The Planning Inspectorate

Appeal Decision

Inquiry Held on 27 November 2018

Site visit made on 28 November 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2019

Appeal Ref: APP/U1620/W/18/3204339
Land at Clearwater Drive, Quedgeley, Gloucester

- 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 the Department for Education against the decision of Gloucester City Council.
- The application Ref 17/00729/FUL, dated 3 July 2017, was refused by notice dated 7 December 2017.
- The development proposed is Erection of a primary school and associated infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a Primary School and associated infrastructure with car park and pedestrian and vehicular access from Clearwater Drive and pedestrian access to Eldersfield Close at Land at Clearwater Drive, Quedgeley, Gloucester in accordance with the terms of the application, Ref 17/00729/FUL, dated 3 July 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The Council amended the description of development upon receipt of the application and included the amended description in the decision notice. At the start of the Inquiry the parties confirmed that they were content for the appeal to be determined on the basis of the amended description which it was agreed more precisely described the nature of the development.

3. The appellant changed its name from the Education and Skills Funding Agency to the Department for Education due to changes in the departmental organisation.

4. The appellant's appeal documents included alternative proposals which identified the relocation of the Multi Use Games Area (MUGA) within the proposed school grounds. This was provided on a revised Landscape Master Plan No. P17-0437_04 Rev G, a revised Planting Strategy Plan No. P17-0437_06 Rev E and there were also illustrative sections provided on Illustrative Sections Plan No. P17-0437_17 Rev B.

5. The Council undertook additional consultation on the alternative scheme and considered the matter at its Planning Committee on 6 November 2018.

6. I am satisfied that the proposed alteration to the scheme, does not change the description of development or its scale nor does it amend the red line boundary. In effect the alternative scheme makes only a minor adjustment to the overall scheme. The Council have undertaken additional consultation and responses have been provided. The Council have had the opportunity to consider the alternative scheme. I am satisfied that there would be no material prejudice to parties who have and would have wished to comment on the proposals as the alternative plan was available as part of the appeal papers and therefore available for parties to view and comment on. I am satisfied that my consideration of the alternative scheme would be consistent with the 'Wheatcroft' principles.

7. I confirmed this to the parties at the start of the Inquiry and on this basis it was agreed that the alternative proposals, with the amended MUGA location, would form the basis of the scheme plans and that I would consider the proposed development as described in the alternative layout.

8. I have considered the appeal on the basis of the amended description of development and on the basis of the plans identifying the alternative location of the MUGA.

9. I was provided with a completed signed and dated Unilateral Undertaking (UU) at the opening of the Inquiry. The UU secures the transfer of an area of open land adjacent to the appeal site to the City Council and provides for a commuted sum for its future maintenance. I return to the UU later in my reasoning below.

10. The Council originally refused planning permission for five reasons. These were related to the loss of open space, noise impact from the use of the sports fields, impacts from lighting, drainage issues and noise from comings and goings. Three Statements of Common Ground were agreed between the Council and the appellant addressing planning matters, highway matters and Noise. A joint statement was also received from the parties. The outcome was that it was agreed that reasons for refusal 3, related to lighting , and 4, related to drainage, could be addressed by suitably worded conditions and reason for refusal 5, disturbance from comings and goings, was not to be pursued as there was no evidence to support it. In respect of reason for refusal 1, open space, this was agreed to be addressed by the submission of the completed UU. Finally it was agreed that reason for refusal 2 was addressed by the relocation of the MUGA, which was included on the plans on which the appeal was now to proceed. The Council therefore confirmed that it no longer sought to provide evidence in support of its original reasons for refusal.

Main Issues

11. There were a significant number of representations received at the original application stage and in response to consultation on the appeal and there were a number of third parties who attended and spoke at the Inquiry.

12. A number of the matters they raised related to the original reasons for refusal and I address these in the context of my main issues. There were a number of additional and consequential issues which touched on the basis of the decision and I turn to these in the 'other matters' section below.

13. On the basis of the above the main issues are:

- The effect of the proposed development on open space provision in the surrounding area; and
- The effect of the proposed development on the living conditions of the occupants of properties in the surrounding area, with particular reference to potential for noise and disturbance.

Reasons

14. The development plan for the area comprises the saved policies of the City of Gloucester Local Plan 1983 and the policies of The Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011 -2031 (JCS).

15. The JCS was adopted on 11 December 2017 shortly after the decision notice in respect of the application the subject of this appeal was issued, 7 December 2017. The policies cited in the reason for refusal in the JCS are therefore now part of the development plan and have the full statutory weight of a recently adopted plan.

16. The saved policies of the Gloucester Local Plan 1983 are of a significant age and the plan does not include the area of Quedgeley, which was at that time under the jurisdiction of Stroud District Council until 1991. The parties have agreed in the Planning Statement of Common Ground that it is out of date for the purposes of this appeal and that its policies are not material in the determination of this appeal.

17. The Council propose to supplement the JCS with a second tier Gloucester City Local Plan to deal with the detailed policies relating to the City. A draft of The Gloucester City Local Plan 2016-2031 was published for public consultation in January 2017. Within this plan the site is subject to a site specific allocation (Policy SA14) for various options: a 2 Form Entry 2FE entry free-school; or 15-30 dwellings plus enhanced public open space; large children's play area. It is an emerging plan but there are areas which are included where it would appear there are outstanding objections including the proposed identification of this site for a 2FE primary school. The policies, whilst material, therefore carry limited weight.

18. The Council published and approved the Second Stage Deposit City of Gloucester Local Plan (2002) (GLP) for development control purposes. As it is not an adopted development plan it has not been superseded by the adoption of the JCS. The Council have however reviewed the policies in the document in the light of the JCS and the National Planning Policy Framework (the Framework) and have identified relevant policies that are considered to be a material consideration in the decision making process, including policies which have a partial relevance. The appeal site is addressed in policies CS9 and OS.7. Policy CS9 identifies the site as being reserved for a new primary school and Policy OS.7 identifies the site is allocated for public open space. The supporting text to these policies indicates that the site may be available for public open space if the need for a primary school allocation does not arise. The policies of the GLP are not part of the development plan, but they may be material considerations in the determination of this appeal depending on their relevance. The policies are of some age and have not been saved, as they are not part of the development plan, and will be overtaken by the adoption of the City Local Plan I therefore afford them, or any conflict with them if found, to be of limited weight.

Open Space

19. The appeal site forms part of a large area of open undeveloped land. Whilst its general topography falls gently from east to west the surface is undulating and uneven. The appeal site itself mostly comprises rough grass interspersed with areas of scrub and tree clumps. To the west the area of the retained County Council land has a greater degree of vegetative cover of primarily bramble, scrub and tree cover. To the north is the Gloucester and Sharpness Canal while the southern boundary fronts onto Clearwater Drive. The remainder of the area is surrounded by residential development of small culs-de sac.

20. The appeal site forms part of the wider area of present open land. The land is not formally designated as public open space, nor is it identified in the development plan as such, albeit there is a permissive right for access to the land. It is evident that the land is used for informal recreation for walking, dog walking, etc. and as an access through to the canal path and canal park.

21. Given the nature of the surface and condition of the space it is not evident that it is used or would be suitable for formal or even informal sporting activity.

22. The Council's 'Open Space Strategy 2014 -2019' identifies and sets a quantity standard for open space provision across the City of 2.8 Ha per 1000 population. It also identifies that there are six city wards where there is a significant shortfall in terms of that adopted standard. One of those six is Quedgeley Severn vale, within which the appeal site is located and which has a provision of 1.08 ha per 1000 population. This figure was referenced on a number of occasions by local residents concerned with the loss of the open space. However, the Open Space Strategy is more nuanced and identifies subdivisions of the space standard such that 1.6 ha/1000 population should be formal sports/playing pitches, 0.8 ha/1000 population should be designated equipped playing space (0.25 ha formal equipped and 0.55 hainformal) and 0.4 ha/1000 population informal recreation.

23. Quedgeley Severn Vale ward has some 7.71 ha of open space. By far the majority of this space is informal recreation space and the Strategy confirms there are no formal sports pitches provided and there are only two small play areas in the ward. The majority of the existing open space is categorised as informal green space, countryside and natural space or amenity green space. It is the sports pitches and formal play areas where the shortfall exists. The loss of this space would not result in the loss of any of those last space types. Moreover, even within the areas of space that are counted in the 7.71ha in the ward, the appeal site is not included and therefore would not result in a reduction in the quantity of space identified in the overall figure.

24. The proposed school includes playing pitches and it is suggested that community access to those facilities could be provided. This could be secured by the use of an appropriately worded condition. In this regard the school development could assist in reducing the shortfall of formal playing pitches in the area for which there is an identified shortfall. This of course would be a matter that would need to be balanced against the impact on living conditions of surrounding residents but that could be addressed in the consideration of any proposals under the terms of the condition. I give this particular matter some positive benefit but this is limited due to the need to balance with the effect on living conditions which may limit the overall times that the pitches may be available.

25. The appellant has provided a UU which makes provision for a proportion of the residual area of land which is part of the existing open space but that is outwith the appeal site is to be offered to be transferred to the City Council. This would allow the Council to control the space to provide access through to the Canal park and Canal walk and adopt the space as public open space and therefore add to the amount of space within the ward. The UU also makes provision for the provision of a commuted sum to address the maintenance of the area of open space. The layout and landscaping of the area would further be addressed by the imposition of a suitably worded planning condition. Depending on the agreed layout and nature of the space this could provide opportunities for the City Council and Town Council to explore the nature of the open space provision and further address some of the areas of identified shortfall as indicated in the Open Space Strategy.

26. The provision of the open space and maintenance contribution will assist in the land providing linkages to the green infrastructure network and will maintain the contribution of that space to health and environmental quality in that respect the proposal would not conflict with Policies SD4, SD14 or INF3 of the JCS and would not conflict with the advice in the Framework. The overall formal level of provision in the ward could also be increased. The Council, in the Joint Statement are satisfied that this would appropriately mitigate the loss of the wider site to educational purposes.

27. On the basis of the above I conclude that the proposed development would not result in a reduction of public open space, which would be increased, and the secured mitigation would positively contribute to the identified shortfall in the ward.

Noise and disturbance

28. At the start of the Inquiry I accepted the revised alternative layout which identified that the MUGA was moved from the eastern boundary of the site into the centre of the site. The sports pitch remained where it was originally identified and an acoustic fence was proposed on the boundary adjacent to that sports pitch. It was agreed that the appeal would be considered on the basis of this revised arrangement and therefore I have not considered further the original layout.

29. The relocation of the MUGA away from the sensitive eastern boundary into the centre of the site would reduce the effect of the use of this area on the occupants of the closest residential properties.

30. There remains a degree of dispute between the parties in respect of methodology but for the purposes of the Inquiry this does not require to be resolved as the Council accept on the basis of its methodology that there would be no significant adverse effect on the occupiers of neighbouring properties.

31. Both parties accept that a noise level of 50 dB L_{Aeq1hr} represents the Lowest Observed Adverse Effect Level. The Noise Policy Statement for England aims to ensure the significant adverse impacts on health and quality of life are avoided and that adverse impacts are mitigated and minimised. This means that in effect where a noise is between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL) proposals should be minimised and mitigated.

32. Even taking the Council's calculations into account which give higher figures due to differences in the height and length of the acoustic fence the resultant noise effect would be around 54 dB L_{Aeq1hr} at the closest boundary and 51 dB L_{Aeq1hr} beyond the acoustic fence at the closest residential properties. Whilst this would marginally be above the agreed LOAEL it would be below the SOAEL. It is further noted that a 4db increase in noise is a 'slight impact'.

33. It was suggested by third parties that the World Health Organisation's latest Standard of 40 db L_{AeqT} for community noise was appropriate whereas the parties were working to the 50dB figure. However, it is noted that the baseline figure for the area was in the region of 47dB L_{Aeq} and therefore this would be unachievable.

34. Concerns were expressed about the potential effect on activities within properties with one resident identifying specific needs for their internal environment due to business activities. However the effect of the planning system is to operate in the public interest and not to protect individual rights. The nature of the evidence demonstrates that the proposal would not result in a significant adverse effect and that any noise affect above the LOAEL would be adequately mitigated. There would therefore be no significant material adverse effect on noise and disturbance to residents from activity on and use of the proposed playing pitches.

35. Within the noise statement of common ground the expert witnesses agree that, albeit there was disagreement on the methodology, the noise from activity in the car park would be below the LOAEL and would therefore be unlikely to have a significant effect on nearby receptors.

36. Given the above I conclude that there would be no material adverse effect on the living conditions of the occupants of properties in the surrounding area, with particular reference to noise and disturbance. Consequently the proposal would not conflict with Policies SD4 and SD14 of the JCS which seek to ensure future developments do not result in adverse effects on health and environmental quality through appropriate design and would be consistent with the advice in the Framework.

Other matters

Need

37. The Planning Statement of Common Ground (PSOCG) confirms that there is a need for the school of the size of the school proposed. The PSOCG further confirms that without the school there would be an unmet need in the City for school places. By 2021 the forecast need above the existing capacity without this school would be substantially exceeded in all year groups across the primary sector. The County Council has confirmed that it need to work to a Planned Admission Number in excess of 510 which would equate to an additional 2FE school; just to meet demand and provide flexibility in the system.

38. There was no substantive evidence submitted to challenge this position. There was however concern expressed as to whether the need arose from within this ward or catchment for the school and whether a new school would be better placed in the adjoining Kingsway area. The suggestion being that Kingsway and Quedgeley are distinct communities separated by the A38.

39. The County Council have confirmed that there are no formal catchment areas for schools and many of the children cross the area to attend schools. At present it is evident that children already cross the A38 to attend school in either direction. This is to some extent resultant from the lack of adequate space and provision already within the system.

40. Ms Medland, Head of Commissioning for Learning at the County Council, confirmed that there was likely to be some adjustment to general catchment areas for schools as a new school was introduced to the system. Whilst therefore the existing roll for the Clearwater school did not demonstrate a high proportion of children from close to the appeal site this was a function of the lack of availability at other schools and those children having a school place identified which was not a first choice. The school roll would be increased incrementally and following the new school site's establishment it would be likely that it would draw pupils from the local community which would free up places at other schools in Kingsway and there would be a general re-balancing of the school catchments; this was normal upon the opening of a new school.

41. I was provided with no substantive evidence to suggest that this evidence could not be relied upon. I accept that the distance to Clearwater from Kingsway and the limited crossing points across the A38 might mean that the travel distance for those children from Kingsway would likely discourage other means of transport than the private car. However, given the clear need for additional school places in the City and in the wider area the existing school attendance pattern would not be likely to persist in the longer term and there would be likely to be a re-balancing of the catchment areas and draw for the school.

42. The meeting of need for school places is a significant and positive benefit of the scheme.

Highways

43. The school would be provided with a new car park for 54 cars and which would accommodate a circulatory access route and drop off points adjacent to the school building. The numbers of children attending the school would be increased on a year by year basis over a seven year period before reaching its full capacity. This would allow for the introduction and implementation of a robust school travel plan and car park management which can be secured by appropriately worded conditions. The Transport Assessment is considered to be robust and confirms that the size of the car park is adequate to meet the needs of the likely parking accumulations over the school day.

44. As with all schools, the short term effects of arrivals and departures at the start and end of the day is the time when most potential conflicts arise. The school propose to implement a managed drop off arrangement within the parking area and this will assist in mitigating the potential effect of cars parking on the adjoining highway. The implementation of a school travel plan and the re-balancing of the catchment area as the school settles into the community will provide further opportunities to influence the mode of transport and thereby the potential effects of those arrival and departure effects.

45. The Highways Statement of Common Ground confirms that the Transport Assessment's analysis of the Highway impacts of the development is robust and there has been no objections to the scheme from the Highway Authority. The access provides a suitable access arrangement with adequate visibility.

The circulation within the school car park is adequate to allow for the nature of service vehicles that will attend the school and there are no perceived effects on the wider highway network. There are no adverse effects identified on close by junctions and the likely anticipated traffic is capable of being accommodated on the local road network. There has been no robust evidence to demonstrate that the conclusions of the Transport Assessment are not robust and indeed the Highway Authority has itself undertaken a robust assessment and testing of the Transport Assessment.

46. On the basis of the information before me I conclude that there would be no material adverse effect on highway safety or convenience of highway users as a result of the proposed development.

Ecology

47. The wider open area of which the site forms a part is identified as a Key Wildlife Site, a local designation in the JCS. Policy SD9 in the JCS indicates development in such areas will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or mitigated.

48. The appellant has submitted a protected species survey report and an ecological mitigation and enhancement plan in support of the application. From the information available it is evident that the site's ecological features include habitats which support bats, reptiles, amphibians, birds and hedgehogs. Specifically there are records of frog, toad and smooth newt as well as slow worm. The site also acts as a bat foraging area.

49. The proposed mitigation strategy seeks to fence off the site with reptile proof fencing and relocate the reptiles within the site outside the development area through trapping, re-location and preventing access to the site. In terms of slow worms again translocation is proposed. The bat mitigation primarily relates to lighting measures to reduce the effect on the darker areas of the site and this can be addressed by a condition on any future lighting. A phased approach to site clearance is also proposed. Compensation is provided for in the form of a landscape buffer around the site, and a habitat area and nature trail within the site along with a forest school area. These areas will include a number of wildlife homes.

50. The Council's Ecological advisor concludes that the mitigation plan is acceptable subject to an area of suitable habitat for amphibians and reptiles. This is available now and is secured and agreed for the future. The creation of a pond would enhance the habitat for amphibians. The mitigation and enhancement matters can reasonably be secured through the imposition of suitable landscape and ecological mitigation conditions. Lighting during construction and operation of the school post construction can also be suitably addressed through appropriate conditions. On the basis of the above I am satisfied that the proposal would not result in material harm to protected species or the general ecology of the area and consequently it would be in accordance with the development plan and the advice in the Framework.

Planning Obligation

51. A UU under the terms of Section 106 of the Town and Country Planning Act 1990 as amended has been provided. The provisions of the UU secure the

offer of the land owned by the County Council to the City Council and a financial contribution for its future maintenance.

52. I have confirmed above that this is required to mitigate for the loss of the contribution the wider area of open space makes to the local community and open space provision in the locality.

53. I am satisfied that the matters secured under the UU are necessary, related to the development and fairly and reasonably related in scale and kind to the development. The matters therefore meet the tests in the CIL Regulations and National Planning Policy Framework. These are site specific measures and the council confirmed that there was no issue with regard to the pooling of contributions in respect of the land.

Benefits of the Scheme

54. The principal benefit of the scheme that is put forward by the appellant is the provision of additional school places in an area where there is a significant need for additional places. Paragraph 94 of the Framework advises that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that decision makers should give great weight to the need to create schools through decisions on applications. This is therefore a significant benefit which I give great weight.

Conditions

55. A draft list of suggested conditions was provided and discussed at the Inquiry. I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the Use of Conditions in Planning Permissions.

56. Condition 2 is an approved plans condition and is necessary to confirm the primacy of the alternative location of the multi use games area in the approved plans. Details of materials, condition 3, are required in the interest of the appearance of the development and the area.

57. A landscaping scheme is required to ensure the development is in keeping with the character of the area, to address ecological matters and to include the required acoustic fence, condition 4. Ecological management is secured through condition 5. Construction management and ecological management during construction are safeguarded by the imposition of conditions 6 and 7. Condition 8 ensures appropriate tree and hedgerow protection is provided at an appropriate time.

58. Condition 9 addresses the potential for site contamination given the historical fill associated with the site.

59. Conditions 10, 11, 12, 13, 14, 15, 16, 17 and 18 secure appropriate details of the parking and access arrangements of the site and their future management and are necessary to ensure the development's impact on the highway network and surrounding residents is acceptable.

60. Condition 19 requires details of lighting to protect bat foraging areas and ensure lighting is not intrusive for the occupants of the surrounding properties.

61. Condition 20 requires details of the surface water drainage for the site as such details have not been provided.

62. Condition 21 requires the submission and approval of a community use agreement for wider use of the school facilities and is required in the interests of the living conditions of the occupants of surrounding properties.

63. Conditions 6, 7, 8, 9 and 20 are 'pre-commencement' conditions and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins. The appellant has provided written confirmation of its agreement to those conditions which it concludes are reasonable.

Overall conclusion and planning balance

64. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposed development would not result in the loss of identified open space and that there would be no material adverse effect on the living conditions of occupiers of surrounding properties. I am further satisfied that the proposed development would not result in material harm to highway safety, and in the case of ecology where there is adverse effects these can be adequately mitigated or compensated.

65. On this basis I am satisfied that the proposal would not conflict with development plan policies and indeed would be in accord with the development plan as a whole. The evidence demonstrates that there is a significant need for additional school places in the City and in this area and I give this need great weight in accordance with the advice in the Framework.

66. Whilst the proposal will result in an area of open land being developed and the area will therefore undergo change I am satisfied that the nature of the development is entirely appropriate to a residential area and to serve the needs of the local community. The site has on a number of occasions been identified for development including for a primary school albeit these are not within the statutory development plan and are of only limited weight. These nevertheless add to the overall positive weight that lends support for the proposal.

67. I accept that, as when any change occurs, there will be changes in the activity and appearance of the area. However, I am satisfied that these can be adequately managed and suitably controlled through the use of conditions and details secured through the imposition of conditions. There are therefore no material considerations that would indicate I should not determine the appeal in accordance with the development plan.

68. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant	Counsel Instructed by Tessa Yates, Solicitor for Gloucester City Council

FOR THE APPELLANT:

David Forsdick QC	Instructed by Trowers & Hamlins LLP
He called	
James Duffy BSc (Hons), MSc, MCIHT	Jubb Consulting Engineers
Andrew Rickard MEng MIOA	Mach Acoustics
Liz Fitzgerald BA (Hons), Dip TP MRTPI	Baker Parry Town Planning Ltd
Katherine Moss	Head Teacher, Clearwater School
Clare Medland	Lead Officer for Commissioning, Gloucestershire County Council

INTERESTED PERSONS:

Liam Harries	Local Resident
Ronald Hughes	Local Resident
Angela Blake	Local Resident
Anna Mozol	Local Resident
Graham Dunn	Local Resident
Harry Sykes	Local Resident
Tim Houlihan	Local Resident
Beverley Aldridge	Quedgeley Town Council – Deputy Clerk
Mark Hawthorne	Gloucestershire County Councillor for Quedgeley
Julie Britton	Local Resident

DOCUMENTS

ID1	Plan of Route for Site visit with view points (A second plan Showing the location of the underpass and A38 was also provided on site)
ID2	Signed Planning Statement of Common Ground was put into the Inquiry, duplicate of that previously sent to Inspector.
ID3	Signed Noise Statement of Common Ground was put into the Inquiry, duplicate of that previously sent to the Inspector.
ID4	Updated CIL compliance statement submitted by the Council
ID5	Letter of agreement to pre-commencement conditions, submitted by Appellant
ID6	Finalised Unilateral Undertaking, submitted by Appellant.
ID7	Opening Statement on behalf of the Appellant.
ID8	Opening Statement on behalf of the Local Planning Authority
ID9	Speaking notes for Mr Sykes
ID10	Speaking notes for Anna Mozol

ID11 Speaking Note from Beverley Aldridge
ID12 Updated plans condition and landscaping condition to reflect primacy of the alternative layout and location of the MUGA.
ID13 Closing Submissions on behalf of the Appellant.

SCHEDULE OF CONDITIONS FOR APPEAL APP/U1620/W/18/3204339

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Notwithstanding the Multi Use Games Area (MUGA), as may be detailed on the plans, the development hereby permitted shall be carried out in accordance with the approved drawings except where these may be modified by any other conditions attached to this permission. For the avoidance of doubt the MUGA hereby approved shall be sited as shown on plan reference Landscape Masterplan P17-0437_04 Rev G. The approved drawings are: Proposed Site Location Plan – 8302-RLL-A-PL01-Rev 2, Landscape Masterplan - P17-0437_04 Rev G, Proposed Elevations – 8302-RLL-A-PL05 Rev P3, Proposed Ground Floor Plan – 8302-RLL-A-PL02-DAO, Proposed First Floor Plan – 8302-RLL-A-PL03-DAO, Proposed Roof Plan – 8302-RLL-A-PL04-P2, Proposed Typical Sections 8302-RLL-A-PL06-DAO,Proposed Site Block Plan – 8302-RLL-A-PL04 Rev P2, Car Park Drop Off – SK028 Rev P2, Planting Strategy P17-0437_06 Rev E, External Lighting 928E-MET-00-00-DRE-Ss_70_80-0002, Tree Protection Plan – P17-0437-09Rev B66 and Indicative Long Site Sections – P17-0437_17 Rev B.

3. No development works above Damp Proof Course level shall take place until details and samples of materials to be used externally on the walls and roofs of the development hereby approved, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

4. No development works above Damp Proof Course level shall take place until a landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority.
   The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.
   This shall include details of the enhancements proposed to the "residual County land" and the details set out in the ecological mitigation and enhancement plan dated 27 June 2018.
   For the avoidance of doubt, the scheme shall include a 2m high acoustic fence along those parts of the northern and eastern boundaries of the site parallel with the grass pitch. The details to be submitted and approved shall include the location of the fence, acoustic properties of the fence and detailed specifications along with its maintenance requirements and a timetable for its implementation.
   The approved landscaping scheme shall thereafter be carried out in accordance with the approved scheme and shall be completed no later than the first planting season following the first occupation of the development.
   The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

5. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the first occupation of the building hereby approved. The content of the LEMP shall include the following:
   i. Description and evaluation of features to be managed.
   ii. Ecological trends and constraints on site that might influence management.
   iii. Aims and objectives of management including those in relation to dormice and bats.
   iv. Appropriate management options for achieving aims and objectives including appropriate enhancement measures.
   v. Prescriptions for management actions.
   vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   vii. Details of the body or organization responsible for implementation of the plan.
   viii. Ongoing monitoring and remedial measures.
   ix. The LEMP shall also identify the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

   The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
   i. Specify the type and number of vehicles;
   ii. Provide for the parking of vehicles of site operatives and visitors;
   iii. Provide for the loading and unloading of plant and materials;
   iv. Provide for the storage of plant and materials used in constructing the development;
   v. Provide for wheel washing facilities;
   vi. Measures to control the emission of dust and dirt during construction
   vii. Details of construction vehicle routing to and from the site.
   viii. Ensure that during the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

7 No works shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
   i. Risk assessment of potentially damaging construction activities.
   ii. Identification of "biodiversity protection zones".

iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
iv. The locations and timing of sensitive works to avoid harm to biodiversity features.
v. The times during construction when ecological or environmental specialists need to be present on site to oversee works.
vi. Details of responsible persons and lines of communication.
vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person.
viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development hereby approved strictly in accordance with the approved details.

8 No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows have been installed in accordance with details first submitted to and approved in writing by the local planning authority. This shall include:

i. Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. Such fencing shall be maintained during the course of development,
ii. Tree Protection Zone (TPZ). The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, siting of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.

9 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D below, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part D below has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site which has first been submitted to and approved in writing by the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority. The report of the findings must be conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11' and include:

i. a survey of the extent, scale and nature of contamination;
ii. an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,

iii. an appraisal of remedial options, and proposal of the preferred option(s).

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B above, and submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with part C above.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring of the long-term effectiveness of the proposed remediation, and the provision of reports on the same, shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is first occupied. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

10 Prior to the building being brought into beneficial use the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. SK021 Rev P1 with any gates (including those serving the Maintenance Access) situated at least 5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter for the lifetime of the development.

11 The development hereby permitted shall not be occupied until the vehicular parking layout and drop-off facilities have been provided in accordance with the submitted plan drawing no. SK028 Rev P2 and those facilities shall be maintained available for those purposes for the lifetime of the development.

12 The development hereby permitted shall not be occupied until the Cycle/Scooter parking has been made available for use in accordance with the submitted plan drawing no. P17-0437_04 Rev D and those facilities shall be maintained as such for the lifetime of the development.

13 The development hereby permitted shall not be occupied until Tactile Paving has been provided at the crossing points identified on drawing no. W17145_NMU_009, in accordance with details which have first been submitted to and approved in writing by the local planning authority.

14 The development hereby permitted shall not be occupied until a Car Park Management scheme has been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Scheme so approved shall be adhered to at all times for the lifetime of the development.

15 Details of 3 no disabled parking spaces measuring 3.6m in width by 4.8m in length shall be submitted to and agreed in writing by the Local Planning Authority and the approved disabled parking shall be laid out and made available for use prior to the first occupation of the development hereby approved.

16 The pedestrian accesses as shown on drawing no. P17-0437_04 Rev G shall be provided and made available for use on first occupation of the development hereby permitted.

17 The maintenance access as shown on drawing no. P17-0437_04 RevG shall not be used for any other purpose other than for maintenance of the playing field or for emergency access and the access gate shall remain closed and locked at all other times.

18 The development hereby permitted shall not be occupied until a Full School Travel Plan has been submitted to and agreed in writing by the local planning authority, setting out;
   i. objectives and targets for promoting sustainable travel,
   ii. arrangements for the appointment and funding of a travel plan coordinator,
   iii. details of an annual monitoring and review process,
   iv. means of funding of the travel plan, and;

v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, for the lifetime of the development.

19 Prior to the first occupation of the development hereby permitted, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

i. details of any lighting and external luminaries including measures to control light spillage to maintain dark bat flight corridors foraging in and along the vegetation on and adjacent to the site in line with the mitigation measures described in section 2.1.6 of the ecological mitigation and enhancement plan dated 27/06/2017 both prepared by Wild Service, together with proposed hours of use, and

ii. aims and objectives; information to demonstrate how the number and wattage of lighting will be kept to a minimum; details of how lighting will be controlled temporally e.g. timers, PIRs and avoid use of broad spectrum light emissions: details of how light spill will be reduced, for example low level illumination, cowling, planting schemes to screen spill, lights angled so as not to emit at greater than 70 degrees; ensuring dark zone/s; scale drawings showing the number, location, type and wattage of lighting proposed.

No external lighting shall be installed on the site other than in accordance with the approved lighting scheme.

20 No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy including permeable paving and geo-cellular storage as presented in the Drainage Strategy (C17145_500_ P5 Proposed Drainage Strategy) has been submitted to and approved in writing by the local planning authority. The strategy must demonstrate the technical feasibility/viability of the drainage system through the use of Sustainable Drainage Systems SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water, including its quality, for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development hereby permitted is first occupied.

21 The development hereby permitted shall not be occupied until a community use agreement has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall apply to the playing field and Multi Use Games Area (MUGA) and shall include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved community use agreement.

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