

Land at Burston Garden Centre, St Albans AL2 2DS

PINS Ref: APP/B1930/W/21/3279463

Suggested Conditions with reasons

Time limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

Approved plans, documents and strategies

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, strategies and documents

Architects Plans (PRP)	Drawing Number
Site Location Plan	0653-00-SL-PL-A-G7-010 B
Existing Site Plan	0653-00-SL-PL-A-G7-011 B
Proposed Block Plan	0653-00-SL-PL-A-G7-012 B
Proposed Site Plan	00-SL-PL-A-G7-013 B
Landscape Masterplan	00-SL-PL-L-G7-014 C
Contextual Site Sections	00-SL-SE-A-G7-015 B
Proposed Site Sections	00-SL-SE-A-G7-016 B
Proposed Arrival	00-SL-PL-A-G7-017 B
Cycle & Refuse Store - Plans and Elevations	00-SL-PL-A-G7-018 B
Assisted Living - Ground Floor Plan	0653-01-00-PL-A--110 B
Assisted Living - First Floor Plan	0653-01-01-PL-A- 111 B
Assisted Living - Second Floor Plan	0653-01-02-PL-A--112 B
Assisted Living - Roof Plan	0653-01-03-PL-A -113 B
Assisted Living - Elevations Sheet 1	0653-01-99-EL-A--114 B
Assisted Living - Elevations Sheet 2	0653-01-99-EL-A--115 B
Bungalows Type A - Plans and Elevations	0653-03-00-PL-A--310 B
Bungalows Type B - Plans and Elevations	0653-03-00-PL-A--311 B
Bungalows Type C - Plans and Elevations	0653-03-00-PL-A--312 B
Bungalows Type D - Plans and Elevations	0653-03-00-PL-A--313 B
Bungalows Type E - Plans and Elevations	0653-03-00-EL-A- 314 B
Bungalows Type F - Plans	0653-03-00-PL-A--315 B
Bungalows Type F - Elevations	0653-03-00-PL-A- 316 B

Topographical Survey (Clifton)	Drawing Number
Topographical Survey Sheet 1	186/3493/1 Rev. A
Topographical Survey Sheet 2	186/3493/2 Rev. A

Transport Drawings (Peter Evans Partnership)	Drawing Number
Indicative Site Access Vertical	3019.09
215m Forward Visibility Envelopes and Longitudinal Sections, 8 January 2019	3019.14
Permitted Signalised Junction and Proposed Site Access Arrangement with 215m Forward Visibility Envelope and Speed Mitigation Measures, 8 January 2019	3019.15
Proposals for 60mph Speed Limit on A405 North Orbital Road, 11 January 2019	3019.16
Isopachytes Existing Ground Level to Proposed Finished Ground Levels	3019.17
Longitudinal Sections	3019.18

Drainage (Intrado)	Drawing Number
Storm Water Drainage Strategy	IR20077 001 Rev. D

Lighting (Designs for Lighting)	Drawing Number
Horizontal Illuminance Plan	1178-DFL-LSD-003-A Rev. B

Flood Risk and Drainage (Intrado)	Drawing Number
Flood Risk Assessment and Drainage Strategy	IR20077/DS1 (September 2020)
Drainage Calculations	Appendix A of Drainage Strategy
Storm Water Drainage Strategy	IR20077 Rev. B - Appendix B of Drainage Strategy

Trees (Quaife Woodlands)	Drawing Number
Arboricultural Survey and Planning Integration Statement	AR/3741 (10 December 2020)

Reason: To ensure that the development is carried out in accordance with the approved plans and details, for the avoidance of doubt and in the interests of proper planning.

Materials

- 3) No above ground works, other than demolition and site clearance, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is satisfactory. To comply with Policy 69 of the St. Albans Local Plan Review 1994.

- 4) No above ground works, other than demolition and site clearance, shall take place until details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is satisfactory. To comply with Policy 69 of the St. Albans Local Plan Review 1994.

Tree Protection

- 5) The development hereby approved shall be carried out wholly in accordance with the tree protection measures set out in the document entitled "Arboricultural Survey and Planning Integration Statement" (ref AR/3741) dated 10 December produced by Quaife Woodlands.

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.

Landscaping

- 6) The development hereby approved shall not be occupied until details of a scheme of hard and soft landscaping, which shall include the submission of a planting schedule prescribing details of the size and species of proposed planting, are submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full in the first planting season following the completion of the development or otherwise in accordance with a timetable which shall have been agreed in writing by the local planning authority. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or

shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

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 and The National Planning Policy Framework 2021

External lighting details

- 7) No lighting columns or external lights shall be installed until details of external lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and location of lights and lighting columns, the level of illumination and time of operation. The development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, visual amenity, the effect on the setting of the adjacent listed buildings and highway safety. To comply with Policies 34 and 86 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2021

Highway Works

- 8) Prior to the occupation of any of the buildings hereby permitted the vehicular access at North Orbital Road shall be upgraded in accordance with drawing numbers 3019.09, 3019.14, 3019.15, 3019.16, 3019.17 and 3019.18, or such other plans as approved in writing by the LPA, and arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or 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 to comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Construction Management

- 9) No development shall commence, including demolition, until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in

accordance with the approved plan unless otherwise agreed with the Local Planning Authority. The Construction Management Plan/Statement shall include details of:

- A. Access arrangements to the site.
- B. Traffic management requirements.
- C. Construction and storage of compounds (including areas designated for car parking, loading/unloading and turning areas).
- D. Siting and details of wheel washing facilities.
- E. Cleaning of site entrances, site tracks and the adjacent public highway.
- F. Provision of sufficient on-site parking prior to commencement of construction activities.
- G. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- H. 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 uses of the public highway and rights of way in accordance with Policies 34 and 70 of the St Albans Local Plan Review 1994.

Rights of Way

- 10) Notwithstanding the details indicated on the submitted drawings no works impacting on Rights of Way shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy 70 of the St. Albans Local Plan Review 1994.

- 11) Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed to comply with the aims of Policies 34 and 70 of the St Albans Local Plan Review 1994.

Archaeology

- 12) 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 on-site work, and 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/building recording consultant or organisation in accordance with the agreed WSI.

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 paragraph 205 of the National Planning Policy Framework 2021. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 13) Following the completion of the fieldwork, formal provision for the post investigation assessment shall be put in place. This assessment will be in accordance with the programme set out in the approved WSI. Provision will be demonstrated and confirmed in writing with the LPA for the analysis and publication of the site archive, if appropriate. This will include all necessary works up to and including an appropriate publication and will include an agreed timetable and location for that publication. Should these provisions not be required, formal agreement will be sought and shall be agreed in writing with the LPA.

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 (Paragraph 205). To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

Flood Risk and Drainage

- 14) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy produced by Intrado reference IR20077/DS1 dated September 2020 including the following mitigation measures detailed within the FRA, unless otherwise agreed in writing with the Local Planning Authority:

- A. Undertake appropriate drainage attenuation to limit discharge into unnamed ditch/watercourse to 10 l/s.
- B. Provide attenuation to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
- C. Implement the drainage strategy to include permeable paving, swales, ponds, tree pits and attenuation tanks as indicated in accordance with the strategy referenced in the following documents and plans:

- Flood Risk Assessment and Drainage Strategy IR20077/DS1 (September 2020)
- Storm Water Drainage Strategy IR20077 001 Rev. D
- Drainage Calculations Appendix A of Drainage Strategy
- Storm Water Drainage Strategy IR20077 Rev. B - Appendix B of Drainage Strategy

unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to comply with Policy 84A of the St. Albans Local Plan review 1994. And paragraph 169 of the National Planning Policy Framework 2021.

15) No development shall commence, excluding demolition and site clearance works, until the final design of the drainage scheme, which shall be based upon the submitted Flood Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, which shall include:

- A. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should also show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- B. Silt traps for protection of any residual tanked elements.

- C. Details of final exceedance routes, including those for an event which exceeds 1:100 + climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to comply with Policy 84A of the St Albans Local Plan Review 1994 and paragraph 169 of the National Planning Policy Framework 2021

- 16) Within 1 month of completion of the approved drainage works a management and maintenance plan for SuDS features and drainage network shall be submitted to the Local Planning Authority for approval. The Plan shall include final confirmation of management and maintenance requirements and a complete set of as-built drainage drawings. The management and maintenance of the drainage infrastructure shall be carried out in accordance with the approved plan.

Reason: To reduce the risk of flooding of the proposed development. to comply with Policy 84A of the St Albans Local Plan Review 1994 and paragraph 169 of the National Planning Policy Framework 2021

Refuse

- 17) Facilities for the storage of refuse shall be provided within the development hereby approved. Details of such facilities, including screening shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The refuse areas shall remain thereafter and shall not be used for any other purpose.

Reason: To ensure a satisfactory appearance and standard of environment. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Car Parking

- 18) The Car Parking shown on the approved drawings shall be retained as car parking and used for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the car parking facilities within the site are not eroded and to comply with Policies 39 and 40 of the St. Albans District Local Plan Review 1994 and that aims of paragraph 107 of The National Planning Policy Framework.

Contamination

- 19) The development shall be carried out in accordance with the methodology and recommendations contained within the Preliminary Geoenvironmental and Geotechnical Assessment by Tweedie Evans Consulting dated August 2017, unless otherwise agreed in writing with the local planning authority.

- 20) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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.

Slab levels and surrounding ground levels

- 21) Details of the proposed finished floor levels of all buildings and the finished ground levels of surrounding property, including the finished relationship with the adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be thereafter be implemented in accordance with the approved details.

Reason: To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development and the amenities of neighbouring occupiers, in compliance with Policy 69 of the St. Albans District Local Plan Review 1994 and paragraphs 130 The National Planning Policy Framework 2021.

Removal of permitted development rights

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be constructed without the prior permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to retain control over the development in the interests of visual amenity and the openness of the Green Belt and to comply with Policies 1, 69 and 70 of the St. Albans District Local Plan Review 1994 and paragraph 130 The National Planning Policy Framework 2021.

Public Access Strategy

- 23) Prior to the occupation of the development a public access strategy shall be submitted to the local planning authority for approval that identifies external amenity areas of the development that are accessible to the public. The public access strategy will be maintained for the lifetime of the development, unless otherwise agreed in writing with the local planning authority.

Reason: To allow the Local Planning Authority to retain control over the development in the interests of amenity and public access.

Electric vehicle charging

- 24) Prior to occupation, a scheme for Electric vehicle charging points (EVCP) shall be submitted to the local planning authority for approval that provides for 20% of the proposed car parking spaces to have active charging points. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

Reason: To ensure an adequate provision of spaces for charging plug in the interests of the sustainability of the proposed development and to comply with paragraph 112 of the National Planning Policy Framework 2021.

Noise issues

- 25) Before the use commences a noise assessment shall be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development as necessary, so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Reason: In the interests of the living conditions of future occupiers to comply with the aims of Paragraph 70 of the St. Albans Local Plan Review 1994 and Paragraph 130(f) of the National Planning Policy Framework 2021.

Piling Works

- 26) If piling is to be the method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the living conditions of occupiers of neighbouring residential properties to comply with the aims of Policy 70 of the St. Albans Local Plan Review 1994 and paragraph 130(f) of the National Planning Policy Framework 2021.

Kitchen Extraction System – Odour Control

- 27) The commercial kitchens of the approved buildings shall be fitted in accordance with a scheme detailing the equipment for the purpose of extraction, filtration and abatement of fumes and odours which has first been submitted and approved in writing by the Local Planning Authority. This shall include noise and vibration mitigation systems. The approved extraction/filtration/abatement equipment shall be installed before the use hereby permitted is commenced and shall be maintained including deep cleaning and operated thereafter in accordance with manufacturer specification to ensure its continued satisfactory operation.

Reason: To protect the amenities of future occupiers. To comply with the aims Policy 70 of the St. Albans District Local Plan and paragraph 130(f). of the National Planning Policy Framework 2021.

Hours of Delivery

28) No commercial deliveries shall be taken at or dispatched from the premises outside the following times, before 6:30 hours or after 20:00 hours Monday to Saturday, and before 9:00 or after 18:00 hours on Sundays or Bank Holidays.

Reason: To protect the amenities of future occupiers. To comply with the aims Policy 70 of the St. Albans District Local Plan and paragraph 130(f). of the National Planning Policy Framework 2021.

At the time of the previous appeal the following condition sets out what was agreed:

Contamination

The development shall be carried out in accordance with the methodology and recommendations contained within the Preliminary Geoenvironmental and Geotechnical Assessment by Tweedie Evans Consulting dated August 2017, unless otherwise agreed in writing with the local planning authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

In its place the LPA are now seeking the imposition of the following 6 conditions due to the Contamination Report being carried out in 2017:

Desk-top study and site walkover

A desk-top study shall be carried out by a competent person, prior to any demolition and clearance of the site, to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Site Investigation

A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:

- i. a desk-top study has been completed satisfying the requirements of (10) above;
- ii. (The requirements of the LPA for site investigations have been fully established; and
- iii. (The extent and methodology have been agreed in writing with the LPA.

Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Options Appraisal and Remediation Strategy

The results of the site investigation and the detailed risk assessment referred to in (11), 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. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Verification Report

A verification report demonstrating completion of the works set out in the remediation strategy in (12) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan 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 ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Remediation

Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing.

On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

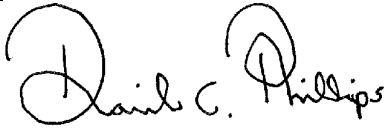

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Unsuspected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that adequate protection of human health is maintained and the quality of ground water is protected. To comply with Policy with Policy 84 of the St. Albans District Local Plan Review 1994.

Signatories

	
David Phillips	Shaun Greaves
Director-DPV Consult Ltd	GC Planning Partnership Ltd
On Behalf of the Appellant	On Behalf of the LPA
Date: 30/11/2021	Date: 30/11/2021