons following first occupation of the buildings hereby permitted, or the completion of the development, whichever is the sooner.
 - 13) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and development shall be carried out only in accordance with the approved schedule. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 14) Other than those shown for removal on plan Nos D2158 L.200B and D2158 L.201A, all trees, hedging and other plants within the site shall be retained and, together with planting on land immediately adjacent to the site, shall be protected from damage throughout the construction period in accordance with British Standard 5837. The tree protection measures shall be retained throughout the period of construction. No manoeuvring or parking of vehicles shall take place within any area fenced in accordance with this condition and neither shall anything be stored or placed in any protected area, nor shall the ground levels within those areas be altered or any excavation made. Any retained trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 15) The noise level due to the combined operation of externally mounted plant/equipment associated with the development hereby permitted shall

not exceed 45dBA at the façade of the nearest residential property on Highfield.

- 16) No external lighting in relation to the development hereby permitted (including flood lighting, security lighting, and lighting for pedestrian walkways, roadways and parking areas) shall be installed other than in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate that any lighting that is installed achieves the criteria specified for a location within Environmental Zone E2 (low district brightness) as defined by the Institution of Lighting Professionals document entitled 'Guidance Notes for the Reduction of Obtrusive Light'.
- 17) Any floodlighting of the multi-use games areas pursuant to condition 16 shall not remain on, or be turned on, after 21.00 hours on any day.
- 18) Prior to commencement of development, a scheme, including a timetable for implementation, setting out detailed arrangements for the reinstatement, to an agreed standard, of the playing fields that would be used in connection with the construction process, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 19) No trees/scrub/hedges related to the construction process are to be removed between 1 March and 31 August in any year, until a precautionary survey for the presence of nesting birds and roosting bats has been carried out in accordance with a scheme that shall have previously been submitted to and approved in writing by the local planning authority. The survey shall be undertaken in full accordance with the approved scheme. If the survey identifies the presence of birds or bats, a scheme of mitigation measures shall be undertaken in accordance with details and a timescale that shall previously have been submitted to and approved in writing by the local planning authority.
- 20) No development shall take place until a scheme for the protection of badgers during construction works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed scheme.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development within Class A of Part 32 of Schedule 2 to the Order (or any order revoking and re-enacting that Order with or without modification) shall be carried out within the site.

-----end of schedule -----