



Right School Right Place

Hertfordshire County Council  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford,  
Hertfordshire. SG13 8DN

F.A.O.

Your ref: PL\0866\17

24 January 2018

Dear Sir,

**Re: Proposed new 6FE school buildings and associated development at Land to the north of Lower Luton Road, Harpenden, Herts. ref: PL\0866\17.**

Further to our letter of 16 November 2017 and subsequent additional representations in December 2017 and January 2018, we wrote to you identifying:

- We are a residents group, representing over 1,000 local residents - details provided in our letter of 16 November 2017.
- We strongly object to the proposals.
- That the Planning Application included a substantial number of documents, which on review revealed a significant number of errors and omissions.
- A need for mitigation on response times to allow proper consideration of matters arising from errors and omissions.
- Significant new material was added close to the submission date (between 7 -13 November 2017), for which we considered there was insufficient review time
- Our intention to continue our analysis of the material and to make a further submission(s)
- We have no option but to apply a high level of assumption to our review, and that will be noted on our comments.

We had identified further material that we were continuing to assess and about which we feel obliged to make significant assumptions due to lack of published information. We are adding to that series of representations with this representation. We would however draw your attention to the outstanding

matters which have been advised some time ago and which remain unanswered. In particular we draw your attention to the lack of basis of assessment provided for the LViA material, a point which we understand we are not alone in raising with you and about which no material has been provided or questions answered. We therefore submit that this aspect of the planning application is completely compromised and on that aspect alone as an LPA you should be requesting that the applicant withdraws the application, failing which you should be refusing the application on grounds of incompleteness should the applicant continue with the process.

We have included selected references to our initial notification to the Planning Authority by way of extracts from our original notification letters from October/November 2017. These are included at Appendix 1.

#### **Topic 4: Statement of Community Involvement**

A substantial amount of information has eventually been published – while this appears to support RSRP’s previously expressed concerns, the timing of the release of information (which was brought to the Planning Authority’s attention over 2 months prior to the supply of information) does not permit full evaluation. We have therefore undertaken some rudimentary analysis of the material added and on this limited basis drawn up our further representation.

- SCI (Statement of Community Involvement) Appendix 1 provides a copy of the leaflet produced to notify the process by which the school’s promoters, including the applicant, sought to engage public. As this leaflet comprised the sole means of notification to many households it should be viewed in isolation. The leaflet comprises a single two sided A5 sheet. One side has 3 maps showing 4 venues for exhibitions, the other has a list of the venues and dates/times of what is billed as a public exhibition. It states that the subject matter of the exhibition is emerging planning application proposals for the Katherine Warrington School. It fails to identify the site to which the plans refer. Furthermore the school had only announced that it had adopted the name Katherine Warrington School the previous month and at the time of publication the name was relatively unknown to the general public. Viewing this as a stand-alone leaflet, particularly if not having any internet access or awareness of the recent naming there is nothing to indicate this would be a relevant topic for many people. We therefore conclude the notification excluded many people who would have had a legitimate interest. As such the SCI cannot be deemed to be representative – a point compounded when also considering that awareness of the school progress and naming was greatest with one group – Primary School parents – as the naming competition, and its results, was undertaken through local Primary schools, giving a much higher awareness to a particular interest group.
- SCI Appendix 4 provides a screenshot of KWS website just prior to the exhibitions. As noted above there was a general lack of awareness of the school at this time and for reasons noted above it is understood that many

potential interested parties would not have had the means or the inclination to reference the website. It is noted that the website contains the first use of the word 'consultation', both in the text and, ironically, in the title of the exhibition leaflet which failed to use the word 'consultation' at any point. Without any reference in the delivered leaflet to 'consultation' other, less accessed media, including webpage, should be disregarded as tangible evidence of notification a formal consultation process.

- SCI Appendices 3 and 5 comprise a stakeholder e-mail and stakeholder list. It is noted that the list of stakeholders is far from inclusive. The list comprised over 80 Councillors plus one Council Officer – the Chief Executive of St Albans City and District Council – whose departure to take up an unrelated new position at the time of the exhibitions had been announced some time before. It is noted that the nine HCC Councillor invitees consisted of the entire Cabinet plus Chairman of the Council, which coincidentally included 4 of 5 Members for County Wards within the school's likely catchment, but no invitation was issued to Member for Harpenden Rural (formerly St Albans Rural) whose electors are likely to form a majority of school users. The entire member list for St Albans City and District Council was invited, as was the entire Harpenden Town Council. The Council Member stakeholder invitations however excluded any invitees from North Hertfordshire District Council, Dacorum Borough Council, Wheathampstead Parish Council, Redbourn Parish Council, Kimpton Parish Council, Harpenden Rural Parish Council and other local Councils covering Markyate, Flamstead, Whitwell and villages in the Waldens. All these areas are ones which HCC and the school have identified as pupil sources for the new school, and in the case of Wheathampstead, Kimpton, North Herts District and the Parish Councils in the Waldens, the school will be the highest prioritized school for new entrants resident in parts or all of the Council's areas. In the case of Wheathampstead, with in excess of 100 pupils per year consistently entering the Primary education cycle it is very likely that the subsequent occupancy of secondary will be in excess of half of the school's population. No other body, be that Parental representative Group, established Community Group in the locality, known interest group with defined concerns was considered to be a stakeholder. In the latter categories it could have been expected that Harpenden Parents Group, Batford Community Action Group, Batford Springs Volunteers, Harpenden and Wheathampstead History Societies (known Archaeological interests), Harpenden Green Belt Association, CPRE all had known interests as could our own Group which has been identified to the Trust from the early stages of the proposal. The only conclusion that can be drawn is that far from Community involvement of a wide nature the promoters of this scheme have sought the opposite – exclusion of interests and a total unwillingness to involve substantial sections of the Community. The invite itself to "stakeholders" appears however to consist of the standard web message (see above) plus an added benefit of a one hour preview of the exhibitions – this appears no more than a cynical attempt to seek support from Councillors at future reviews – such as this consultation – and appears to have removed any opportunity for constructive critique from many of those likely to be affected or representing those affected.

- It should be noted that the Appendix numbering within the text of the report does not correspond to the Appendix listing – this includes SCI Appendix 5 which is referred to as Appendix 7 in text (4.6) while the text (4.10, 4.11) identify an Appendix 5 as the Exhibition Boards – in practice these appear to be Appendix 7. Similarly the responses to questionnaires are declared as Appendix 9 – no such Appendix is included, it would appear to be Appendix 8. A number of other appendices are not referenced at all in the text, suggesting, particularly in the light of the non-provision of these Appendices until over a month after the expiry of the original consultation period, that these were not submitted with the report in the original application and indeed may not even have existed in a coherent form at the time of submission.
- SCI Appendix 2 provided a map of distribution area for the leaflets (see above). RSRP has mapped approximate school entry catchment areas onto a copy of this map and included this as Appendix 2 of the submission. The areas defined reflect the school allocation system and how it is likely to relate to the groups approached as potential community consultees. Within the standard HCC allocation process there are priority areas which group schools together in a territory, and within the priority area one community school is designated as nearest school on basis of distance of home to community schools in the priority area. In the Appendix High Catchment Priority has been assigned to those areas for the proposed school would be the nearest in the Priority area and Low Catchment Priority has been assigned to other areas within the priority area from which HCC has identified pupils are likely to be sourced – in practice HCC's Priority Area includes two EPAs (Education Planning Areas) and it could be argued that pupils from any St Albans location could be included, however the case for the school has been made on the basis of the northern EPA and this is defined in the application as omitting St Albans City area. Each of the two areas is then split into areas that were included in the leafleting and areas that were not. What is apparent is that large geographic tranches of High Catchment Priority were excluded from the leafleting – to the extent that the published map did not extend to some areas that would expect this to be their most likely school for entry, creating a group of more affected people who did not get the opportunity to comment (and the same territory includes many residents for whom the school would represent a traffic obstacle in any route to Harpenden irrespective of pupil interest). Conversely a substantial part of the leafleted territory included parts of Harpenden and Redbourn where arguably the establishment of this school will lead to greater access to the existing Harpenden Secondary Schools – an objective that has been previously stated by some parent representatives from these areas. As noted in other representations the applicants have identified an expectation of pupils from North West of Harpenden – it is therefore strange that they chose not to include further substantial geographies where these school users live (blue area on map again extending beyond the map provided). The imbalance of selection of recipients for canvassing for community involvement to the apparent inclusion of groups who would have potential non-planning interest in seeing the school established over those who

would be more directly affected is sufficient to destroy any ability to declare a balance in the outcome. It is of particular interest that parts of Wheathampstead Parish were excluded, despite the site being partly within the parish boundary.

- The feedback form, in SCI appendix 6, fails to ask a simple overall question of whether respondents are in favour of or against the school. Instead two linked response questions are given – these oblige the respondent to declare themselves in favour if they see any aspect that they like, while any concern appears to be inextricably linked to opposition, or, depending on interpretation, the response allows the survey team to decide based on response whether a concern is or is not opposition. As noted from a scan of a sample of responses received there is a significant contingent of respondents who have grave concerns about the appropriateness of site choice while recognizing there is some need for additional capacity in secondary education. In practice this is akin to the view that has been consistently held by RSRP since its inception in September 2013 – when it was identified that while estimates of the scale of need varied significantly the common factor was that consistently 60% of demand was within the Town and that this is less than the capacity of the three existing schools by a significant margin. Given this view has been expressed to the groups promoting the school the construction of a community involvement questionnaire that did seek to extract a distinct view on the appropriateness of the site separate to the more emotive support or don't support postulations. It is further noted that having clearly identified that the planning application needs to consider Very Special Circumstances due to its nature there is no question relating to whether this aspect of the planning application is sufficiently covered. The matters are not unrelated as alternatives, and by inference site options would need to be addressed and neither material presented nor questions posed address this aspect. It did subsequently transpire from the material submitted with the application that although work in relation to the site proposed had been undertaken, work relating to refreshing the site search and selection had not been reported on at the time of the exhibitions – in essence an incomplete basis on which to stage the exhibitions.
- In previous comments prior to publication of SCI Appendices RSRP noted anomalies in the presentation of the material in the main report. In particular scaling of graphs gave the impression of greater weight to some characteristics relative to others. In practice not only is one issue dominant – to the extent that more than 50% of respondents (of which there were a substantial number for such a survey) cited the concern. The concern being Traffic and Congestion and further being that specific item flagged under the conditions of question 2. At about half as many again as thought design was good it is supportive of RSRP's initial response that a presentation that gives an apparent greater visual impact to this characteristic is highly misleading. When further considering that Transport and Access and wrong site also appear in same list with considerable numbers it is questionable whether the location choice and failure to project need in terms of travel (and associated congestion) mean that in essence the root cause in practice a greater level of criticism than

the figures suggest. This is further reinforced by the same group of comments appearing under responses to question 3 (80-100 responses in 3 related areas) and again under additional comments section. While it is possible that there will be some duplication through repetition it very likely that persons commenting under q1 and then adding concerns / areas of improvement under q3 or further comments are in effect adding to the material consideration of transport/traffic/site choice (relative to need) issue and that far from a simple majority of respondents being concerned about this aspect, the reality of the response is that a substantial majority consider this aspect to be a failing in the plans being put forward. It is further thought that measures that have been suggested are geared towards reducing risk by bringing traffic to a standstill (and therefore managing down) impact of any accident, rather than addressing the issues of balancing considerations of safety and local amenity – the latter is effectively being sacrificed and being to a greater degree by the suggested measures which fail to address the underlying cause. In this respect the comments drawn out at the exhibitions are not explored sufficiently in the analysis presented and this can only be considered a failing of the Community Involvement exercise.

- We return to a comment made without the benefit of the Appendices. In an earlier representation RSRP noted that the display boards and comments made by exhibitors suggested that many aspects of the plans were insufficiently developed for meaningful discussion at the exhibitions. Specifically this is refreshed by the opportunity to re-read the comments typified by board 01 (SC Appendix 6) where the final paragraph identifies “There will be a considerable amount of additional work..” and specific items like board 03 which identified that a transport assessment had NOT been undertaken, it is clear that the exhibitions were premature in that they insufficient developed information to make an all-round judgement. This point was made as part of the feedback process but is not mentioned in the SCI report, arguably not surprising as admitting to the direct consequence of what had been declared on the boards and amplified by discussion would essentially have led to one conclusion – a more complete basis was required for a meaningful input to the planning process. The applicant has clearly decided that is not something they wish to do. The reason for doing remains as valid as when first stated – if there are insufficiently developed plans then it is impossible to make valid comments and the material submitted under SCI should be treated as insufficient for purpose.
- There is a further telling point. Since the exhibitions the Trust has held a separate consultation, as required by the Academies Act. This has more often than not been held prior to a planning exhibition but the general approach has been to identify plans in the embryonic stage during the Academies Act consultation and take preliminary feedback then. In practice this is how the Katherine Warington School had initially advertised the sequence, and how the sister project that HCC launched for Croxley Green was conducted, but close to exhibition time this sequence was switched. However the Academies Act consultation was launched in early September 2017 with a single planned open evening (in Central

Harpenden) on 18 September 2017. Although it subsequently transpired that much of the planning material was ready and indeed had been submitted before this consultation evening, none of the material was made available save approximately half the display boards (with alternatives relating to the school's educational policies replacing the other boards). In particular it was noted that section 6 of the SCI is entitled "Responding To Feedback" and subtitled ESFA (in applicant role) feedback to points raised. At face value this section should consider points raised and playback answers but appears to miss the logical step of reporting back to those making the point – in the absence of any further planning exhibitions the only place that this element has come close to the people who raised the points is by submission to the planning application, which is not published locally and requires both internet access and an awareness of existence to obtain feedback to any point raised – for those that choose to so there is the challenge of identifying whether the feedback is within the pack of (literally) hundreds of documents and then if dissatisfied with outcome (by omission or by unsatisfactory response) the sole route for those who wish to persevere is a formal representation to the planning process – with the likelihood that points raised are unlikely to go to the applicant for the most part. This approach is all the more frustrating when it is clear that if any document could have been made public in the Academies Act Consultation it was this one – in practice the Trust running that event had either agreed to with-holding or prevented from releasing the information, or, worse, were unaware of its existence. Given the response to questions on the night (18 September) which were to the effect that the Trust were aware that a Planning Application was in the process of being submitted (subsequently transpiring that it had been submitted but was in validation) it would appear a very deliberate strategy to withhold, be it on the instruction of applicant or initiative of the Trust. Such an approach is fundamentally opposed to the objectives of Community involvement and has fostered an atmosphere of distrust of both applicant and process.

- Returning to the SCI itself in the opening summary at section 1.6 it is stated that the EFSA has pursued 'individual meetings with residents and stakeholders' (in addition to the exhibition). As RSRP representing a substantial number of people with substantial concerns we are not aware of a single meeting that qualifies under this statement. As noted above the careful selection of "stakeholders" is exclusive to the point of being ridiculous – and again if the choice of stakeholder includes (and is potentially restricted to) Council Members whose role requires their involvement then this does not fulfil the objectives of Community involvement as outlined 3.1 and 3.2. Again as an organization we are unaware of any point taken to EFSA by any elected representative on behalf of a resident and similarly we have no report of any feedback. In essence the complete absence of evidence suggests to us that the claim of involvement and the parallel claims in 7.1, 7.4 and 7.5 of understanding community issues is totally unfounded.
- Reviewing the 'responses' in section 6 it is noted that there is a claim that the maximum number of parking spaces has been allowed citing St Albans City and District Council policy but failing to identify which policy. In

practice there is considerable doubt over this specific claim and the scale of difference highlighted elsewhere in representations where Croxley Danes (being submitted in parallel to Three Rivers District Council) has approx. twice the on-site parking provision for an identical school. Additionally St Albans has expressed concern over lack of parking / drop off facility and the consequent impact on the local community amenity and this has been echoed in representations from Harpenden Town Council and Wheathampstead Parish Council. All of these are wholly incompatible with a statement that a maximum form the general LPA for the area has been reached as all three Councils are likely to have great awareness of such policies. The ESFA should therefore substantiate this claim with references and if unable to do so then the claim should be ignored and the making of the claim be taken as an indication of an aggressive attitude by the applicant to local community.

In summary RSRP's further review of Community Involvement has reinforced its initial view which is one of great skepticism of the applicants approach. Attention is drawn to similar scale project for outline permission in respect of a project in Bishops Stortford in 2014 – this is present in full under reference 3/2037-14 on HCC web portal and also is directly linked from New School Page in Schools Planning section of main HCC website. A copy of the Statement of Community Involvement prepared for this proposal is included as separate Appendix (Appendix 4) – the nature of the report and in particular the notification leaflet (appendix A with the report) and the response form (Appendix C within the report) are highlighted for comparison. They have clear identification of purpose site and how to respond.

For this project the SCI format is different. It appears to have been undertaken with an underlying aim of deflecting any valid critique by seeking first to minimise involvement of those with potential negative comments and then to seek divert with platitudes rather than seek solutions to address issues. There is a clear reluctance to review root cause issues and no understanding of what has led to the concerns in the first instance. Such an approach has been apparent with one of the co-applicants for a long period as HCC has deflected every aspect of this at each stage of its development from conception to current phase. It can only be concluded that there is no intent to engage and that the formal community involvement process was not expected to generate significant change. Many of the issues noted above are consistent with such an approach – most of all 3 months to provide information that should have been to hand when originally submitted. It is useful for the plan consideration that there is clear and significant concern over the real problem of transport and traffic related to the application – this aspect has yet to be correctly addressed as to date the applicant has not recognized the root cause of the problems and has not therefore considered a suitable remedy. On the basis of the material produced and the responses given the outcome must be deemed unsatisfactory and the application refused until matters are fully addressed.

## **Topic 6: Residential Amenity**

The question of residential amenity and the impact of the proposal on the local community has been highlighted in many aspects, but crystalized by the Community Involvement approach and the remaining omission of LViA information.

As noted in the commentary above the approach of the applicant is one of having no regard for impact on local residents of their proposed development. This is particularly apparent in proposed mitigation for any shortfall in parking capacity, where the 'solution' includes assisting to fund parking restrictions on surrounding roads – these generally incur costs for residents and are only implemented after periods of intense frustration with growing problems (a similar scheme has recently been commissioned for roads surrounding the nearby Batford Childrens' Centre following long term expansion and displacement of staff parking from within the site).

The intent is clear – minimum provision and allow residents to suffer before introducing any measures which will also impair resident amenity but which will seem preferable at the time.

Other areas that are noted for impact on residential amenity are:

- Traffic management measures – statements are made as to general measures that are intended to mitigate risk. These fail to address likely impact on local residential roads of which the following are likely to be significantly affected:
  - Castle Rise and Manor Road in Lea Valley estate – likely drop off point for traffic from east as parents seek to avoid being trapped in queue to / from approach from East. Avoidance route was sorely tested after recent morning car accident on Lower Luton Road.
  - Crabtree Lane from Dalkeith Road to Marquis Lane and tributary roads – drop point for pupils arriving from west of area including South Harpenden. Rat run likely with return leg on Marquis Lane to Station Road (and opposite route)
  - All roads in Batford estate on East side – likely to see traffic turn into Pickford Hill, South View Road, Batford Road (spur) and Common Lane. Drop off will be targeted as near as possible to school using Tallents Crescent, Milford Hill, Holcroft Road Roundfield Avenue as rat runs, and despite comments Batford Road & Salisbury Road.
  - Lower Luton Road spur (incorrectly identified as an extension of Crabtree lane North of river Lea (ford)
  - Lower Luton Road.

All of the above are likely to experience high volumes of traffic for the simple reasons of inadequate provision of drop-off capacity and human nature of significant numbers who will seek to drop away from an on-site area even if a substantial area provided. Experience with other schools locally is that they are relatively powerless and only a small proportion of inconsiderate parents has significant impact on residential amenity

(blocking resident access, congesting roads etc). No apparent account has been taken in the measures proposed to address residents' loss of amenity.

- Direction of traffic to Common Lane in first year – the solution to year 1 situation is geared to protection of school users by separation of construction activity from temporary school use. No plans have been provided for the management of 180 children and staff associated with the temporary year 1 operation – 18 parking places with a restrictive entry / exit and lack of ability to turn high volumes of cars through the car park leaves no real option other than the use of Common Lane – for which there is neither mitigation nor is there a plan to manage the situation into a longer term alternative plan. It is likely that first years will form a habit of drop off and simply continue and pass on that habit for subsequent years. This places undue loading on residents in the immediate area, including all users from lanes to north of Common lane, any Batford estate residents who use the exit to the east of the estate (via Milford Hill to Common Lane). Similarly loading at the Common lane / Lower Luton Road junction and to the front of Lea Springs Flexicare home will increase and congest. The lack of any planning for the temporary use and migration to permanent is typical of complete neglect of impact on residents and should be addressed before consideration of any planning application.
- Application of potential parking restrictions to address any immediate vicinity effects is likely to cascade problems into other roads –the majority of Batford estate roads are congested and it is unlikely that mitigation will solve this.
- As indicated in other submissions the residential amenity aspects of other work are woefully inadequate – noise impact assessment on residents is all but non-existent, flood risk is recognized but no detail is provided for the long term viability of the drainage provision through the site – a channel is identified but no information is given about its durability. It is noted that water flows will be directed to right hand turn in the channel to the north of the proposed sports hall – erosion or overspill failure at this point (where it could be expected) has potential to direct more water into a known damp area of the current field which attenuation works at the South Western corner may work against. It is understood that HCC were made aware by the landowners' representatives of intent to volunteer the retained strip of land to St Albans District Council under a Call for Sites' for Housing development. The combination of potentially low functioning drainage solution with housing development in the area is liable to give rise to periodic overspill of surface water from the field into the only route available – Common Lane / Lower Luton Road to the Ford area at Batford Springs – a route followed by a significant volume of surface water that fails to get into drainage systems on the current estate.
- The greatest failure of consideration of residential amenity comes from the lack of LViA assessment. As noted in previous representations the assessment provided references guidelines for derivation of 'worst case' situations through an Appendix which is not provided. Assessments therefore cannot be cross referenced against the process that the

assessors claim to have followed. What is apparent is that highly selective views have been presented which miss impact of site generally over a large area – notably from all housing on Southern slopes of River Lea, particularly on Crabtree Lane and its tributary roads from Aldwickbury to Marquis Lane. However major impact of the Sports Hall on the Eastern side of Batford estate is effectively ignored. The exit from the estate on Milford Hill will be dominated by an overshadowing building that will literally eclipse a number of homes, roads and pavement. The dimensions and appearance of the Sports Hall received little commentary in the emerging plans – in contrast to the main building. Subsequent addition of clearer contour data (dated 15-12-2017 in a separately identified Further Information folder) allows for rudimentary assessment of the impact of the building. This appears to show a building of a mainly bland monotonous finish (along over 70% of its length) standing on a base of at approx. 93.5m with an indicative height of 10.5m (the elevations are imprecise with marked heights not corresponding to plan definitions). The added information indicates a level of 95.0m in a residential garden on North Western corner of Milford Hill / Common Lane junction. This is estimated to be at least 0.5m above the level of the road junction. From this level a 10.5m ‘wall’ has the appearance (in perspective) of a solid wall equivalent to 50m above the horizon. This equates to 4 times the current rise in land level. From points close to the current field boundary (such as presented to drivers exiting Milford Hill) the width of the building will have the appearance of extending over half of the entire Eastern boundary length. In essence the view is totally dominated by the building, a building for which the only break in the monotony of finish is some second storey windows at Southern End which will effectively look directly in to second storey windows of houses in Common Lane – a condition Vincent & Gorbing stated was to be avoided in initial searches. More relevant however is the effect on sunlight reaching the properties and roads on western boundary of the site. The sunrise in the area takes place along the eastern boundary of the site (varying in where the sun appears during course of year, but in winter effectively due east). Using Section line C in clarified landscape plan a rising sun at point C2 currently casts fails to light the road at the junction for 30-45 minutes due to the roadside tree/hedge line – the initial shadow (which is imprecise due to nature of vegetation) appears on Milford Hill near Tallents Crescent junction. (This is a little under 100m that would be cast as a shadow if Milford Hill were level – the rise reduces it). With the addition of the Sports Hall a taller and more defined block to light would be present – in level conditions this is estimated to generate a shadow length stretching to approximately 250m compared to 100m beyond the junction. This would stretch well beyond Tallents Crescent junction and would fall on numerous properties. The width of the shadow – given the chosen orientation of the proposed Sports Hall is substantial – for roads and properties closer to the build line (within say 100m) it is likely that the shadow will persist for 45-60 minutes longer at certain times of the year and that the path of the rising sun will mean some areas are completely denied direct sunlight for parts or even all of the year. In particular the

footpath down Milford Hill (South Side) turning into Common Lane (west side) will see critical periods of the year where no direct sunlight will assist in frost / ice / snow clearance – this is the main walkway for people walking to the eastern section of the Batford Estate, including pedestrian traffic to / from Batford Nursery / Children’s Centre / Sauncey Wood Primary School. For residents in most affected properties (facing the sports hall) the view from ground floor windows will be totally dominated by the building (no visible sky from points within building) and from second storey there will be severely restricted views. Consideration of main school building suggests that although lower in overall height, properties and the road that are within 50-60m of the build line will also experience significant loss of view and light – Appendix 3 indicates the spread of areas affected (which in some cases will extend beyond the area shown on plan. The calculations are approximate, that there was no attempt to consider them in the drawing up of the plan is unacceptable. The plan preparation should have incorporated evaluation of impact in a manner that clearly identifies both loss of light and visual impact. It is considered such work is essential before plans are considered and the plans should be rejected until such matters are addressed. It is further considered that marker balloons are used to identify building corners and that the presentation of these is made known to interested parties given the applicant’s reluctance to properly address such matters. It is further noted that a number of options for the Sports Hall location were considered before settling on a solution that maximized loss of amenity for local residents, reinforcing the view that such considerations have not been taken into account by the applicant.

- It is further noted that much of the mitigation for visual and other impact that the applicant is relying on assumes retention of the current boundary tree / hedge lines. In practice this is considered undeliverable for the simple reason that the applicant, through their own negotiation with the current landowner, has not secured the land on which these boundaries exist – indeed it is our understanding that the current landowners’ agent made known their intent to promote the use of the land which includes the west facing hedge lines for residential development – a use that would by its very nature preclude retention of the majority of screening. It is further understood this intent was clear before HCC as joint applicant completed its land acquisition.

While it is our view that the lack of consideration of residential amenity is a matter that is sufficiently neglected in this proposal that the Planning Authority should refuse permission, it is noted that authorities often impose conditions. It is suggested therefore that should the Planning Authority be minded to recommend acceptance that it first consider asking for the applicants to withdraw and resubmit plans having taken due consideration of residential amenity matters and a number of other shortcomings, noting that the applicant has chosen not to follow a route that it has used previously in applying for outline planning permission to be followed by detail plans, a process that would have allowed it the applicant to address such matters. As a final resort should the

Authority be minded to grant approval that it notes the lack of consideration of many factors and includes conditions that

- Require the applicant to conform without exception to its scheduled timings for construction
- Require the applicant to provide a plan to address the change in transport consideration from temporary to permanent operation, and that this include a formal commitment from all parents who have children attending the school in its temporary phase to abide by prescribed entry / exit arrangements for the completed school from their availability
- To require the applicant to impose operating conditions on the school operators that strictly reflect the conditions of operation applied for in this application, and that these conditions are to be maintained in full from inception to at least one full cycle of the school at full operating level for a full school generation i.e. to have 7 years of attendees who have all attended the school for seven years. It is further asked that consideration be given to a condition preventing the closure of an existing school within the overarching Schools' Trust (the remaining three secondary schools in Harpenden) that involves displacement of those schools' capacity to this school.
- That consideration is given to controlled vehicular entry to the school when build completed such that entry is only granted to the service entrance for pre-designated users of the Sports area and for vehicles making deliveries to the premises within standard daytime hours. (An exception would clearly apply for emergency services). In essence most regular and all casual users be directed to main car parks.

### **Other Matters**

In addition to material presented in mid-December it is noted that a statutory response has been added in early January from Natural Historic and Built Environment team of Hertfordshire County Council. This is a letter dated 21 December 2017 but posted 2 January 2018. It is noted that this addresses Archaeology and that it notes that two plans to protect archaeology have been rejected by the statutory consultee. It further indicates that the applicant has refused to enter discussions on any further plan to address the Archaeological considerations for the site until a decision is made on planning. It is of great concern that any applicant should seek to avoid responsibility in this matter and it is our view that where an applicant is unwilling to enter into a formal agreement, there are greater grounds for considering there will be a reluctance to fulfill any related condition imposed. We therefore submit this should not be a matter for condition but that without an agreed plan, planning should be refused pending resubmission with an approved plan.

In this particular instance it is noted that there have been many opinions from professionals as to the rare and important nature of indicative finds at this site. We further note that of 80 trial trenches, 34 have archaeological interest finds within them – approaching 50% of the site. This suggests further and very thorough work is required to be assured that finds are not located in un-trenched areas. It was noted in previous submissions and reiterated here that

much of the work that would have been expected in an emerging plan had not been undertaken at the time the Statement of Community Interest exhibitions were held. The Archaeological interest is no exception, nor is the apparent lack of involvement with interested community members subsequently.

### **Summary**

It remains our conclusion that there are still significant omissions in the evidence presented by the applicants, and conflicts between documents and evidence as presented. The additional material presented fails to address most of these concerns in a satisfactory manner. The remaining concerns are of sufficient scale that the Council, as a Planning Authority, has no option but to refuse the application as it has been submitted.

We will continue our review as stated based on recently submitted evidence and assumptions for omitted evidence and will continue to submit our follow up representations as appropriate.

Submitted by  
our organization.

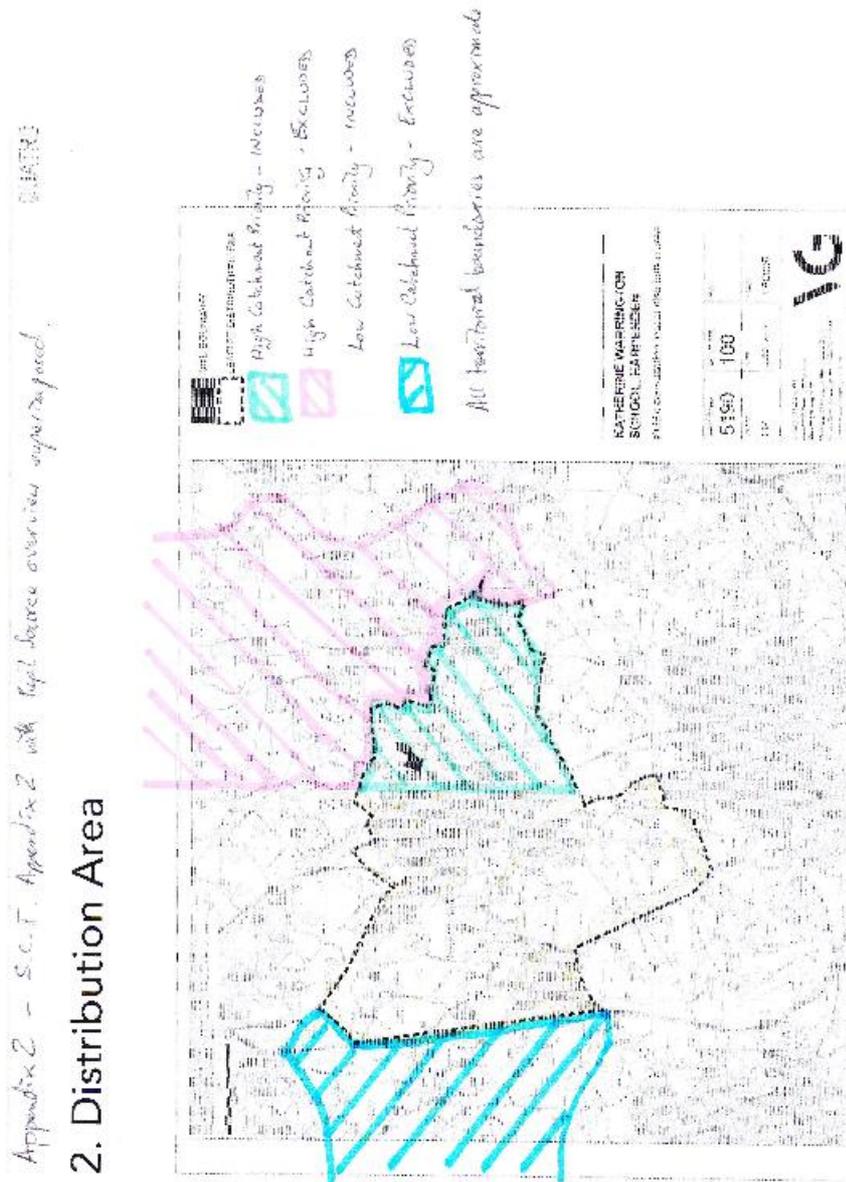
Right School Right Place, on behalf of members of

## **Appendix 1**

Original letters have not been re-included here (see 16 Nov 17 representation)

## Appendix 2

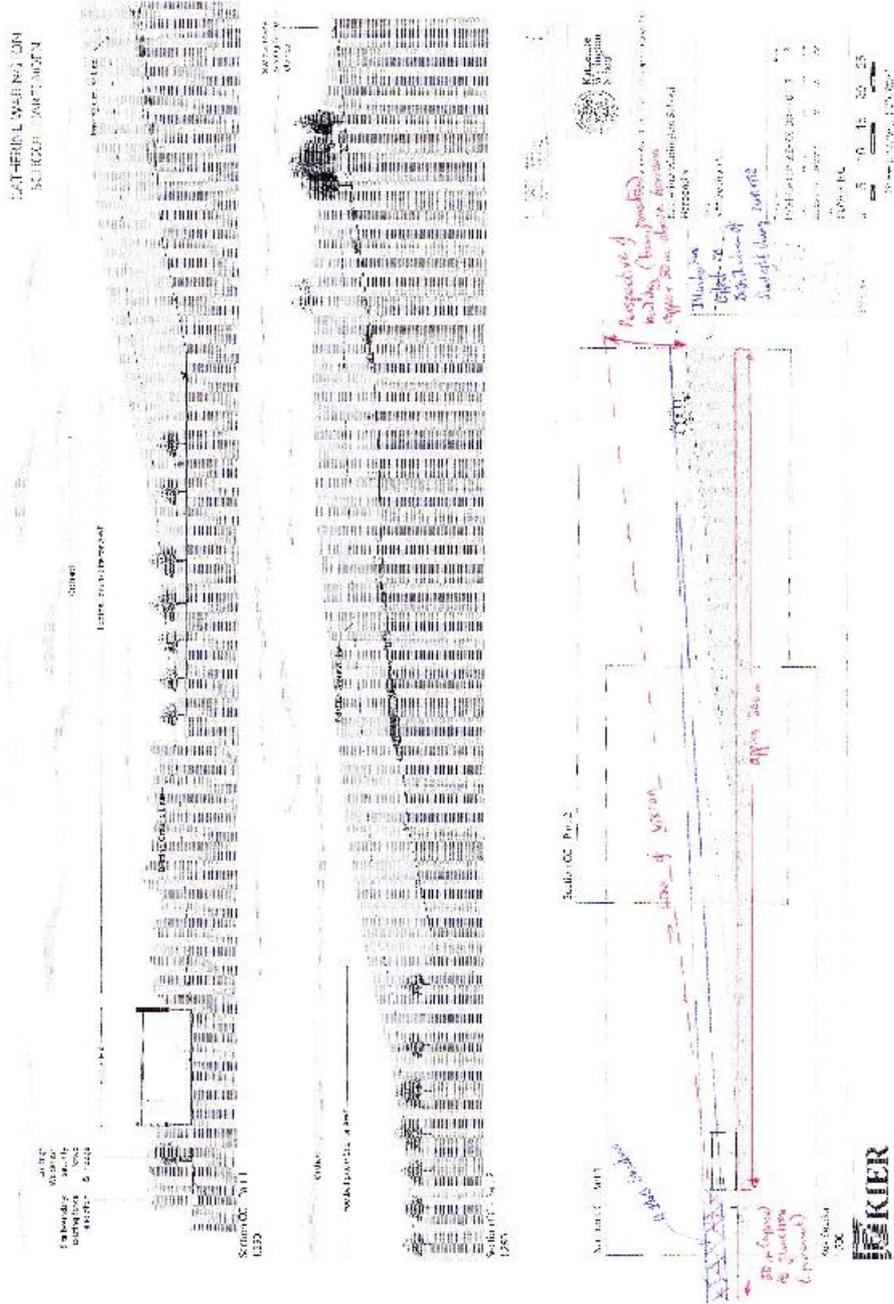
Exhibition leaflet Distribution areas superimposed with indicative school territory for catchment (approximation).



### Appendix 3

Visual Impact of selected School Buildings – approximation of illustrative assessment relative to applicant defined plan sections.





#### **Appendix 4**

Separate submission of illustrative Statement of Community Involvement for similar scale project – Bishops Stortford North.

*This reference can be accessed on Hertfordshire.gov.uk by following Schools Planning pages to New school in Bishops Stortford.*