

Harris Lane Appeal – PINS Ref: 3311193
Agreed Schedule of Draft Conditions
Appellant and HBC – 31.3.23

Should the Inspector be minded to allow the appeal, Hertsmere Borough Council would suggest the imposition of the following draft conditions:

1. Time Limit

a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

b) The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of three years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Reserved Matters

Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

3. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

- Site Location Plan – 1908-PL1000 (dated March 2022)
- Access Arrangements and Visibility Splays – SK01 (dated 17 December 2018) (Appendix C of the Transport Statement, prepared by EAS)

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

4. Soft Landscaping Scheme

PRIOR TO COMMENCEMENT OF DEVELOPMENT a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The scheme should include native hedgerow planting to garden boundaries, native scrub and tree planting along the Eastern boundary, enhancements to H2 and H3, and any street tree planting.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Policies SP1 and CS12 of the Hertsmere Local Plan and S3.2.6 of the Biodiversity, Trees and Landscape SPD.

5. Hard Landscaping Scheme

PRIOR TO COMMENCEMENT OF DEVELOPMENT details of a hard landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant.

The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

6. Drainage

The drainage scheme submitted at reserved matters shall be broadly in accordance with the Flood Risk Assessment & SuDS Strategy Report (dated May 2022) submitted as part of this permission.

7. Lighting Strategy

Prior to first occupation of the development, a lighting strategy for bats should be submitted to and approved in writing by the LPA. This should accurately identify the features/areas of interest, describe levels of illumination prior to, and post-development, and when considered necessary by the ecologist, should be shown on suitable contour plans or similar as appropriate so that it can be clearly demonstrated that newly illuminated areas will not compromise existing or proposed use. The lighting strategy should maintain dark corridors on the northern and eastern boundaries. The lighting scheme should accord with best practice (Guidance Note 08/10: Bats and artificial lighting in the UK (BCT & ILP, 2018) and be maintained accordingly. No further external lighting should be added. These proposals should also be accompanied by a brief statement by an ecologist on how it achieves these goals.

Reason: To ensure that the development would not result in undue harm to bats and/or their habitats. To comply with Policy CS12 of the Hertsmere Core Strategy 2013.

8. Construction Environmental Management Plan

PRIOR TO COMMENCEMENT OF DEVELOPMENT a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In addition to the construction phase impact avoidance and mitigation measures identified, the CEMP will detail standard environmental control measures, including though not limited to the following:

- Implementation of strict protection measures for the root protection areas of retained trees and hedgerows, in accordance with BS5837:2012.
- Standard best practice construction phase pollution prevention and control measures.
- Sensitive working methods and timing to avoid direct impacts to nesting birds (generally vegetation removal outside nesting season of March through August).

Reason: To ensure protection of trees and hedgerow, habitats, and other ecological features of value on the site during construction works. To comply with Policy CS12 of the Hertsmere Core Strategy 2013.

9. Landscape and Ecology Management Plan

PRIOR TO COMMENCEMENT OF DEVELOPMENT a Landscape and Ecology Management Plan (LEMP), prepared in accordance with BS42020:2013, shall be submitted to and approved in writing by the Local Planning Authority. In line with submitted technical reports the LEMP should make reference to securing 2.21 habitat units post-development, and the requirement for 20 integrated bat boxes and 20 integrated swift boxes. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
- d) Prescriptions for management actions, only definitive measures are acceptable.
- e) Preparation of a work schedule (including a 5 year work plan capable of being rolled forward in perpetuity), clearly marked on plans.
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

The LEMP shall also include details of 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 details of soft landscaping should include the long-term design objectives, management responsibilities, for the soft landscaping specifications, maintenance schedules and periods for all hard and soft landscape areas, (other than privately owned plots) and including all woodland and Suds areas together with a timetable for the implementation of the Landscape Management Plan.

The approved plan(s) will be implemented in accordance with the approved details.

Reason: To ensure that the development would achieve a minimum of 10% Biodiversity Net Gain (BNG) in line with the requirements of the Environment Act 2021 and to satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy CS12 of the Hertsmere Local Plan Core Strategy (2013) and CS22 of the

10. Biodiversity Offset Management Plan

NO DEVELOPMENT SHALL TAKE PLACE BEFORE a management plan relating to biodiversity provision has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme(s).

Reason: To ensure that the development would achieve a minimum of 10% Biodiversity Net Gain (BNG) in line with the requirements of the Environment Act 2021. To comply with Policy CS12 of the Hertsmere Local Plan Core Strategy (2013).

11. Tree Protection – Compliance

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Protection Plan, and Method Statement, prepared by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, dated March 2022.

Reason: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2013.

12. Protection of Badgers

NO DEVELOPMENT SHALL TAKE PLACE BEFORE submission of a pre-construction badger survey. During any prolonged remediation, construction or landscaping works the site shall be monitored for signs of new sett digging. Any open excavation shall be covered with wooden boards, or fitted with appropriate escape ramps, in order to prevent badgers falling into them and injuring themselves or becoming trapped.

Reason: to safeguard badgers during the construction as a protected species. To comply with Policy CS12 of the Hertsmere Core Strategy 2013.

13. Construction Management Plan

The construction of the development hereby permitted, shall be constructed in accordance with the submitted Construction Management Plan (dated May 2022)

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way. To comply with Policy SADM40 of the Site Allocations and Development Management Policies Plan and Policy CS24 of the Hertsmere Core Strategy 2013.

14. Archaeology – Condition A

No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure suitable investigation and recording of any heritage assets of archaeological significance within the site. To comply with Policy CS14 of the Hertsmere Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan 2016.

15. Archaeology – Condition B

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

Reason: To ensure suitable investigation and recording of any heritage assets of archaeological significance within the site. To comply with Policy CS14 of the Hertsmere Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan 2016.

16. Archaeology – Condition C

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure suitable investigation and recording of any heritage assets of archaeological significance within the site. To comply with Policy CS14 of the Hertsmere Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan 2016.

17. Site Waste Management Plan

PRIOR TO COMMENCEMENT OF DEVELOPMENT in any development phase, as defined on the Phasing Plan approved under Condition 3, a Site Waste Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise waste production and maximise the quantity of waste reused on site and recycled. To comply with Policy CS16 of the Hertsmere Core Strategy 2013.

18. Land Contamination – Phase II

NO DEVELOPMENT SHALL TAKE PLACE until a Site Investigation (Phase 2) has been submitted to, and approved by, the Local Planning Authority. The site investigation shall consider relevant soil, soil gas (including an assessment of the risk posed to future site users), surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis and risk assessment to any receptors.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

19. Land Contamination – Phase III

If the contaminated land site investigation (Phase 2) demonstrates that remediation is required then NO DEVELOPMENT SHALL COMMENCE (which shall include remedial actions) until a remediation strategy has been submitted to, and approved by, the Local Planning Authority. The proposed remediation shall be of such a nature so as to render harmless the identified contamination in the site investigation (Phase 2) given the proposed end use of the site and surrounding environment, including any controlled waters. The remediation work as outlined in the approved remediation strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Any laboratories used for sampling shall be compliant with UKAS/MCERT or an equivalent approved accredited quality control system as appropriate.

The contaminated land remedial actions as approved within the remediation strategy must be implemented and PRIOR TO THE OCCUPATION OF ANY BUILDINGS, a validation report must be submitted to and agreed in writing with the local planning authority to demonstrate compliance with the approved remediation strategy.

If during any works onsite, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition, then the additional contamination shall be fully assessed and the remediation strategy amended. The amended remediation strategy must be submitted to and agreed in writing with the local planning authority. As required, all works on site will be made available by an appropriate Council Officer.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Core Strategy 2013.

20. Acoustic Mitigation

No development shall commence until a scheme for the protection of the development, both with regard to external and internal areas, from external noise has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- a) plans, drawings and a description of the site;
- b) an assessment of the existing noise levels relevant to the site; and,
- c) an explanation of the principles adopted in the devising of mitigation measures, including appropriate site design and layout.

21. Removal of PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

- Schedule 2, Part 1, Class A
- Schedule 2, Part 1, Class B
- Schedule 2, Part 1, Class E
- Schedule 2, Part 1, Class F
- Schedule 2, Part 2, Class A
- Schedule 2, Part 20, Class A

Reason: To enable the Local Planning Authority to retain control over the development in order to preserve the openness of the Green Belt and prevent further harm from resulting; in accordance with the NPPF (2021), Policy CS13 of the Core Strategy (2013) and SADM26 of the Site Allocations and Development Management Policies Plan (2016).

WBP/HBC
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