

## **List of conditions agreed between the LPA and Appellant on 22 September 2023**

### **Land to the Rear of 42-100 Tollgate Road and 42 Tollgate Road, Colney Heath (APP/B1930/W/23/3323099)**

1. Details of the appearance, landscaping, layout, and scale, of the development hereby permitted excluding any self-build or custom housebuilding plots (hereinafter called, the general reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: Matters not particularised in the application are reserved for subsequent approval by the Local Planning Authority. To comply with Section 92(2) of the Town and Country Planning Act 1990.

2. Details of the appearance, landscaping, layout and scale of any self-build or custom housebuilding plot (hereafter called the SBCH reserved matters), shall be submitted to and approved in writing by the Local Planning Authority before any development relating directly to that self-build or custom housebuilding plot begins and after the submission and approval of general reserved matters; the self-build and custom housebuilding development shall be carried out as approved.

REASON: Matters not particularised in the application are reserved for subsequent approval by the Local Planning Authority. To comply with Section 92(2) of the Town and Country Planning Act 1990.

3. Application for approval of the general and SBCH reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two 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.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (CSA/3925/109 Rev E), Parameters Plan (CSA/3925/120 Rev G) and Proposed Access Layout (JNY11289-RPS-0100-001 Rev B).

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

5. Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours;
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage;
- d) mix, and details of seeding or turfing;
- e) hard surfacing;

- f) means of enclosure and boundary treatments; and
- g) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting).

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policies 70 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

6. A landscape and ecological management plan (LEMP) shall be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:
  - a) A description of the objectives;
  - b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion;
  - c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
  - d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
  - e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP shall cover all landscape areas within the site, other than small privately owned domestic gardens.

REASON: To maximise the on site mitigation for biodiversity impact, in line with the requirements of the NPPF.

7. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON: To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994.

8. Notwithstanding the submitted Arboricultural Impact Assessment (June 2022), a detailed tree protection plan and method statement shall be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON: To ensure the protection of trees at the site and comply with the requirements of Policy 74 of the St Albans Local Plan Review 1994.

9. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the completion of the approved development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St Albans District Local Plan Review 1994.

10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British

Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

REASON: To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St Albans District Local Plan Review 1994.

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing JNY11289-RPS-0100-001 Rev B). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the offsite works include but are not limited to: -

- i. Installation of tactile paving at Park Lane
- ii. Refresh zebra crossing lining at Southern End of High Street
- iii. Upgrade shelter, add raised kerbing at eastbound bus stop on High Street
- iv. Look to improve kerbing and investigate shelter at westbound bus stop on High Street
- v. Investigate raise kerbing for east and westbound bus stops on Tollgate Road
- vi. Implement a bus cage on eastbound bus stop on Tollgate Road
- vii. Investigation and Implementation of lighting and cosmetic improvements to the pedestrian underpass at the A1(M)

B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway

safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

15. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements;
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

16. No development shall commence until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

- a) A fully detailed surface water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy' by Stantec and dated 28th June 2022.
- b) Accompanying hydraulic modelling calculations for the entire surface water drainage scheme have been submitted and approved. These detailed calculations should demonstrate that the site will not flood from surface water up to and including the 1 in 30 chance rainfall event in any year. The detailed calculations should also

demonstrate that surface water flooding will be safely contained on site and will not increase flood risk to third parties for a full range of return periods and durations for summer and winter storm events up to the 1 in 100 year return period event, including an appropriate allowance for climate change.

- c) The maximum permissible flow controlled discharge rate shall no more than QBAR (2.82 l/s/ha) for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change.
- d) If discharging to a drainage system maintained/operated by other authorities (Lead Local Flood Authority, Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canal and River Trust) that evidence of consultation and the acceptability of any discharge to their system is provided. In this instance confirmation of approval to discharge to the River Colne.
- e) Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- f) The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.
- g) If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- h) A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site.
- i) The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.
- j) A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.
- k) If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed sewer chamber location.
- l) A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

REASON: To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

17. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants, in line with paragraph 174 of the National Planning Policy Framework, and to prevent the deterioration of controlled waters.

18. No development shall be commenced until detailed ground investigations have been conducted across the site and submitted to the Local Planning Authority. The ground investigations should identify seasonal groundwater levels (to reflect that the initial testing submitted with the planning application was conducted in summer) and ensure areas of shallow groundwater will not compromise the development and vice versa. Where shallow groundwater is identified, appropriate measures to mitigate groundwater flood risk should be proposed to ensure the risk of groundwater flooding is not increased on or off site.

REASON: To reduce the risk of flooding at the proposed development and surrounding area, in line with paragraph 167 of the NPPF 2021.

19. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

20. Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated December 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals strategy. The minerals strategy must include the following:

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and
- c) A method to record the quantity of recovered mineral (re-use on site or off-site).

REASON: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.

21. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

REASON: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

22. The development shall not be occupied until confirmation has been provided that either:

- a) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
- b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development.

23. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of trial trench evaluation and excavation where required followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

24. Following the completion of the fieldwork and the post-excavation assessment in Condition 22, if necessary, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 22. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

25. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to ground gas contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of ground gas across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a

written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework.

26. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of contamination across the site. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework.

27. The results of the site investigations and the detailed risk assessment undertaken at the site in relation to Conditions 25 and 26 shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The options appraisal and remediation strategy shall be agreed in writing with the Local Planning Authority prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework.

28. Prior to first occupation, a verification report demonstrating completion of the works set out in the remediation strategy required by Condition 27 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.



REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON: To prevent deterioration of controlled waters and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

30. Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that any piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) do not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.

31. Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

REASON: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

32. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants, in line with paragraph 174 of the National Planning Policy Framework, and to prevent the deterioration of controlled waters.

33. The development hereby permitted shall not commence until such time as a scheme detailing the design and long-term management of the pumping station has been submitted. The scheme shall include the full structural details of the installation, including details of the excavation, depth to groundwater and measures taken to ensure that there is a year-round unsaturated zone between at the base of the wet well. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.

REASON: The direct input of both hazardous substances and non-hazardous pollutants is prohibited by Paragraph 20(2)(j) to The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Any leakage from a subwater table wet-well would constitute such an input. Prior to development commencing it will need to be demonstrated that there is a sufficient unsaturated zone at the proposed location of the pumping station.

34. The development hereby permitted shall not commence until a scheme to agree sewage pipe work specifications has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement G8 – Sewerage Pipework of The Environment Agency's approach to groundwater protection.

35. Notwithstanding the details shown on approved Parameters Plan (CSA/3925/120 Rev G), application(s) for reserved matters approval as required by Condition 1 shall include measures to provide a landscaped buffer to the rear of properties fronting Tollgate Road.

REASON: In order to preserve the residential amenity of the existing occupiers fronting Tollgate Road in accordance with Policy 70 of the St Albans District Local Plan Review 1994 and Paragraph 130(f) of the National Planning Policy Framework 2023.