

## DEVELOPMENT MANAGEMENT COMMITTEE – 19 JULY 2023

<b>Application Number</b>	3/22/2534/FUL
<b>Proposal</b>	Removal of five temporary buildings, erection of a Sports Hall with reception and administrative areas, amendments to vehicular parking and circulation, improvements to security and pedestrian connectivity, together with hard and soft landscaping and associated works
<b>Location</b>	Simon Balle All-through School, Mangrove Road, Hertford Hertfordshire, SG13 8AJ
<b>Parish</b>	Hertford Town Council
<b>Ward</b>	Hertford Castle Ward

<b>Date of Registration of Application</b>	9 <sup>th</sup> December 2022
<b>Target Determination Date</b>	10 <sup>th</sup> March 2023
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Maya Cullen

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report. That delegated authority is granted to the Head of Planning and Building Control to finalise the detail of the conditions as set out.

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The application proposals seek full planning permission for the removal of three temporary school buildings and the erection of a Sports Hall with reception and administrative areas. Various amendments to vehicular parking and circulation, improvements to security and pedestrian routes, together with hard and soft landscaping and associated works are also proposed.
- 1.2 The school currently occupies a large site of 11.8ha located between Mangrove Road and Balls Park. Most school buildings are to the

north of the site, set behind a parking area, as seen from Mangrove Road. To the rear and south are playing fields and landscaped areas.

- 1.3 The existing buildings to be demolished are all located towards the front of the site, behind the existing parking area and in front of the main school buildings. They are single storey buildings of a temporary appearance and are used as two classrooms and a store. There are a further two temporary buildings which are confirmed to be used as storage which will be dismantled in addition to the larger three buildings as part of the permission. These buildings would be replaced by one building to provide a sports hall (approx. 12m in height) with a reception area and administrative area wrapping around the front and side (approx. 4m in height).
- 1.4 The landscaping changes include the creation of a new “calm garden” on the main circulation route into the school and improvement of that route for pedestrians. Other pedestrian routes would be upgraded through improved surfaces and the school’s secure gateline would be rationalised. This landscaping would result in the loss of 5 trees and their replacement with approximately 14 new trees. The replacement trees are located to the new “calm garden” area and to the southeast of the site at the new car parking area.
- 1.5 The carparking layout to the front would be changed, with the existing 133 spaces reduced to 116, with space for deliveries and minibus parking as well as 11 pickup point spaces. Finally, the overflow parking area to the south would be reconfigured and slightly expanded to result in 60 parking spaces compared to the existing 43, resulting in a no net loss or gain of parking provision. There would be no loss of disabled parking and the re-configuration would include four vehicle parking spaces being served by electric vehicle charging points.
- 1.6 The main issues for Members’ consideration are:
  - The principle of the development in the Green Belt
  - Design/layout/Impact on landscape and visual amenity
  - Impact on Heritage Assets

- Impact on residential amenity
  - Impact on Highway safety/Parking
  - Impact on the natural environment
  - Climate Change/Sustainability
  - Archaeology
  - Flood risk and sustainable drainage
- 1.7 The site forms part of an existing educational establishment in the Green Belt. The proposal would result in the provision of a high quality sports hall, to various Sports England standards. This would be secure for use by the community by condition. The principle of the educational use is therefore already established by the existing use of the site, and significant weight is attached to the benefit of the improved sports provision.
- 1.8 The site is considered to be a sustainable location for development, already generating a number of trips and is located in an area which is accessible by a number of modes of transport.
- 1.9 The proposal would constitute inappropriate development in the Green Belt, which would itself cause harm to the Green Belt. Additionally, it would have a negative, albeit limited, impact on the openness of the Green Belt. Very significant weight should be put on this consideration.
- 1.10 The building is considered to be well designed, located in one of the least-sensitive parts of the site, and would improve the arrival sequence for pupils and security of the site. Whilst it is bulky, this is inherent in the nature of the building and the external appearance is considered to be of a high quality. The landscaping proposals would result in an increase in soft landscaping and provision of a new “calm garden” on the route into the school.
- 1.11 The site is located near to a number of heritage assets. Balls Park is a Grade II Registered Park, which contains the Grade I Listed Balls Park mansion with various other Grade II Listed Buildings set nearby. The site is also adjacent to the Hertford Conservation Area. The character and appearance of the Conservation Area is considered to be

preserved and would have a neutral impact. Overall, whilst the Gardens Trust have raised some concerns with the potential views of the building from the entrances to Balls Park, the building would be read in conjunction with other buildings within the site and wider site. As such, the scheme would have a neutral impact on the other heritage assets.

- 1.12 Being located at considerable distance from the nearest residential properties, there would be no significant impact on residential amenity, and the highways and parking impacts of the proposal would be acceptable subject to conditions including the provision of a Travel Plan.
- 1.13 In terms of the impact on the natural environment, the proposal would result in an overall improvement to the landscaping of this part of the site, with the creation of a “calm garden” and other soft landscaping. Two trees would be lost, but eight trees would be planted. This area of the site is generally hard-landscaped at the moment, so an increase in biodiversity can be secured by condition, as recommended by Hertfordshire County Council ecology team.
- 1.14 The application includes a sustainability statement that sets out that a “fabric first” approach would be used to reduce carbon emissions and further details of this can be secured by condition. Renewable technologies are proposed such as the installation of Solar PV panels. As such, the building would incorporate energy efficient measures. Other measures including a Travel Plan, cycle parking and electric vehicle charging points also contribute to the sustainability of the scheme.
- 1.15 A surface water drainage strategy has been submitted which sets out that the proposal can adequately mitigate surface water run-off without increasing off-site flood risk. Subject to conditions, this is considered to be acceptable.
- 1.16 It is acknowledged that the proposal causes some harm to the Green Belt, although this is considered to be limited. The improved sports provision, and community access to these facilities are considered in

this instance to amount to Very Special Circumstances which outweigh this and other identified harm by way of harm to the setting of the registered park and garden "Balls Park" The public benefit of providing the new sports centre is considered to outweigh the harm to the setting of the designated heritage asset.

## **2.0 Site and Surroundings**

- 2.1 The school site comprises an all-through school located to the south of Hertford, within the Metropolitan Green Belt. Residential properties are located to the west and south-west of the application site. The application site boundary extends around part of the school site and is approximately 1.15 hectares in size and includes the existing buildings to be demolished, existing landscaping and parking areas to the front of the site and the access road to the further overflow parking area to the south of the site, adjacent to an artificial grass pitch.
- 2.2 The site lies adjacent to the Hertford Conservation Area and partially within an area of Archaeological Significance. In addition, further to the south-east of the site is the Grade II Registered Park and Garden 'Balls Park' where the Grade I Listed Balls Park mansion is situated. In addition, the site is also designated as Open Space and Local Green Space in the East Herts District Plan 2018.

## **3.0 Planning History**

- 3.1 The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/10/0821/FP	Addition on site of a mobile cabin to be used as an additional classroom, which also includes two toilets and a store room.	Granted with conditions	16th July 2010

3/22/1379/FUL	Single storey mobile classroom	Granted with conditions	12 <sup>th</sup> October 2022
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#### 4.0 **Main Policy Issues**

- 4.1 The Development Plan consists of the East Herts District Plan 2018, the Herfordshire Minerals Local Plan 2007 and the Hertfordshire Waste Development Framework. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the Development Plan unless there are material considerations which indicate otherwise.
- 4.2 A number of other policy documents and guidance are relevant material considerations including the National Planning Policy Framework, the Planning Practice Guidance and Supplementary Planning Documents including the adopted Sustainability SPD 2021 and the adopted Vehicle Parking Provision at New Development SPD 2008.
- 4.3 The main policy issues relate to the relevant planning policies in the Development Plan as set out below:

<b>Main Issue</b>	<b>NPPF</b>	<b>East Herts District Plan</b>
Principle of the educational and sporting use	Chapter 2, 4, 6, 8, 9, 11	INT1, CFLR1, CFLR7, CFLR10, TRA1
Metropolitan Green Belt	Chapter 13	GBR1
Good Design, Landscape Character	Chapter 8, 11, 12, 15	DES2, DES3, DES4, DES5
Heritage	Chapter 16	HA1, HA3, HA4, HA7, HA8
Residential Amenity	Chapter 4, 12	DES4, EQ2, EQ3
Highway Safety/Parking	Chapter 9	TRA2, TRA3
Natural Environment	Chapter 8, 11, 12, 15	NE2, NE3

Climate Change / sustainability	Chapter 14	TRA1, CC1, CC2, CC3, WAT4, EQ4
Flood risk and sustainable drainage	Chapter 14	WAT1, WAT2, WAT3, WAT5, WAT5

## 5.0 **Summary of Consultee Comments**

- 5.1 Historic England: note the further information submitted following previous objections to the application regarding the level of assessment and potential impact of the development proposal in the setting of the Grade I Listed Balls Park mansion. They note that an additional heritage assessment and compute-generated views. They note that the views are described as an ‘artistic impression’ and whilst helpful, can only be given limited weight. Notwithstanding this, they are satisfied that the proposed additional height of the sports hall would not fundamentally alter the extent character of the school site or appreciation of the mansion in its setting and therefore do not object on these grounds. They note that their comments are limited to the impact on the significance of the Grade I Listed Balls Park mansion and consider the park and garden only because it relates to the setting of the house. They defer to The Gardens Trust regarding the impact on the Grade II Registered Park and Garden. Overall, Historic England does not object to the application on heritage grounds and considers that the significance of the mansion would be sustained but recommend the LPA’s specialist conservation advisers are given the opportunity to agree the details of the proposal prior to or as a condition of any consent.
- 5.2 Hertfordshire Gardens Trust: note the submission of additional Historic Impact Assessment and Visual Impact documents. They consider that the Grade I Listed mansion and Grade II Ben’s Cottage would suffer harm from the development due to the height and bulk of the proposed development, they concur with Historic England’s response and would not object on those grounds. Notwithstanding this, they consider that the views across the parkland from the entrance drives of the Historic Park would suffer considerable harm from the development with an inappropriately scaled built feature intruding into the views and the setting of the Registered parkland.

- 5.3 HCC Historic Environment Unit: note that the site is adjacent to an Area of Archaeological Significance identified in the East Hertfordshire District Plan. This denotes the estate belonging to Balls Park and includes Balls Park manor house itself [Historic Environment Record no. 4010], its associated ornamental gardens [HER 7316] and estate buildings such as the Stable Block [HER 16740] and Lime Cottage [HER 15543]. The icehouse for this estate [HER 1719] is known to have been sited on land now belonging to the school. This Area of Archaeological Significance also holds evidence of prehistoric settlement in the form of both finds and features. A Neolithic/Bronze Age pit [HER 17458] was investigated within the vicinity of Lime Cottage, a Late Bronze Age settlement site is known at Mangrove road [HER 12739] and Iron Age ditches are known in several places through the park [HER 13560, HER 13561, HER 18508].
- 5.4 They consider that this record is supported by the finds of the archaeological work undertaken in 2014/15 on the section of the Simon Balle school site immediately to the south-east of the proposed scheme. During these excavations evidence was found of Neolithic activity, Bronze Age funerary deposition in the form of cremation burials and possible settlement activity, a Roman trackway and structure, and Medieval and Post-medieval pits and ditches. Some of the linear features found in these excavations (Oxford Archaeology, 2019) would be expected to extend into the area now proposed for development under this application.
- 5.5 Evidently, the site of Simon Balle School maintains a moderate to high potential for prehistoric to Medieval archaeological material, a view supported by the Cultural Heritage Desk Based Assessment submitted in support of this application (RPS, 2022). However, as this DBA also makes note of, there has been prior building work throughout the 20th century on this portion of the site which may have previously reduced the preservation of any below-ground archaeological remains. They therefore consider that the proposal would likely impact on heritage assets of archaeological interest and as such an archaeology condition should be added to any grant of permission.

- 5.6 EHDC Conservation and Urban Design Team: note that the three temporary buildings are not of any significance and their removal is acceptable. They note that the new building would include a sports hall, reception, changing facilities, toilets and an equipment store. The need for a new sports hall is demonstrated in the submitted documents; the school does not have a Sport England compliant sports hall and some events are required to be hosted off site. The uses contained in the sports centre will require it to have a large footprint and height. They note that the sports hall would be on part of the footprint of the existing buildings that would be demolished and would be seen in the context of the hub of other school buildings. Due to the height of the proposed sports hall, it would be highly visible along Mangrove Road but consider that the architectural design approach has been well considered, particularly when viewed from Mangrove Road while also responding to the existing buildings on the site. They consider the brickwork to be acceptable as well as the woodland patterned perforated bronze finish to the first floor. They consider that the detailed material specification and artistic pictures on the panelling should be conditioned as well as the detailed design of the ventilation shafts on the roof.
- 5.7 They note that the proposal includes an assessment of key views and how these would be impacted by the proposals and consider that whilst the new building would be visible from some viewpoints, it would not be a dominant feature which detracts from the character and appearance of the Conservation Area and Balls Park. With regards to landscaping, some new landscaping has been included but they consider that a detailed landscape plan should be conditioned to support the design of new areas of parking. This should include new shrub and tree planting rather than grass landscaping as currently shown.
- 5.8 Overall, they advise that the application is acceptable, subject to the recommended conditions above as well as other conditions relating to details of hard surfacing, materials of construction, landscape

works implementation, details of solar panels and details of the design of the roof ventilation shafts.

- 5.9 EHDC Landscape Officer: advises that the arboricultural impact assessment is acceptable and there would be no unacceptable adverse arboricultural impact. They also consider the proposed Site Plan is acceptable and the indicative landscape proposals are OK. However, there is a lack of landscape details/specifications and a more detailed plan is needed. They also question the viability of the proposed trees in the car park as they are likely to be vulnerable to damage by cars, especially when young. There does not appear to be sufficient tree surrounds allowed and establishment of root systems may be challenging as the soil beneath the parking area is likely to be dry and inhospitable for roots unless a water permeable surface is provided. They consider that more detailed information is needed which could be secured by condition.
- 5.10 HCC Ecology Unit: advise that there is sufficient information on ecology to enable determination of the application. The recommendations and mitigation measures in the ecology report (Section 6 of Ecological Impact Assessment, November 2022 prepared by Liz Lake Associates) should be followed as well as a condition for a Landscape Plan or Biodiversity Plan to show native tree species and planting of benefit to wildlife/pollinators. They consider that the report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort.
- 5.11 HCC Lead Local Flood Authority: acknowledge the technical note addendum to account for the local flood risk issues and surface water drainage at this location. They acknowledge that a technical note addendum including new drainage layout drawings has been provided that satisfies the previous concerns raised in their last response.
- 5.12 They have no objection subject to conditions being attached to any consent if this application is approved. The suggested conditions include compliance with the Flood Risk Assessment, Surface Water

Strategy and SuDS Report and the technical note addendum; the submission of a Construction Phase Environmental management Plan to ensure the construction of the site does not result in any flooding both on and off site, drainage details and management/maintenance details of SuDS following completion of drainage works. The LLFA consider that if the following conditions are not included, the development would be contrary to NPPF and local planning policy WAT 1, WAT 2, WAT 3, WAT 4, WAT 5 and would object until such time that the details below are submitted for review.

- 5.13 HCC Highway Authority: advise that they do not wish to restrict the grant of permission subject to conditions and informatives. They note that to improve safety and accessibility for the school, measures were implemented in 2016/2017. They also commented that the proposals do not result in an increase in the number of students or staff at the school and would not likely generate additional school trips. They note that there are 176 existing spaces with 7 disabled bays and the reconfiguration of the car park would result in 176 spaces with 6 dedicated disabled bays but note that the decision lies with the LPA to determine the suitability of car parking proposals. The Highway Authority also note that additional cycle parking is proposed adjacent to the new Sports Hall and the designated delivery area/minibus drop off. They consider that the proposed reconfigured parking arrangements would require efficient management, particularly during special sports events, school drop off and pick up times. As such, they recommend the inclusion of a condition that a Parking Management Plan is submitted to ensure all vehicles accessing and using the site do so safely and conveniently. They also consider that an updated Travel Plan is required which can be secured by condition as well as a Construction Traffic Management Plan to ensure that construction vehicles would not have a detrimental impact on Mangrove Road and the vicinity of the site. Another condition is recommended for details of the proposed pedestrian access/onsite car and cycle parking/servicing/loading/unloading and turning areas to be submitted and approved in writing prior to the first use of the development. Informatives relating to the storage of materials,

obstruction of public highway land, road deposits and school travel plan should be added to any grant of permission.

- 5.14 EHDC Environmental Health Unit (Noise and Nuisance): previously recommended refusal of the application based on a lack of sufficient information with regards to the noise impact as no noise impact assessment had been provided nor were any mitigation measures proposed. They have since reconsidered the application and after reviewing Inhabit report reference 7330-RPT-AC001[00] have no objections subject to conditions and informatives. These include conditions for external noise from plant machinery, permitted hours for building work, notification to neighbours of building works, dust control, waste management and disposal, piling works, floodlights and other external lighting details and an informative relating to noise and vibration control.
- 5.15 EHDC Environmental Health Unit (Contaminated Land and Air Quality): advise that the proposal is acceptable subject to a condition relating to unexpected land contamination.
- 5.16 Thames Water: advise that if the developer follows the sequential approach to the disposal of surface water then they would have no objection. They would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. With regard to waste water network and sewage treatment works / infrastructure capacity, Thames Water have no objection to the above planning application, based on the information provided.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

6.1 Hertford Town Council No objection to the proposal. The committee strongly support this application to upgrade sport facilities at the school. They would also like reassurance that the swimming pool will be maintained and enhanced as part of this. The committee also welcomed the provision of porous driveways and surfacing. They felt that the travel plan is very descriptive but no suggestive forms of encouragement is given on how to reduce the use of motorised vehicles. Composite would welcome encouragement that the school can provide to users of the facilities both during school hours and during community use outside school hours.

## **7.0 Summary of Other Representations**

7.1 The application was advertised by both site notice and press notice. 45 neighbouring properties were written to. 0 responses were received.

## **8.0 Consideration of issues**

### **Principle of development**

#### Proposed Use

- 8.1 Policy CFLR1 of the EHDP 2018 promotes the provision of recreational and sports facilities where they meet identified need and are in sustainable locations. It also promotes the use of such facilities for the wider community. CLFR10 supports proposals for educational facilities and similarly endorses wider community use.
- 8.2 The proposal constitutes educational facilities, mainly in the form of a sports hall. The wider site is already in educational use, and so as such, this educational facility is acceptable in principle.
- 8.3 Furthermore Paragraph 95 of the NPPF states that great weight should be placed on the need to create or alter educational facilities to meet a need. The submitted planning statement indicates that the School's existing indoor Sports Hall was built in the 1950s and has become unsuitable to host competitive fixtures with all home fixtures

hosted by another school in Ware. It also notes that the main entrance to the school buildings is poorly designed, and from a security and child safeguarding perspective is substandard. Reception and administrative areas are set within an internal courtyard in the centre of the site and therefore all visitors must traverse the school grounds to report to reception. The dated facilities are supplemented by three temporary structures located to the 'front' of the school site. The planning statement also confirms that a Capacity Report was undertaken in March 2020 which concluded that a deficit existed in terms of the amount of hall, dining and PE space throughout the school. The benefits associated with providing a new sports hall would be that the school would have sports hall that is sized in accordance with Sport England guidance for a four-court badminton hall. In addition, there would be less need for pupils/sports teams to travel to nearby schools in Ware for fixtures and other parts of the site would be improved through better site security as the main office/reception would be located to the front of the site. There would also be the added benefit of providing a sports facility which could be used by the community, providing a flexible use facility in accordance with policy CFLR1 of the District Plan.

- 8.4 As such, the principle of the use on this site is well established. Officers are satisfied that the proposal would provide for a significant improvement in educational and sporting facilities and that this clearly meets a demonstrated need. Through conditions, the use of the facilities for the wider community can be secured. Officers recommend that this weighs significantly in support of the proposal.

#### Sustainable location of development

- 8.5 The planning system operates on the basis of a presumption in favour of sustainable development, which is embedded in the NPPF and policy INT1 of the EHDP. Furthermore, Policy TRA1 of the EHDP encourages developments to occur in sustainable locations.
- 8.6 This facility would be located on an existing school site, in an area which is generally accessible by a variety of modes of transport. As

such, it is considered to be a sustainable location for development as the primary users of the site (school pupils) are likely to often already be at the site, there are a range of other services located in the broad area and other uses (the wider community) can travel to the site by a variety of means.

### Metropolitan Green Belt

- 8.7 The site lies within the Metropolitan Green Belt where Policy GBR1 of the District Plan applies, which refers to the guidance in the NPPF. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless one of the exceptions it states applies. These exceptions include criterion (d) and (g) which allow for:

*(d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*

*(g) ... partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; ...*

- 8.8 The building would be used primarily for the school and would not result in a change of use, however only one of the buildings to be demolished has permanent planning permission (being granted planning permission under planning ref: 3/10/0821/FP). As such, the proposed new building would be significantly larger, resulting in a volume increase of approximately 2187% above the existing permanent building (this is largely a consequence of the new sports hall being an additional storey and having a greater floor space). As such, the proposal constitutes inappropriate development which is harmful to the Green Belt, and which paragraph 148 of the NPPF says should be given substantial weight.

- 8.9 Consideration needs to be given to the impact of the scheme on the openness of the Green Belt, this (and permanence) being the essential characteristics of the Green Belt, as set out in paragraph 137 of the NPPF.
- 8.10 The footprint of the existing buildings to be demolished amounts to approximately 336.1 square metres and the new building would have a footprint of approximately 1161 square metres. As such, there would be a spatial impact on the openness of the Green Belt through the increase in built form within the site. This spatial harm is however limited given that the building is adjacent to other permanent buildings. In addition, there would likely be some visual harm to the impact on the openness of the Green Belt, as the structure would be taller than the single storey buildings which it would replace. The most likely visible view is from Mangrove Road and from the private track to the southeast of the building, where there would likely be an introduction of built form that would be more visible than the existing structures, given the single storey nature of the existing structures. However, given the context of the site, with the land being previously developed, the proposed new sports hall would be viewed within the context of other buildings within the school site. As such, it is considered that the impact on the openness of the Green Belt is low.
- 8.11 The proposal would therefore result in inappropriate development within the Green Belt and would result in some limited harm to openness. The NPPF advises that in these circumstances, proposals should only be granted planning permission in very special circumstances where the harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As such, in order for the proposal to be acceptable, very special circumstances are needed to outweigh these two elements of harm. The school has identified a lack of appropriate sports hall provision with the current sports hall not being Sport England compliant. The proposed new sports hall is located within the school grounds, in a sustainable location and would be of an appropriate size to enable the school to host sports fixtures, reducing the need to travel elsewhere. As such there are

benefits in terms of health and education. In addition, other public benefits are that the sports hall could be used by other members of the community outside of the school day, and a community use agreement condition is recommended to secure this. This is considered to constitute very special circumstances sufficient to outweigh the relatively limited harm to the Green Belt. As such, the proposal is considered to accord with Policy GBR1 and Section 13 of the NPPF.

### Conclusions relating to principle of the use

- 8.12 The proposed use as a sports building is strongly supported in principle and would lead to educational, leisure, health, community and sporting benefits. Its location is considered to be sustainable and the positive benefits identified above are considered to constitute very special circumstances that makes the proposal acceptable on Green Belt grounds.

### **Design/layout/Impact on landscape and visual amenity**

- 8.13 The proposed section 'b' drawing shows that the application site is on slightly higher land than Mangrove Road and the building would have a total height of approximately 10 metres (11.8 metres including the chimneys) and would have a parapet, giving the appearance of a flat roof. There would also be a number of other single storey structures to the front, west and rear of the building which would provide the abovementioned further ancillary accommodation. A materials board has been provided which includes brickwork that would be similar in appearance to Mangrove Road and shows cladding in bronze perforate panels depicting a woodland pattern.
- 8.14 The introduction of a much larger building would add massing to the site, especially when viewed from Mangrove Road, however the building would be set back from the street by approximately 37 metres, with the single storey elements of the building being sited in front of the taller part of the building which are considered to reduce the bulk and massing of the building. The materials of construction are considered to be high quality and would draw on features from

within the surrounding area such as the buff brickwork which would be similar to the wall, adjacent to Mangrove House. The perforated bronze-coloured cladding panels would be a more modern addition but would be appropriate to the character of the area and would have a neutral impact given the school setting.

- 8.15 The layout of the site is considered to be acceptable, with the tallest parts of the building being sited to the rear of the site. The “calm garden” area is a welcomed addition, providing additional soft landscaping and the layout of the parking area is appropriate, with facilities for deliveries and minibuses. The increase in parking provision to the southeast of the site is considered to be acceptable and the additional planting as shown in the proposed site plan would help to soften the views of the hard surfacing from the private track to the south of the site.
- 8.16 Overall, the proposed development would result in a change to the character and appearance of the street scene but this is not considered to be harmful and subject to soft landscaping and high quality materials, samples of which can be secured by condition, the proposal is considered to accord with Policy DES2, DES3 and DES4 of the District Plan.

### **Impact on Heritage Assets**

- 8.17 As previously stated, the site lies adjacent to the Hertford Conservation Area and to the south-west of the site is the Grade II Registered Park and Garden ‘Balls Park’ where the Grade I Listed Balls Park mansion is situated as well as other Grade II Listed Buildings and walled gardens within the Historic Balls Park.
- 8.18 Historic England and the Hertfordshire Gardens Trust were consulted on the application and originally objected to the proposal due to a lack of information in relation to the heritage assessment and was not clear what evidence the assessment was based on nor what viewpoints were taken to determine there would be no impact. Historic England requested further information on the impacts upon Balls Park mansion and the registered park and garden be submitted

for the proposal to be acceptable. The Hertfordshire Gardens Trust also raised an objection that there was no analysis undertaken of views to or from the Registered Park and Garden and little mention of views from the adjacent Conservation Area.

- 8.19 Further information has been provided including an updated heritage impact assessment and a visual impact study and Historic England and The Gardens Trust re-consulted. Historic England now remove their objection and are satisfied that the proposed additional height of the sports hall would not fundamentally alter the extant character of the school site or appreciation of the mansion in its setting. The Hertfordshire Gardens Trust note that whilst they consider that the Grade I listed mansion and Grade II Ben's Cottage would suffer harm from the development due to the height and bulk of the proposed development, they would not object on these grounds. They do however consider that the views across the parkland from the entrance drives would suffer considerable harm from the development with an inappropriately scaled built feature intruding into the views and the setting of the Registered parkland.
- 8.20 These comments from the Gardens Trust are noted and given some weight, however it is considered that the building has been sensitively located and situated towards the front of the site, furthest away from the Historic Park and Garden when compared to alternative locations to the rear of the site. The Conservation Officer also notes that although the supporting documents show that the new building would be visible from some viewpoints, it would not be a dominant feature which detracts from the character and appearance of the conservation area and Balls Park – indeed it does not appear that the sports hall would be visible in any key views from the Park which do not already contain some built form. The planning officer has visited the site and also viewed the site from the pathway within Balls Park which runs along the eastern boundary of the sports fields as well as from the entrance gates to the park. It is noted that the boundary is highly vegetated and the existing sports hall and other building within the school grounds are visible from the site. The planning officer agrees that the proposed new sports hall due to its siting to the front of the site and the presence of

surrounding built form, would be acceptable and would not harm the setting of the Registered Park and Garden. The impact on the settings of Listed Buildings is also considered to be acceptable.

- 8.21 With regards to the impact on the Hertford Conservation Area, the Conservation Officer notes that the proposal would be highly visible but considers that the architectural design approach has been well considered. They suggest the addition of conditions in relation to details of a material specification and detailed design of the ventilation shafts on the roof. A detailed landscape plan should be conditioned to support the design of new areas of parking. It is noted that the comments from the Conservation Officer suggested that additional tree planting, as opposed to grassed areas, should be incorporated into the scheme. This view was not however endorsed by the Landscape Officer, and the trees at the front of the site, which form a prominent feature in the conservation area would remain unaltered and is considered to provide an element of screening from the Hertford Conservation Area.
- 8.22 Officers consider that the proposal would not result in harm to the setting of the surrounding Listed Buildings and would have a neutral impact on the character and appearance of the Hertford Conservation Area. There would be impact to the setting of the Grade II Registered Park and Garden 'Balls Park' where the new building would be visible from some views from the park, however it is considered that the building has been sited appropriately, towards the front of the site, away from the surrounding listed buildings and the registered park and garden. The visibility of the building from the park is not considered to be harmful and it would be read in the context of the school site as a whole, being adjacent to other buildings and away from the rear of the site. The setting of the Registered Historic Balls Park would be preserved. The proposal, subject to conditions, is considered to be in accordance with Policy HA1, HA7 and HA8 of the District Plan.

### **Impact on residential amenity**

- 8.23 There have been no objections to the proposed development from the occupiers of neighbouring properties. The building would be some 51-81m away from residential properties on the opposite side of Mangrove Road, and so there would be no significant direct impacts from overshadowing, loss of light or privacy or an overbearing impact.
- 8.24 The addition of the proposed vehicular pick-up points may increase some vehicular movements around the site, however this is not considered to be significantly detrimental to the occupiers of properties. In addition, the additional car parking spaces would not likely significantly increase vehicular movements to the north-east of the site that would be detrimental to the amenity of occupiers of neighbouring properties to the south-east of the site as this will be an overflow car park and a small-scale increase in parking numbers as mentioned above.
- 8.25 The Environmental Health Officer has provided comments on the application and whilst they originally recommended refusal of the application as no noise impact assessment or mitigation measures was provided, they now consider that after reviewing Inhabit report reference 7330-RPT-AC00100 they have no objections subject to the conditions. These include external noise from plant/machinery to ensure that the location of the new sports hall would not result in any short/long-term physical and mental health effects on the occupiers of properties and would not give rise to harmful noise disturbance. In addition, permitted hours for building work should be restricted by condition and details of dust control, pilling works and security lighting should be conditioned. The proposal does not include any additional floodlighting, however any lighting scheme can be secured by condition prior to their installation.
- 8.26 Subject to the above conditions, the proposal is considered to accord with Policy DES4, EQ2 and EQ3 of the District Plan.

**Impact on highway safety, vehicle parking and sustainable travel**

- 8.27 With regards to highway safety, The Highway Authority advise that they consider that the proposal would not result in the generation of additional trips, as pupil numbers would not increase. Whilst this is the case, the proposal would result in competitions and community use, which may generate some trips. However, this needs to be offset against the reduction in trips from school pupils being driven to other sites and recognition that, being located in a sustainable location, not all travel to the sports hall would be by private car. As such, the impact is considered to be minimal.
- 8.28 Turning to traffic movements within and around the site, the Highway Authority consider that the proposed reconfigured parking arrangements would require efficient management, particularly during special sports events, school drop off and pick up times. As such, they recommend the inclusion of a condition that a Parking Management Plan is submitted to ensure all vehicles accessing and using the site do so safely and conveniently.
- 8.29 The Highway Authority recommend a Construction Traffic Management Plan should be secured by condition to ensure that there is no harmful obstruction to traffic and pedestrian safety during the construction phase. Details of this have not been provided at this stage, however this is something that can be secured by condition.
- 8.30 The agent for the application has confirmed that the coach drop off area will remain as existing, which is in the courtyard adjacent to the existing reception. There is a dedicated area for minibus drop off/pick up and the remaining dedicated pick up/drop off points have been located to the front of the car park to help reduce traffic within the car park. As such, subject to a Parking Management Plan condition to ensure safe site vehicle movements and that details of the proposed pedestrian access, onsite car and cycle parking, servicing, loading, unloading and turning areas are submitted and approved in writing prior to the first use of the development, the proposal is in accordance with Policy TRA2 of the District Plan. They also suggest informatives relating to the storage of materials,

obstruction of public highway land, road deposits and school travel plan should be added to any grant of permission.

- 8.31 Turning to vehicle and cycle parking, the proposed development would not result in any change to the number of vehicular parking spaces and the submitted planning statement indicates that 176 parking spaces will be re-provided. There would now be seven dedicated disabled parking spaces and 4 for electric vehicle charging. Cycle parking for 12 bikes is proposed as part of the scheme, promoting active travel. Given the sustainable location of the development, it is positive that there is not an increase in parking spaces, and also positive that there is an improvement in terms of provision of disabled parking bays and electric vehicle charging points. The provision of cycle parking would promote active travel and result in a sustainability benefit of the scheme. The Vehicle Parking Standards SPD provides guidance relating to the amount of cycle parking for educational uses, and the 12 proposed spaces broadly accords with it.
- 8.32 To promote sustainable travel, a School Travel Plan has been submitted which aims to encourage staff, students and parents to travel to school/work more sustainably. The Travel Plan includes initiatives such as providing maps showing local walking / cycling routes and places of interest, providing details of public transport services, including timetables and routes as well as encouraging staff to car share. In addition, other initiatives include the promotion of 'bike to work' schemes for staff and the possibility of setting up bike maintenance workshops to encourage cycle travel. The Highway Authority have reviewed the submitted School Travel Plan and consider that this needs to be updated. This can be addressed by a condition and would ensure that the school has an up-to-date Travel Plan and is committed to its promotion and review.
- 8.33 Subject to the above conditions, the proposal is considered to accord with Policy TRA1 of the District Plan.

### **Impact on the natural environment**

- 8.34 Policies NE2 and NE3 of the District Plan 2018 require developments to demonstrate that ecology and protected species are given due consideration in the application process to ensure that no unacceptable harm results to the natural environment and its features. Further, there is a requirement to ensure that that all developments achieve a biodiversity net gain. Herts Ecology have been consulted on the application and they note the Ecological Impact Assessment dated November 2022 prepared by Liz Lake Associates that has been submitted as part of the application.
- 8.35 This notes that the site was visited on 19 August 2022. Herts Ecology have been they consider that the report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggests reasonable precautionary measures to ensure that legally protected species are not harmed.
- 8.36 They suggest that the recommendations and mitigation measures in Section 6 of the ecology report are reasonable and should be followed. This includes installing tree protection measures to avoid damaging tree roots of trees adjacent to the site or retained trees which are used by foraging bats. As well as, ensuring that lighting schemes are designed so that the tree lines on site and along the site edges offsite as well as adjoining edges remain unlit or are not lit any more than at present to allow areas to retain their value as bat roosting and foraging areas. As noted earlier in this report, this can be secured by condition.
- 8.37 For nesting birds, should the site clearance of vegetation be required in the nesting bird season (March to August inclusive) the vegetation should first be checked by an ecologist. Should an active nest be found clearance within 5 m of the nest should be postponed until the chicks had fledged and left the nest.
- 8.38 Providing the development was carried out including the measures above there would be no significant residual effects on biodiversity.

8.39 With regards to new landscaping, Herts Ecology welcome the new planting of trees and suggest that these include native species if possible. They note that named species should be shown on a soft landscaping plan or a biodiversity plan to demonstrate biodiversity enhancements can be achieved from the development; the plan should be secured by condition. Therefore, whilst no biodiversity net gain calculation has been carried out for the site at this stage of the planning process, Officers are satisfied that a gain can be secured on the site with relative ease and so a condition is appropriate. It is also considered necessary to include a condition to ensure that bat and bird boxes are provided including the number and location of the proposed new boxes to help improve biodiversity on site.

### **Climate change / Sustainability**

8.40 The District Plan seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged. The Council has also adopted the Sustainability Supplementary Planning Document in 2021 which is a material consideration.

8.41 An Energy and Sustainability Statement prepared by WMEboom which confirms that the school will adopt a 'Lean, Clean, Green' approach. At this stage the Energy and Sustainability Statement does not confirm that the thermal performance of the building fabric will exceed the current 2022 Building Regulations Approval Document Part L: Non domestic but it is considered that this could be secured by condition to ensure compliance with Policy CC1 and CC2 of the East Herts District Plan. In addition, renewable and low carbon energy will be used through the use of solar PV panels on the roof slopes which would be hidden behind the parapet and also the addition of air source heat pumps.

8.42 The statement also sets out that the appointed contractor is contractually obliged to development and adhere to a Sustainable

Procurement Plan in line with BREEAM requirements, using materials that are responsibly sourced, secondary materials which would make use of any reclaimed materials arising from demolition. In addition, materials should maximise the specification of major building elements to achieve an area-weighted rating of A or B as defined in the Building research Establishment (BRE) Green Guide to Specification.

- 8.43 The building would use both grey water and rainwater recycling in order to reduce mains water usage, sustainable drainage systems would be incorporated, and materials would be sourced responsibly including through reclamation where possible and consideration would also be given to the embodied carbon of materials to be used.
- 8.44 In addition to the above, as previously noted earlier within the report, the site is located within walking distance from Hertford Town Centre which provides access to a number of sustainable transport options and cycle parking and electric vehicle charging points would also be secured by condition to promote sustainable travel. The sustainable drainage systems and increases in soft landscaping also provide some sustainability benefits.
- 8.45 Having regards to the above, the proposal is considered to accord with Policies CC1, CC2, CC3, WAT4 and TRA1 of the District Plan.

### **Flood Risk and Sustainable Drainage**

- 8.46 The site is located within Flood Zone 1 (the part of the country with the lowest risk of fluvial flooding) and the Lead Local Flood Authority have been consulted on the surface water drainage strategy. The proposal includes a number of measures to reduce surface water flooding. This includes the permeable paving to the area to the north of the new sports hall, an underground water storage tank, retention of the existing porous car park, flow control manholes as well as ponds within the "calm garden" area.
- 8.47 The surface water drainage strategy has been updated following consultation with the LLFA and subject to conditions which include

compliance with the Flood Risk Assessment, Surface Water Strategy and SuDS Report and the technical note addendum; the submission of a Construction Phase Environmental Management Plan to ensure the construction of the site does not result in any flooding both on and off site and drainage details and management/maintenance details of SuDS following completion of drainage works, the proposed scheme adequately mitigations surface water runoff and is acceptable in terms of flood risk. The proposal therefore accords with Policy WAT1 of the District Plan and the NPPF.

## **Other matters**

### Archaeology

- 8.48 The proposed development is in adjacent to an Area of Archaeological Significance identified in the East Hertfordshire District Local Plan. This denotes the estate belonging to Balls Park and includes Balls Park manor house itself [Historic Environment Record no. 4010], its associated ornamental gardens [HER 7316] and estate buildings such as the Stable Block [HER 16740] and Lime Cottage [HER 15543]. The icehouse for this estate [HER 1719] is known to have been sited on land now belonging to the school.
- 8.49 The Historic Environment Advisor has been consulted and notes that this Area of Archaeological Significance also holds evidence of prehistoric settlement in the form of both finds and features. A Neolithic/Bronze Age pit [HER 17458] was investigated within the vicinity of Lime Cottage, a Late Bronze Age settlement site is known at Mangrove road [HER 12739] and Iron Age ditches are known in several places through the park [HER 13560, HER 13561, HER 18508].
- 8.50 They note that archaeological work was undertaken in 2014/15 on the section of the Simon Balle school site immediately to the south-east of the proposed scheme. During these excavations evidence was found of Neolithic activity, Bronze Age funerary deposition in the form of cremation burials and possible settlement activity, a Roman trackway and structure, and Medieval and Post-medieval pits and ditches. Some of the linear features found in these excavations

(Oxford Archaeology, 2019) would be expected to extend into the area now proposed for development under this application.

- 8.51 As such, they consider the proposal likely to impact on heritage assets of archaeological significance and as such, an archaeology condition should be added to any grant of permission to ensure any archaeology is preserved in accordance with Policy HA3 of the District Plan and the NPPF.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposed development is considered to have a neutral impact on heritage assets and whilst the development would result in inappropriate development in the Green Belt, very special circumstances exist to outweigh this harm. The development would encourage the use of sustainable means of transport and provides opportunities to improve the ecology of the site which would be secured by condition. The development would include renewable technologies in order to help reduce carbon emissions. The health, educational and social benefits also weigh significantly in its favour.
- 9.2 The application is therefore considered to accord with relevant policies in the East Herts District Plan and the NPPF. As such, this application is recommended for approval subject to conditions.

## **10.0 RECOMMENDATION**

- 10.1 Grant planning permission subject to the following conditions:
1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to any building works being commenced (other than demolition) samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development and to preserve the character, appearance and special interest of the Hertford Conservation Area and the Historic Park of Balls Park in accordance with policy DES4, HA1, HA4 and HA8 of the East Herts District Plan 2018.

4. Prior to any building works being commenced (other than demolition), details of the design of solar panels and roof ventilation shafts hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development and to preserve the character, appearance and special interest of the Hertford Conservation Area and the Historic Park of Balls Park in accordance with policy DES4, HA1, HA4 and HA8 of the East Herts District Plan 2018.

5. No development or groundworks shall take place within the Area of Archaeological Significance until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required

archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

6. Prior to the commencement of any piling works, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

7. Prior to the commencement of the development hereby approved, details of the design and construction of the building to demonstrate how the design, materials and operation of the development makes reductions in the use of embodied carbon in the development, minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand, 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.

Reason: To adapt to climate change, reduce carbon emissions and efficiently use water resources in accordance with Policies DES4, CC1, CC2, CC3 and WAT4 of the East Herts District Plan 2018.

8. Prior to the installation of any external lighting, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance

with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

9. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- Construction Traffic management requirements;
  - Construction and storage compounds (including areas designated for car parking);
  - Timing of construction activities to avoid school pick up/drop off times;
  - Provision of sufficient on-site parking prior to commencement of construction activities;
  - Siting and details of wheel washing facilities; and
  - Post construction restoration/reinstatement of the working areas;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy TRA2 of the East Herts District Plan 2018.

10. The development shall be undertaken in accordance with following documents:

- Flood Risk Assessment, prepared by Elliot Wood Partnership Ltd, reference 222067 dated 11 November 2022
- Surface Water Strategy and SuDS Report prepared by Elliot Wood Partnership Ltd, reference 2220267 P2 dated 08 December 2022
- Technical Note addendum prepared by Elliot Wood Partnership Ltd, reference EWR001 dated 18 May 2023

The works shall be fully implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details. With the following mitigation measures:

- 1) Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year plus climate change event with discharge into the Thames Water surface water sewer.
- 2) Provide attenuation (minimum volume 155m<sup>3</sup> for the attenuation tank plus 300mm sub base for permeable paving indicated in the drainage layout plan (dwg no. 2220267-EWP-ZZ-XX-DR-C-10000, P4)) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
- 3) Implement drainage strategy utilising permeable paving, geocellular attenuation tank and a hydrobrake.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding in accordance with National Planning Policy Framework and Policy WAT1 of the East Herts District Plan 2018.

11. Construction shall not begin until a Construction Phase Environmental Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site in accordance with the National Planning Policy Framework and Policy WAT1 of the East Herts District Plan 2018.

12. Upon completion of the drainage works for the site in accordance with the timing/phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority prior to first occupation:
  - 1) Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specification have been implemented in accordance with the drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
  - 2) Provision of a complete set of as built drawings/ final construction drawings for site drainage, including detailed of the outfall and cross sections of attenuation features.
  - 3) A final management and maintenance plan for the SuDS features and drainage network, included a drawing which identifies each feature to be made available to any parties responsible for maintenance.
  - 4) Arrangements for adoption and any other measurements to secure the operation of the scheme throughout its lifetime including name and contact details of any appointed management company and confirmation they have accepted the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with Policy WAT5 Sustainable Drainage of the East Herts District Plan 2018.

13. Within three months of the first use of the development hereby permitted, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the proposed sports hall and include details of pricing policy, hours of use, access by non-educational establishment users /non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise in strict compliance with the approved agreement.

Reason: To provide for the dual or multiple use of sports facilities for wider community activities in accordance with Policy CFLR7 of the East Herts District Plan 2018.

14. Three months prior to the first use of the school development, the School shall submit to the Modeshift STARS Accreditation Framework and, with the support of Hertfordshire County Council Officers, shall undertake best practicable endeavours to promote and increase levels of sustainable and active travel in order to improve the health and wellbeing of children and young people, as well as reduce local highway impacts arising from pick up / drop off. Such endeavours shall include annual hands-up surveys of the travel behaviour of pupils (80% response rate) and staff (50% response rate) using whichever travel plan framework that Hertfordshire County Council currently promotes. The travel plan will be up-dated annually for the lifetime of the school and will include objectives, targets, planned and completed initiatives. The role of Travel Plan Champion shall be created and the responsibility for adhering to the above travel plan requirements shall sit within that role.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies EQ1 and TRA1 of the East Herts District Plan 2018.

15. Prior to the use of the development hereby permitted the proposed pedestrian access /onsite car and cycle parking / servicing / loading, unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved in-principle plan (Drg No. 8492/P201 Rev B) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy DES4 and TRA2 of the East Herts District Plan 2018.

16. Prior to the first use of the development hereby approved (other than demolition), the details of bat and bird boxes including the number of/and their location/siting shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall therefore be implemented prior to the first use of the development and shall be retained thereafter.

Reason: In order to secure biodiversity enhancements on site in accordance with Policy NE2 and NE3 of the East Herts District Plan 2018.

17. Prior to the first use of the development hereby approved (other than demolition), the details cycle storage facilities for 12 number of bikes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall therefore be implemented prior to the first use of the development and shall be retained thereafter.

Reason: In order to promote sustainable travel in accordance with Policy NE2 and TRA1 of the East Herts District Plan 2018.

18. Prior to the occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to illustrate how vehicle parking associated with the development will be operated and

efficiently managed. The Plan must be implemented and adhered to in full thereafter.

Reason: To ensure all vehicles accessing and using the site do so safely and conveniently, causing no conflict with other vehicles or site users in accordance with Policy TRA2 of the East Herts District Plan 2018.

19. Prior to first use of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

20. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

21. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning

Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

22. The recommendations and mitigation measures in Section 6 of the Liz lake Associates Ecology Report (November 2022) should be followed and fully implemented prior to the first occupation of the development hereby permitted.

Reason: To ensure that legally protected species are not harmed and to achieve bio-diversity net gains in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

23. Details of solar photovoltaics and air source heat pumps to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and the development shall be completed in accordance with the agreed details.

Reason: To ensure the satisfactory external appearance of the works and to minimise carbon dioxide emissions from the development in accordance with Policy CC2 of the East Herts District Plan 2018.

24. If unexpected land contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and the contamination has been fully assessed followed by Submission of Site Investigation Report and Remediation Strategy.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

25. The rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 10dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

26. In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

27. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities. In times of exceptionally dry weather, additional measures should be put in place to mitigate against the spread of dust.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

28. All waste materials and rubbish associated with site preparation, demolition or construction shall be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

## **Informatives**

1. Justification Grant (JG4)
2. Other Legislation (1OL1)
3. During any site preparation, demolition and construction phase the guidance in BS 5228-1:2009+A1:2014 '*Code of practice for noise and vibration control on construction and open sites*' should be adhered to.
4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from

the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
7. School Travel Plan: It is a requirement of this permission that a School Travel Plan is submitted and approved by the Council. Further details can be obtained from [activeandsafertravel@hertfordshire.gov.uk](mailto:activeandsafertravel@hertfordshire.gov.uk).

## **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

### Plans for Approval:

<b>Plan Ref</b>	<b>Version</b>	<b>Received</b>
8492/P205		13.02.2023
8492/P501		05.12.2023
8492/P401		05.12.2023
8492/P302		05.12.2023
8492/P301		05.12.2023
8492/P204	Rev A	07.07.2023
8492/P203		05.12.2023
8492/P202		05.12.2023
8492/P201	Rev B	07.07.2023
8492/P108		05.12.2023
8492/P107		05.12.2023
8492/P106		05.12.2023
8492/P105		05.12.2023
8492/P104		05.12.2023
8492/P103		05.12.2023
8492/P102	Rev A	07.07.2023
8492/P101		05.12.2023
2220267-EWP-ZZ-XX-DR-C-10001 P2		09.12.2023
2220267-EWP-ZZ-XX-DR-C-10000 P3		09.12.2023