

CD 3.12

**Land south of Chiswell Green Lane,
Chiswell Green, St Albans**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 78 APPEAL

Overarching Statement of Common Ground

**Between St Albans City & District Council &
Alban Developments Limited and Alban Peter Pearson, CALA
Homes (Chiltern) Ltd and Redington Capital Ltd**

March 2023

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 78
APPEAL

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES
2000

APPEAL AGAINST THE REFUSAL OF PLANNING APPLICATION BY ST ALBANS CITY
AND DISTRICT COUNCIL - PLANNING APPLICATION REFERENCE: 5/2022/0927

LAND SOUTH OF CHISWELL GREEN LAND, CHISWELL GREEN, ST ALBANS

OVERARCHING STATEMENT OF COMMON GROUND

Project Ref:	23536/A5/JK
Status:	Final
Issue/Rev:	V21
Date:	March 2023
Prepared by:	Justin Kenworthy (BWnS)
Checked by:	James Delafield (CJ) &
Authorised by:	Stephen Connell on behalf of SACDC

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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (SOCG) sets out the matters which are agreed and those that are disputed between St Albans City and District Council (“the Council”) and Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd (“the Appellants”).
- 1.2 This SOCG relates to an appeal is lodged by the Appellants under Section 78 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) against the Council’s refusal of outline planning application reference 5/2022/0927.

Signatures:

On behalf of St Albans City and District Council

Signed: Stephen Connell

Date: 24th March 2022


Stephen Connell (Mar 24, 2022 09:45 PDT)

.....

On behalf of Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd

Signed: Justin Kenworthy

Date: 24th March 2022



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2.0 APPEAL SITE & SURROUNDINGS

2.1 This section of the SOCG will provide the Inspector with a description of the Appeal Site and its surroundings.

Appeal Site

2.2 The Appeal Site's address is land south of Chiswell Green Lane, Chiswell Green, St Albans ("Appeal Site"). A site location plan that illustrates the extent of the Appeal Site can be found at **CD 1.21**. St Albans City and District Council is the local planning authority. Hertfordshire County Council (HCC) is the strategic authority responsible for highway, education and is the Local Lead Flood Authority (LLFA).

2.3 The Appeal Site is located within the Metropolitan Green Belt, on the western edge of Chiswell Green and to the southeast of St. Albans City. The total area of the Appeal Site is approximately 14.05 hectares (ha) and comprises:

- 0.09 ha of land located on the southside of Chiswell Green Lane which is designated highway land controlled by HCC; and
- 13.96 ha of land within is owned and controlled by the Applicants and other interested parties that support the planning application. This includes the former Chiswell Green Farm and Chiswell Green Riding School (post code: AL2 3AJ).

2.4 The Appeal Site comprises a riding school and stables, horse grazing fields and a derelict farmhouse and outbuildings and is adjacent to:

- Chiswell Green (a specified settlement¹) to the east, south and partially to the north;
- Butterfly World, its car parking areas and its access road to the west; and
- Chiswell Green Lane with residential properties and a traveller's site to the north.

¹ In accordance with Policy 2 of the adopted Local Plan Review 1994 (saved and deleted policies version (July 2020))

Planning History

- 2.5 The Site does not benefit from any planning history of relevance to the Appeal Scheme.

Surrounding Area

- 2.6 Beyond the western boundary of the Appeal Site is Miriam Lane and a car park screened by trees and hedges, which form part of the former 'Butterfly World' located approximately 25m to the west is the Site.
- 2.7 St. Albans Polo Club is located approximately 80m northeast of the Site with Chiswell Green Lane lying between the two.
- 2.8 The M1 is 1.4km to the east and meets the M25 1.5km southeast of the Appeal Site. The wider surrounding area comprises residential areas to the east and agricultural land to the west.

Statutory Designations

- 2.9 There are no nationally designated sites (e.g. National Park or Area of Outstanding Natural Beauty (AONB), Special Area of Conservation (SAC)) on or within close proximity of the Site, nor is it within an Area of High Landscape Value².
- 2.10 The nearest designated sites are:
- Chilterns Beechwoods Special Area of Conservation (SAC) which is located approximately 13.6km to the northwest of the Site and includes Ashridge Commons and Woods and Tring Woodlands³;
 - Chilterns AONB which is located approximately 9.3km to the northwest of the Site; and
 - Bricket Wood Common SSSI designated for its lowland heath habitat is located approximately 2km south of the Site.
- 2.11 There are 21 non-statutory designated sites located within 2km of the Appeal Site, the closest of these being How Wood Local Wildlife Site 545m to the south-east.

² The Site is not part of any of the designated landscapes described in paragraph 174 of the NPPF

³ The Site is located outside of the Chiltern Beechwood SAC's Zone of Influence.

Adjacent to the eastern boundary of the Site are the priority habitats of 'Lowland Mixed Deciduous Woodland' and 'Traditional Orchard'.

- 2.12 It is agreed that the Appeal Proposals (as defined below) will not have an adverse impact on any of the above designations.

Topic Matters

Agriculture

- 2.13 The Appeal Site is a mixture of subgrades 3a (7.0 ha) and 3b (5.5 ha) agricultural land and the remainder is non-agricultural land.

Ecology & Habitat

The Appeal Site has little potential for badgers, great crested newts, reptiles, water voles, otters, or dormice. The linear habitats on site provide suitable habitat for commuting/foraging bats. However, the fragmented nature of the hedgerows within the wider landscape may limit the abundance of bats utilising these habitats on site.

- 2.14 The green field part of the Appeal Site is made up of:
- Poor or moderate condition grassland (natural);
 - Poor condition grassland (modified);
 - Poor condition sparsely vegetated land (ruderal / ephemeral);
 - Poor condition heathland, mixed scrub and bramble scrub;
 - Poor condition introduced ornamental non-native shrubs;
 - Good condition hedgerows and trees; and
 - Good condition trees with ecology value.

Arboriculture

- 2.15 There are three separate groups of Tree Preservation Orders (TPO) which are located along the western boundary of the Appeal Site.
- 2.16 A triangular shaped grouping of Poplar trees on the south-eastern edge of the Appeal Site is also subject to a TPO, as is a small woodland area to the east of the Appeal Site although this is not included in the Appeal Site's boundary and sits between the Appeal Site and residential area.

Built Heritage

- 2.17 There are no internationally or nationally designated sites (e.g., World Heritage Sites, Scheduled Monuments or Listed Building) on or within immediate proximity to the Appeal Site, nor is the Site located within a Conservation Area.
- 2.18 The nearest scheduled monument is located 2km north of the Appeal Site and contains Verulamium, Prae Wood Settlement.
- 2.19 The closest listed building to the Appeal Site is the Three Hammers Public House (Grade II) which is located approximately 190m east. There are other listed buildings in the wider vicinity including Little Danswick Farmhouse and Old Cuckman's Farmhouse, which are in relatively rural locations.

Archaeology

- 2.20 The Appeal Site is not located within a locally defined Area of Archaeological Significance (AAS) and there are no nationally designated archaeological heritage assets within the Appeal Site.

Flood Risk and Drainage

- 2.21 The closest watercourse designated by the Environment Agency (EA) as a main river is the River Ver, located approximately 1.5km to the east of the Appeal Site. Flood risk mapping identifies that the Appeal Site is located Flood Zone 1 and is at 'low risk' of flooding from all sources.

Ground Water

- 2.22 The Appeal Site is located within Zone 2 (outer catchment) of a groundwater Sources Protection Zone.
- 2.23 Topographical maps of the area indicate that the Appeal Site slopes in a southerly direction from approximately 100m above ordnance datum (AOD) in the north to approximately 85m AOD in the south. This means that rainwater is likely to flow from the north part of the Appeal Site in a southerly direction.

Contamination

- 2.24 The vast majority of the Appeal Site is unlikely to be significantly contaminated. However, some localised contamination may have derived from the farmyard at Chiswell Green Farm on the northeast part of the Appeal Site, and any spillages from either of the two above ground fuel / oil storage tanks that have been present on the Appeal Site. Limited pesticide residue may be present on the Appeal Site due to the historic use of the Appeal Site as an orchard and agricultural fields. Additionally, evidence of waste materials is present on the Appeal Site and may pose a localised contamination risk.

Minerals

- 2.25 The site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area.

Noise and Vibration

- 2.26 Background noise levels at the Appeal Site are dictated by distant road traffic noise from the M1, M25, A414 and North Orbital, but do not reach levels that would exceed recognised guidance.

Air Quality

- 2.27 The Appeal Site is not located within an Air Quality Management Area (AQMA).
- 2.28 The nearest AQMA to the Appeal Site is situated approximately 2.6km southeast where the A5183 dissects the M25 (St. Albans AQMA No. 7). An additional AQMA is located approximately 2.9km northeast in St Albans city centre (St. Albans AQMA No. 1).

Accessibility

- 2.29 The Appeal Site is well connected to the strategic road network. Chiswell Green Lane connects with Watford Road to the east of the Appeal Site and the A405 North

Orbital Road, which connect to Watford and the M25 junction 21a, whilst St Albans is accessible via this road to the north. The M1 is 1.4km to the east and meets the M25 1.5km southeast of the Appeal Site.

2.30 The Appeal Site is within acceptable walking distance of key public transport infrastructure, including such as How Wood railway station and Park Street railway station. These stations are situated on the Abbey Line which provides hourly services between St Albans Abbey and Watford Junction. Frequent trains to London and other destinations are available from Watford Junction and St Albans City station, which is a 25 minute (2km) walk from St Albans Abbey Station or a short cycle or bus journey.

2.31 There are existing Public Rights of Way (PROW) walking route in the vicinity of the Appeal Site including no's 82, 80, 21, 39 and 28. No public rights of way cross the Appeal Site.

2.32 There are a number of destinations that can be reached within a 5km cycling distance from the Appeal Site, including:

- St Albans City Centre;
- St Albans Abbey railway station;
- Bricket Wood railway station;
- How Wood railway station;
- Park Street railway station;
- Garston railway station;
- St Albans Cathedral;
- Verulamium Park;
- Abbey View Retail Park,
- Westminster Lodge Leisure Centres;
- Watford Leisure Centre; and
- Killigrew primary school.

2.33 The closest bus stops are located on Watford Road and serve bus routes 321 and 724. In addition to these services, the bus stops on Watford Road in the vicinity of Tippendell Lane also serves route 361 which travels along Tippendell Lane to How Wood and Bricket Wood. A fourth bus service, route 635, is accessible from bus stops on the A405 North Orbital Road between the Watford Road roundabout and the M25 junction 21A, around 780m south of the Long Fallow footway / cycleway access.

Local Socio-Economic & Health Infrastructure

- 2.34 There are eight GP practices located within a 4km radius of the Appeal Site and a further two GP practices located just beyond a 4km radius, in London Colney. There is a further GP branch within the 4km radius that is linked with a GP practice in Radlett which is outside of the 4km radius but nonetheless has been included because of the linked branch being in close proximity to the Appeal Site.
- 2.35 St Albans City Hospital is also located less than 4km to the north of the Appeal Site.
- 2.36 The area is well provided with dental treatment facilities.
- 2.37 There is also a good provision of retail opportunity within walking distance or via public transport, to support potential growth at Chiswell Green, including a bakers, public house, takeaway restaurants and a Co-op food store on Watford Road, a short distance from the Appeal Site, adding to the sustainability of the location.
- 2.38 There is public open spaces within proximity to the Appeal Site, including allotments, playing fields, public parks, play space and religious grounds. In terms of the public open spaces with play facilities, these include:
- Playing fields at Cherry Hill and Mayflower Road which are within 500m of the Site;
 - Greenwood Park allotments; and
 - Four existing play areas within 900m of the Appeal Site, one of which (Greenwood Park Play Area) has an extensive provision of play equipment for children up to the age of 14 years, with a new range of play equipment for children under 6 years installed in 2019.

3.0 THE PRE-APPLICATION & APPLICATION PROCESS

3.1 The Appellants undertook pre-application discussions with the Council in the lead up to the submission of the outline planning application. The Council issued its pre-application response letter on dated 21st Jan 2022 (**CD 3.3**).

3.2 The Appellants submitted an Environmental Impact Assessment (EIA) Screen Request on 15th October 2021 (**CD 3.1**). The Council issued its EIA Screening Opinion on 9th December 2021 (**CD 3.2**).

3.3 The Outline Planning Application (ref:5/2022/0927) was submitted to the Council on 5th April 2022, including the following:

- Covering letter (**CD 1.1**);
- Planning Application form incorporating Certificate B (**CD 1.2**);
- Design and Access Statement, incorporating a Landscape Strategy (**CD 1.3**)
- Planning Application drawings:
 - Site Location Plan – Drawing REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P5 (**CD 1.4**)
 - Land Use Parameter Plan – Drawing REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P2 (**CD 1.5**)
 - Access and Movement Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P2 (**CD 1.6**)
 - Building Height Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P2 (**CD 1.7**)
 - Northern Site Access Junction – Drawing 8210856-1001-I6 (**CD 1.8**)
 - Southern Site Access Junction – Drawing 8210856-1002-I4 (**CD 1.9**)
 - Forge End and Long Fallow Pedestrian Accesses – Drawing 8210856-1021-I3 (**CD 1.10**)
- Illustrative Masterplan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0210-D5-P1 (**CD 2.1**)
- Planning Statement (including Affordable Housing Statement) (**CD 2.2**)
- Five Year Land Supply Statement (**CD 2.3**)
- Statement of Community Involvement (**CD 2.4**)
- Landscape and Visual Impact Assessment (LVIA) (**CD 2.5**)
- Green Belt Assessment (**CD 2.6**)
- Socio-Economic Assessment (**CD 2.7**)
- Education Needs Assessment (**CD 2.8**)
- Transport Assessment (**CD 2.9**)

- Framework Residential Travel Plan (**CD 2.10**)
- Framework School Travel Plan (**CD 2.11**)
- Flood Risk Assessment and Drainage Strategy (**CD 2.12**)
- Utilities and Foul Sewage (**CD 2.13**)
- Preliminary Ecological Appraisal (**CD 2.14**)
- Reptile Survey Report (**CD 2.15**)
- Interim Bat Survey Report (**CD 2.16**)
- Ecological Impact Assessment (**CD 2.17**)
- Biodiversity Net Gain Assessment (**CD 2.18**)
- Tree Survey and Arboricultural Impact Assessment (**CD 2.19**)
- Phase 1 Desk Based Assessment (**CD 2.20**)
- Noise Assessment (**CD 2.21**)
- Air Quality Assessment (**CD 2.22**)
- Agricultural Land Survey (**CD 2.23**)
- Heritage Statement (**CD 2.24**)
- Archaeological Desk Based Assessment (**CD 2.25**)
- Health Impact Assessment (**CD 2.26**)

3.4 Following post-submission discussions, the following documents were issued to the Council on 29th April 2022 to validate the application:

- Covering letter (**CD 1.11**);
- Updated Planning Application form (**CD 1.12**);
- A revised Site Location Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P6 (**CD 1.13**)
- A revised Land Use Parameter Plan – Drawing REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P3 (**CD 1.14**)
- A revised Access and Movement Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P3 (**CD 1.15**)
- A revised Building Height Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P3 (**CD 1.16**)
- A revised Northern Site Access Junction – Drawing 8210856-1001-I8 (**CD 1.17**)
- A revised Southern Site Access Junction – Drawing 8210856-1002-I6 (**CD 1.18**)
- A revised Forge End and Long Fallow Pedestrian Accesses – Drawing 8210856-1021-I5 (**CD 1.19**)

- Illustrative Masterplan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0210-D5-P2 (**CD 2.27**)
- 3.5 The outline planning application was validated on 3rd May 2022, issued consultation letters on 6th May 2022 and fixed site notices in place on 12th May 2022. The Council advertised the application as a 'departure from policy'.
- 3.6 Following post-submission discussions, the following documents were issued to the Council on 22nd June 2022 for considerations:
- Covering letter (amending the description of development) (**CD 1.20**);
 - A revised Site Location Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P7 (**CD 1.21**); and
 - A Bat Emergence Survey – Full Report (**CD 2.28**).
- 3.7 Following further post-submission discussions, the following additional material was submitted to the Council:
- A Technical Note was issued on 11th August 2022 (**CD 2.29**) which responded to comments made by National Highways on the submitted Transport Assessment
 - Response to comments by RAB Consulting (on behalf of the Council) was submitted to the Council on 16th August 2022 (**CD 2.30**)
 - Biodiversity Metric Excel Spreadsheet that supports the BNG Assessment was submitted to the Council on 26th August 2022 (**CD 2.31**)
 - Minerals Resources Assessment (MRA) was submitted to the Council on 31st August 2022 (**CD 2.32**)
 - Drainage strategy information was submitted to RAB Consulting (on behalf of the Council) on 1st September 2022 (**CD 2.33**)
 - A Transport Assessment Addendum (**CD 2.35**) including a revised Northern Site Access Junction Drawing 8210856-1001-I9 (**CD 1.22**); A Supplementary Health Impact Assessment Report (**CD 2.36**); a LVIA Note of Clarification (**CD 2.37**); and a covering letter with appended table that sets out the Appellants' response to statutory consultees (**CD 2.34**) were submitted to the Council on 16th September 2022
 - Additional Transport Assessment information was submitted to National Highways on 26th September 2022 (**CD 2.38**) and 27th September 2022 (**CD**

2.39);

- A Revised Land Use Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P4 (**CD 1.23**) was submitted to the Council on 17th October 2022
- A Revised Building Heights Parameter Plan - Drawing REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P5 (**CD 1.24**) was submitted to the Council on 25th October 2022

- 3.8 The Council undertook a 14-day (min) re-consultation exercise on the Revised Land Use Parameter Plan and Revised Building Heights Parameter Plan.
- 3.9 Further discussions continued to take place between the Council and Appellants, resulting in the submission of a further Revised Building Heights Parameter Plan-Drawing REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P6 (**CD 1.25**) on 3rd November and confirmation of the Heads of Terms (**CD 1.26**) on 3rd November 2022. These were not the subject of a re-consultation exercise.
- 3.10 A response to the Ramblers Association Comments on the application was submitted on 7th November 2022 (**CD 2.40**).
- 3.11 The Council considered the merits of the proposal and determined the application at planning committee on 28th November 2022. Officers recommended that the planning application be approved, subject to conditions and completion of a Section 106 legal agreement (**CD 3.4**). The Planning Committee overturned the Officer's recommendation.
- 3.12 The application was refused on 6th December 2022 for the following reasons:
1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

- 3.13 A copy of the Council's decision notice can be found at **CD 3.7**.
- 3.14 The original non-determination period finished on 31st July 2022. However, the Council and the Appellants agreed an EOT until 9th December 2022 (**CD 3.6**).
- 3.15 Reason for Refusal 2 is capable of being resolved subject to the submission of a completed and signed s.106 agreement securing the planning obligations referred to in that reason (which would have likely followed if Members had resolved to grant planning permission). There is no inconsistency between Reason for Refusal 2 and the case officer's recommendation to grant planning permission, because that recommendation was expressed to be subject to satisfactory completion of a s.106 agreement.

Post-Determination Amendments

- 3.16 In response to a letter from the Appellants dated 9th March 2023 (**CD 1.27**) it was agreed during the Inspector's Case Management Conference (CMC) that the description of development for the Appeal Scheme would be amended as follows:

"Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3); the provision of land for a new ~~2FE-Primary~~ primary school, open space provision and associated landscaping,

internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements” (“the Appeal Proposals”).

3.17 The adjustment to the description allowed the deletion of the reference to ‘2FE Primary’ from the phrase ‘new 2FE primary school’. The following land use parameter plan was also revised to align with this amendment:

- A Revised Land Use Parameter Plan is Drawing REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P5 (**CD 1.28**) was submitted to PINS on 9th March 2023

4.0 APPEAL PROPOSALS

4.1 The description of development for planning application and Appeal Proposals comprises:

"Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3); the provision of land for a new School, open space provision and associated landscaping, internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements" ("the Appeal Proposals")."

4.2 The Appellants are seeking outline planning permission for:

- Demolition of existing structures and construction of up to 391 homes;
- 40% affordable homes provision, of which:
 - 30% Social Rent;
 - 19% Affordable Rent;
 - 26% Intermediate;
 - 25% First Homes⁴
- 3% self-build and custom-build plots;
- The provision of land (1.89 ha) for a new school;
- 2.92 ha of publicly accessible amenity space
- 0.82 ha of formal play space for children of all ages and 295sqm for playspace for toddlers;
- New access arrangements into the Site from Chiswell Green Lane, Long Fallow and Forge End (full detail provided);
- Adjustments to existing car parking, footpath, cycle path and highway arrangements along Chiswell Green Lane, Watford Road, Long Fallow, Forge End, Farringford Close; and
- New on-site habitat and a financial contribution to enhance habitats off-site (to achieve a 10% biodiversity net gain).

4.3 Set out below is an indicative unit mix for the Appeal Proposals:

⁴ as defined by the Government

	Private	Affordable				Total	%
		Social Rent	Affordable Rent	First Homes	Inter		
1-bed (2p)	0	6	7	33	0	46	11.76
2-bed (3p)	4	23	8	0	0	35	8.95
2-bed (4p)	6	11	9	6	4	36	9.97
3-bed (5p)	97	0	0	0	0	97	24.81
3-bed (6p)	34	5	4	0	36	79	20.20
4-bed (6p)	1	0	0	0	0	1	0.26
4-bed (7p)	57	2	2	0	0	61	15.60
5-bed (8p)	36	0	0	0	0	36	9.97
Sub-Total	229	47	30	39	40		
		(30%)	(19%)	(25%)	(26%)		
Total	235 (60%)	156 (40%)				391	100%

- 4.4 The precise unit mix will be determined at a later stage through subsequent reserved matters applications.

Access

- 4.5 Three vehicular accesses will be provided into the Appeal Site for cars and service vehicles. Two of these will be off Chiswell Green Lane and will serve the northern part of residential development and the future school.
- 4.6 The vehicular access to the southern part will be via the northern end of the Forge End cul-de-sac, which in turn will provide access to Watford Road. Two pedestrian and cycle access routes will be provided off Long Fallow and Forge End.

Transport Improvements

- 4.7 The proposed sustainable travel improvements include the following:
- Provision of a footway/cycleway to the north side of Chiswell Green Lane, along with enhancements to junctions and crossings shown on the drawings

for approval;

- A financial contribution to increase the frequency of the 321 bus;
- A commitment to deliver an improved walkway/cycleway along Watford Road from Chiswell Green Lane to the Noke Hotel roundabout;
- Preparation of Travel Plans for the residential development and proposed school site, to help increase the use of sustainable transport modes; and
- Providing the proposed new households with bus vouchers.

4.8 Based on the current interim dwelling mix, up to 1,030 car parking spaces will be provided, plus car parking for the primary school (expected to be 1 x space per two members of staff + 1 space per 15 students).

4.9 Cycle parking provision will also be provided on the basis of one space per dwelling (if no garage or shed is provided), plus school cycle parking – expected to be at least 1 cycle space per 10 full time members of staff and one space per 15 students.

Publicly Accessible Open Space & Playspace Provision

4.10 The wider masterplan currently includes publicly accessible open space. The focus for this space is in the heart of the Appeal Proposals. This currently includes play space facilities for different age groups will also be provided, including toddlers within the central green core.

4.11 All of the publicly accessible open space and play space provision will be accessible to the local community. The masterplan also includes 'Green Corridors' through the Site, including a link between the 'Green Core' and the playspace area in the south-eastern part of the Site. The Green Core will facilitate permeability through the Appeal Site from north to south and from east to west.

4.12 Landscaping screening will be implemented through the construction phase. The purpose of the screening is to seek to integrate the Appeal Scheme into the landscape character of the Site and surrounding areas and assist screening the Appeal Proposals from nearby roads and fields and the Metropolitan Green Belt.

Biodiversity

4.13 The Appeal Proposals will enhance the habitat found on the Appeal Site and deliver 10% BNG (through on-site provision and off-site financial contribution).

- 4.14 The Appeal Proposals are expected to deliver a net gain in terms of hedgerow units.
- 4.15 A BNG Assessment will be repeated at the reserved matters stage when the landscaping proposals are detailed and extent of habitat creation on site is confirmed.
- 4.16 In addition to the BNG calculations, additional enhancement features will be added such as log piles, bird nesting boxes or bat boxes/tubes, all of which should be installed across the Appeal Site (but are not counted in the BNG calculations).

Trees

- 4.17 The woodland area located outside of the Appeal Site to the east is to be retained.
- 4.18 The Appeal Proposals include additional planting and boundary treatment to protect the TPO trees and other trees.
- 4.19 Most of the trees within the Appeal Site will be retained, particularly those located around the boundary of the Appeal Site and the 'L-shaped' group found to the rear of Forge End.
- 4.20 Trees to be retained as part of the Appeal Proposals will be protected during the construction phase using temporary tree protection fencing in accordance with BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction', to prevent access within the Root Protection Zone (RPZ) or canopy spread of trees. Where access is unavoidable, alternative protection arrangements such as ground protection (sufficient to protect the structure of the soil from compaction), and/ or access facilitation pruning (to ensure a reasonable clearance for operations is provided) will be required.

Drainage Proposals

- 4.21 The risk of surface water flooding to the Appeal Site is very low, with an annual probability of flooding of less than 1:1,000.
- 4.22 The Appeal Scheme would cause an increase in terms of impermeable area and the respective increase in run-off, however the drainage strategy offers protection against surface water flooding by providing a positive drainage system, which will

intercept overland flows generated within the Appeal Site. It is designed to ensure that no flooding takes place up to and including the design rainfall event (1 in 100-year return period), with additional capacity within the system to allow for the potential future effects of climate change.

- 4.23 The surface water drainage strategy has been designed in accordance with the Environment Agency's Approach to Groundwater Protection Guidance, Version 1.2 (February 2018) and designed to adoptable standards in accordance with Sewers for Adoption (7th Edition) to produce a robust design. Surface water will be discharged by gravity to infiltration basins in order to provide sufficient storage volumes before discharging to the underlying chalk bedrock via deep boreholes, with no direct discharges off-site, maximising the use of above ground storage and source control. The system has been designed to accommodate run-off from all rainfall events up to and including the 1 in 100-year event, with a 40% allowance for climate change. This strategy also includes a number of SuDS components in series (forming a management train) through a development site facilitates the capture, conveyance and storage of surface water runoff while delivering interception and pollution risk management.

Utilities and Foul Sewage

- 4.24 Existing gas, electricity, potable water, telecommunications and foul water infrastructure all exist in the vicinity of the Appeal Site.
- 4.25 Given the size and prevalence of existing infrastructure in the vicinity of the site, it is not anticipated that there should be significant problems with provision of new supplies to the site. Detailed plans and service loadings will be submitted to each supplier so that detailed proposals can be obtained for the provision of new supplies.
- 4.26 A public foul water sewer is located within the northern part of the Appeal Site. This sewer may be required to be diverted or an easement provided in order to develop the Appeal Site. It is proposed to provide a new foul water drainage system to serve the proposed residential and school development and connect to the existing public foul water sewer network via two outfalls.

5.0 PLANNING POLICY CONTEXT

5.1 The adopted planning policy context for the Appeal Site is set out below, including its materiality in the decision-making process.

Adopted Policy

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.3 The development plan documents consist of:

- The saved policies of the Council's District Local Plan Review 1994 (including its associated adopted Proposals Maps) (hereafter referred to as the "Local Plan") (**CD 8.1**);
- St Stephen Neighbourhood Plan (2019-2036) (**CD 8.12**);
- HCC's Waste Core Strategy & Development Management Policies DPD (2012); and
- HCC's Hertfordshire Minerals Local Plan 2007.

5.4 The Council determined the Appeal Proposals against the objectives of the following policies of the Local Plan (**CD 8.1**).

Principle

- *Policy 1 - Metropolitan Green Belt;*
- Policy 2 - Settlement Strategy; and
- Policy 65 - Educational Facilities.

Development Management Policies

- Policy 8 – Affordable Housing in Metropolitan Green Belt;
- Policy 34 - Highways Consideration in Development Control;
- Policy 35 – Highway Improvements in Association with Development;
- Policy 39 - Parking Standards, General Requirements;
- Policy 40 - Residential Development Parking Standards;

- Policy 69 - General Design and Layout;
- Policy 70 – Design and Layout of New Housing;
- Policy 74 - Landscaping and Tree Preservation;
- Policy 84 - Flooding and River Catchment Management;
- Policy 84A - Drainage Infrastructure;
- Policy 97 – Existing Footpaths, Bridleways and Cycleways;
- Policy 102 – Loss of Agricultural Land;
- Policy 104 – Landscape Conservation;
- Policy 106 – Nature Conservation;
- Policy 111 – Archaeological Sites;
- Policy 143A – Watling Chase Community Forest; and
- *Policy 143B – Implementation.*

5.5 The Council determined the Appeal Proposals against the objectives of the following St Stephen Neighbourhood Plan (2019-2036) (**CD 8.12**) policies:

- *Policy S1 - Location of development;*
- Policy S2 - Housing Mix;
- Policy S3 - Character of Development;
- Policy S5 - Design of Development;
- Policy S6 - Minimising the Environmental Impact of Development;
- Policy S7 - Protecting Natural Habitats and Species;
- Policy S10 - Green Infrastructure and Development;
- Policy S11 - Improvements to Key Local Junctions And Pinch Points;
- Policy S12 - Off-street Car Parking;
- Policy S13 - Bus services and Community Transport;
- Policy S14 - Provision for Walking, Cycling and Horse-Riding; and
- Policy S17 - Leisure Facilities for Children and Teenagers.

5.6 The guidance contained with the Council's SPG and SPD were also used to determine the planning application. These are listed below:

- Design Advice Leaflet No 1 – Design and Layout of New Housing;
- Affordable Housing SPG 2004; and
- Revised Parking Policies and Standards January 2002.

5.7 The policies listed in the Council's reasons for refusal are identified above by *'italics'*.

Material Considerations

NPPF & NPPG

- 5.8 The National Planning Policy Framework ("NPPF") published in February 2019 (**CD 7.1**) provides the relevant national planning policy for the Appeal Proposals. The key objectives of the NPPF include:
- i. Weight to be given to policies (paragraph 48);
 - ii. Determination of inappropriate development in the Green Belt (paragraphs 137, 147 and 148); and
 - iii. Presumption in favour of sustainable development (paragraphs 11 and 174 & footnote 7 & 8).
- 5.9 The NPPF is accompanied by the national Planning Practice Guidance ("PPG"), which came into effect in March 2014 and superseded the majority of Planning Circulars and other guidance.
- 5.10 It is agreed between the Council and the Appellants that these NPPF policies are relevant to this Appeal when considering the reasons for refusal and 'significant' weight should be given to the NPPF and NPPG.

Evidence Base

- 5.11 The evidence base that has been collated by the Council over the years is also considered to be a material consideration of some weight, as confirmed in the Council's Committee Report in relation to Land to Rear of 112-156b Harpenden Road ('Sewell Park') (**CD 9.3**). The weight to be given to conclusions of these documents is a matter of disagreement.
- 5.12 The key documents in the Council's evidence base that are relevant in this case are as follows:
- SACDC's Green Belt Review: Sites and Boundaries Study (December 2013) (**CD 8.4**);
 - SACDC Green Belt Review Sites & Boundaries Study (February 2014) (**CD 8.5**);

- SACDC's 5-Year Housing Land Supply position, affordable housing delivery position and self-build homes delivery position (as referred to in various appeal decisions and committee reports in the district);
- SACDC's Strategic Housing Land Availability Assessment (SHLAA, updated in May 2018) (**CD 8.8**);
- SACDC's Housing and Economic Land Availability Assessment 2021 (HELAA) (**CD 8.9 & 8.10**); and
- Appendix B (Urban Capacity Study) of the Draft HELAA (2021) (**CD .811**).

Weight to be given to Development Plan

- 5.13 The Local Plan was adopted in November 1994. The Local Plan policies were reviewed by the Secretary of State and a Direction under Planning and Compulsory Purchase Act 2004 made on the 14 September 2007 saving the policies.
- 5.14 Paragraph 8.2.11 of the Council's Committee Report (**CD 3.4**) explains that the policies which are most important for determining the application (now the appeal) are regarded to be out-of-date as set out in paragraph 11(d) of the NPPF is engaged.
- 5.15 Paragraph 8.6.2 of the Council's Committee Report (**CD 3.4**) confirms that the Council only has a housing land supply of 2.2 years. The Council has only delivered 69%⁵ of its housing requirement over the previous three years according to the HDT figures.
- 5.16 A new emerging Local Plan is being prepared by SACDC but is at a very early stage. As explained in paragraph 8.2.5 of the Council's Committee Report (**CD 3.4**), no draft policies for the new Local Plan have been produced yet and no weight can be attached to it in decision making.
- 5.17 The Council's Committee Report (**CD 3.4**) confirms in paragraphs 8.3.16 and 8.3.21 that the evidence base prepared in connection with previously prepared Local Plan, including the Green Belt Review and SHLAA, is a material consideration. However, the previously prepared emerging Local Plan has no legal status, save as an other material consideration for the purposes of s. 70(2)(c) of the Town and Country Planning Act 1990 (which the Council consider should be given very limited weight).

⁵ Source: 2021 Housing Delivery Test Final Results - Jan 2022: Need for the period 2018/19 to 2020/21 = 2,317 homes. Delivery for the same period = 1,596 homes (**CD 4.2**).

6.0 MATTERS AGREED

6.1 This section of the SOCG confirms the matters that are agreed between the Council and the Appellants.

6.2 Specifically in relation to reason for refusal no.1, the following matters are agreed:

- i. In accordance with the guidance contained within the NPPF, harm to the Green Belt carries substantial weight.
- ii. The Appeal Proposal would cause a degree of harm to the openness and purpose of Green Belt policy, the extent to which will be subject of discussion at the Public Inquiry.
- iii. It is considered that the introduction of built form across the existing fields would cause a degree of adverse effect the local landscape character, the extent to which will be subject of discussion at the Public Inquiry. It is agreed that there some harm in terms of visual effects, the degree to which will be discussed at the Public Inquiry.
- iv. The Appeal Proposal will cause a degree of harm as a result of the loss of agricultural land, the extent to which will be subject of discussion at the Public Inquiry.
- v. The delivery of market sales homes is to be given very substantial weight.
- vi. The delivery affordable homes is to be given very substantial weight.
- vii. The delivery of Self-build / Custom-build homes is to be given substantial weight.

6.3 Specifically in relation to reason for refusal no. 2, a Section 106 Legal Agreement is highly likely to be signed and engrossed by the Appellants and the Council which means that this reason for refusal not relevant to the determination of the Appeal Proposals.

6.4 The Council's evidence base, recent appeal decisions and planning committee report demonstrates the following, which are agreed to remain applicable:

- i. In the Council's Committee Report (**CD 3.4**) relating to the Appeal Site, the Council confirm in paragraph 8.6.2 that the Council only benefits from 2.2 years housing land supply.
- ii. Table 9.1 and paragraphs 11.1.15, 11.2.2, 11.2.4 of the Council's Green Belt Review: Sites and Boundaries Study (2014) (**CD 8.4**) explains that, out of all

the Broad Locations, the Appeal Site would result in the least harm to the five-purposes of the Green Belt.

- iii. The Council's Green Belt Review Sites & Boundaries Study (February 2014) (**CD 8.5**) explains that the Appeal Site lies within the St Stephen's Plateau landscape character area (paragraph 10.1.2) and identifies the Appeal Site as:
 - o an 'Area of Lower Landscape/Visual Sensitivity' (Paragraph 10.4.12, Table on page 101, Figure 10.1 & paragraph 10.6.5);
 - o as 'Land for potential Green Belt release' (para's 10.5.1, 10.6.1, 10.6.3, 10.6.4, 12.1.1& 12.1.2); and
 - o an area for 'potential urban development area, infrastructure & POS' (Figure 10.3).
- iv. In their determination of the planning application (SACDC Ref: 5/2021/0423/LSM) for Sewell Park, the Council confirms that "...*there is also a clear and pressing need for affordable housing within the District*" (paragraph 8.7.2, **CD 9.3**).
- v. The Council's Strategic Housing Land Availability Assessment (SHLAA, updated in May 2018) (**CD 8.8**) identifies the Appeal Site for further assessment, where it was considered for further assessment for the potential of housing development
- vi. The Council's Housing and Economic Land Availability Assessment 2022 (HELAA) (**CD 8.9 & 8.10**) concludes at paragraph 5.6 that the new Local Plan will need to accommodate approximately 15,000 homes over a 15-year period i.e., approx. 1,000 dwellings per annum (dpa). The Appeal Site is identified as a potential site for housing in the HELAA;
- vii. Appendix B (Urban Capacity Study) (**CD 8.11**) of the Draft HELAA (2021) confirms that there is not enough capacity on urban sites to meet the District's housing needs. The study estimates that potential exists for approximately 2,100 residential units on the sites identified within the urban capacity study. This is only 14% of the District's housing need over the plan period.
- viii. In the Council's Committee Report (**CD 9.3**) relating to the Sewell Park application, the Council confirm in paragraph 8.7.1 that "...*the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing*".

6.5 The Council and Appellant agree that, subject to condition in certain cases, the Appeal Proposals will not result in unacceptable impact on:

- i. Neighbouring amenity;
- ii. Heritage and townscape;
- iii. Ecology;
- iv. Minerals extraction;
- v. Local transport infrastructure capacity, cycle access provision and pedestrian access provision;
- vi. Servicing and delivery arrangements;
- vii. Trees and landscape located outside the Appeal Site;
- viii. Air, noise and water quality;
- ix. Flood risk and surface water drainage;
- x. Utilities;
- xi. Land contamination;
- xii. Archaeology

6.6 Ecology:

- i. The Appeal Site has a low ecological value and negligible potential as a habitat for protected species.
- ii. The Appeal Proposals are considered to have negligible impact on existing habitat for protected species.
- iii. The Appeal Proposals will enhance the habitat found on the Appeal Site and deliver of 10% BNG (through on-site provision and off-site financial contribution). The weight to be given to BNG is a matter of dispute.

6.7 Agricultural Land:

- i. The distribution of ALC grades across the Appeal Site, based on the survey work submitted by the Applicant is agreed and is as follows:

Distribution of ALC Grades across the Appeal Site

ALC Grade	Area (Ha)	%
Subgrade 3a	7.0	50
Subgrade 3b	5.5	40
Non Agricultural	1.4	10
TOTAL	13.9	100

- ii. It is agreed that the best and most versatile agricultural land: comprises land in grades 1, 2 and 3a of the Agricultural Land Classification (NPPF Annex 2:

Glossary) and that the Appeal Site comprises 7ha of the best and most versatile Subgrade 3a land.

6.8 Conditions:

- i. If planning permission is granted for the Appeal Proposals, the conditions set out in Appendix 1 to this SOCG are agreed by the Appellants and the Council.

6.9 Section 106 Agreement:

- i. The Council and the Appellants are satisfied that the contributions and/or planning obligations set out in the Section 106 Legal Agreement are necessary to make the development acceptable in planning terms, in accordance with Regulation 1227 of the CIL Regulations 2010 (as amended).

6.10 Consultee Responses:

- i. No objection to the Appeal Proposals have been raised by the following:
 - HCC Landscape;
 - HCC Growth and Infrastructure Unit;
 - HCC Highways;
 - HCC Ecology;
 - HCC Lead Local Flood Authority (RAB Consultants);
 - HCC Minerals and Waste;
 - HCC Public Health;
 - HCC Rights of Way;
 - National Highways;
 - Affinity Water;
 - East of England Ambulance Service;
 - Environment Agency;
 - Hertfordshire Constabulary;
 - Herts Valley Clinical Commission Group;
 - Herts and Middlesex Wildlife Trust;
 - Natural England;
 - Thames Water;

⁷ A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is— (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the proposed development.

- The Council's internal advisors, including:
 - Spatial Planning;
 - District Archaeologist;
 - Community Services Team;
 - Design & Conservation Team;
 - Environmental & Regulatory Services;
 - Housing;
 - Legal;
 - Parking;
 - Trees & Woodlands;
 - Waste Management;

6.11 Sport England's initial objection will be overcome as a result of securing the following planning obligations included in the S106 Agreement:

- Youth Facilities - £110,387.00 (Index linked to BCIS 1Q2020) towards re-provision of the St Albans Young People's Centre in a new facility to accommodate larger numbers of young people; and,
- Local Sport Facilities and Parks - £298,355.00 towards Greenwood Park Community Centre and Pavilion improvements).

6.12 Presumption in favour of sustainable development:

- i. It is agreed that if the Inspector concludes that there is no clear reason to refuse to grant planning permission under NPPF para. 11(d)(i), then for the purposes of NPPF para. 11(d)(ii) the adverse impacts of the Appeal Proposals do not significantly and demonstrably outweigh the benefits of the Appeal Proposals, such that the Appeal Proposals benefit from the presumption in favour of sustainable development and planning permission should be granted.

7.0 MATTERS DISSAGREED

- 7.1 This section of the SOCG confirms the matters that are in dispute between the Council and the Appellants.
- 7.2 Specifically in relation to reason for refusal no.1, the following matters are in dispute:
- i. The degree to which the Appeal Proposals would cause harm to the openness of the Green Belt and the purposes of including land in the Green Belt;
 - ii. The degree of weight to be given to the Appeal Proposals' harm to the local landscape character (see table overleaf);
 - iii. The degree of weight to be given to the Appeal Proposals' harm by way of loss of agricultural land (see table overleaf);
 - iv. The degree of weight to be given to the benefits of the Appeal Scheme (Land for new school, delivery of open space and children's playspace, ecology improvements and socio-economic benefits) (see table overleaf).
 - v. The weight to be given to conclusions of the Council's evidence base is a matter of disagreement.
 - vi. Whether, overall, very special circumstances exist so as to justify the grant of planning permission.
- 7.3 There is also disagreement over the relevance of Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to the appeal proposal. This requires that where a LPA refuses planning permission, their decision notice "*must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision*". The Appellants contend that it follows from this that, save to the extent expressly indicated by the Reasons for Refusal, the Planning Committee can be taken to have accepted the advice in the case officer's report on all other matters (because if they had any other objections they were legally bound to say so in the reasons for refusal). The Council disagrees but has declined to explain why.

	Appellants' Opinion		Planning Officer's Opinion		Council's Expert Witness Opinion	
Harm (Reason for refusal no.1)	Degree	Weight	Degree	Weight	Degree	Weight
Green Belt:		Substantial ⁸		Substantial	-	-
• Definitional	N/A		N/A		Substantial	Substantial
• Openness	Limited		Limited		Substantial	Substantial
• Purposes	Limited		Limited		Substantial	Substantial
Local landscape character	Limited	Limited	Limited	Limited	Limited	Limited
Loss of agricultural land	Limited (at most)	Limited (at most)	Limited	Limited	Limited	Limited
Benefits	Weight		Weight		Weight	
Land for new school	Substantial		Substantial		Limited	
Delivery of market sale homes	Very substantial		Very substantial		Very substantial	
Delivery of affordable homes	Very substantial		Very substantial		Very substantial	
Delivery of Self-build and Custom-build homes	Substantial		Substantial		Substantial	
Delivery of Open space and Children's play space (including PROW through the Appeal Site)	Moderate		Moderate		Limited	
Ecology improvements	Moderate (at least)		Moderate (at least)		No to Limited	
Socio-economic benefits	Substantial		Substantial		Moderate	
Helping to raise the standard of design more generally in the area	Significant		-		-	

⁸ In accordance with paragraph 148 of the NPPF

Appendix 1

Agreed Draft List of Conditions

Land South of Chiswell Green Lane, Chiswell Green, St Albans (APP/B1930/W/22/3313110)

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) for each phase of the development as defined by condition 18, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase, 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(1) of the Town and Country Planning Act 1990.

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

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun 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 (2) 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 (REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P7), Access and Movement Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P3), Building Height Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P6), Land Use Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P5), Proposed Northern Access Junctions (8210856-1001 Rev 19), Proposed Southern Access Junction (8210856_1002 Rev 16), Proposed Forge End & Long Fallow Pedestrian / Cycle Accesses (8210856_1021 Rev 15),

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 for each phase, should be submitted as part of application(s) for reserved matters approval for that phase, 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) for each phase, should be submitted as part of application(s) for reserved matters approval for that phase, 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 should 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. No development shall commence in each phase unless a method statement has been submitted to and approved in writing by the Local Planning Authority for that phase, to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837. Thereafter the development shall be carried out in accordance with these approved details.

REASON: To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St Albans District 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 contractual practical completion of the permitted 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 or with the written consent of the LPA. 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 contractual practical 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 phase of the development hereby permitted shall be occupied unless and until the vehicular accesses for the phase in question have been provided and thereafter retained at the position shown on the approved plan drawing numbers 8210856-1001 Rev I9, 8210856-1002 Rev I4 and 8210856-1021 Rev I3 (as may be amended through detailed technical drawings agreed through the Section 278 process). Arrangement 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 carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the commencement of development in each phase, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications for each phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways;
- c. Cycleways (compliant with LTN 1/20);
- d. Minor artefacts, structures and functional services;
- e. Foul and surface water drainage;
- f. Visibility splays;
- g. Access arrangements including temporary construction access
- h. Hard surfacing materials;
- i. Parking areas for vehicles and cycles;
- j. Loading areas; and
- k. Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. No phase of the development hereby permitted shall be occupied unless and until full details have been submitted to and approved in writing by the Local Planning Authority for that phase, in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. (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 as indicated on drawing(s) numbers set out below have been submitted to and approved in writing by the Local Planning Authority.

8210856-1012 Rev I5 PROPOSED SUSTAINABLE TRAVEL IMPROVEMENTS - CHISWELL GREEN LANE

8210856-1013 Rev I4 PROPOSED SUSTAINABLE TRAVEL IMPROVEMENTS - WATFORD ROAD / CHISWELL GREEN LANE

Drawing numbers 8210856_1028 Rev I1 through to 8210856_1033 Rev I1 HERTFORDSHIRE COUNTY COUNCIL'S WATFORD ROAD CYCLE IMPROVEMENTS, (Sheets 1 to 6)

Drawing number 8210856-1014 Rev I3 IMPROVEMENTS - LONG FALLOW PROPOSED SUSTAINABLE TRAVEL

(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: (a) 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).

(b) 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).

15. No part of the development hereby permitted shall be occupied unless and until a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority is submitted to and approved in writing by the Local Planning Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

16. No development shall commence in each phase unless and until a detailed Construction Environmental Management Plan relating has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development in that phase shall only be carried out in accordance with the approved CTMP unless otherwise agreed in writing by the local planning authority. The plan shall be prepared in accordance with the Construction Logistics and Community Safety (CLOCS) Standard.

The plan shall include the following:

- i. The construction programme;
- ii. Clear access strategy for construction vehicles that avoids conflicts with pedestrians, cyclists, public transport and existing and future residents;
- iii. Hours of operation;
- iv. Phasing of the development of the site, including all highway works;
- v. Construction vehicle numbers, type, routing;
- vi. Traffic management requirements;
- vii. Cleaning of site entrances, site tracks and the adjacent public highway;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Details of any highway works necessary to enable construction to take place, including temporary access works;
- x. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These shall demonstrate how safe and unobstructed access will be maintained at all times or be temporarily closed or extinguished.
- xi. Details of servicing and delivery, including details of site access, compound, welfare facilities,
- xii. hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- xiii. Where works cannot be wholly contained 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 and proposed traffic management;
- xiv. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- xv. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- xvi. Details of public contact arrangements and complaint management;
- xvii. Construction waste management proposals;
- xviii. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xx. Measures to be implemented to ensure wayfinding for both occupiers of the site and or those travelling through it.

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).

17. Notwithstanding the information contained in the Transport Assessment, no development shall commence in respect of any Development Parcel or Strategic Engineering Element until a Site Wide Phasing Plan, which accords with agreed s106 triggers has been submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements:

- a) Development parcels;
- b) Major distributor roads/routes within the site, including timing of provision and opening of access
- c) points into the site;
- d) The local centre, or for example, mobility hubs, convenience store and community facilities
- e) Strategic foul surface water features and SUDS;
- f) Open space;
- g) Strategic electricity and telecommunications networks;
- h) Environmental mitigation measures.

No development shall commence apart from enabling works and strategic engineering elements, unless, agreed in writing by the Local Planning Authority until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

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

18. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan and dated (March 2022) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Within three months of the first use of a school opening, a Modeshift STARS School Travel Plan should be prepared and submitted to Hertfordshire County Council, and fully approved by the School Travel Plan Team (the team can be contacted at: activeandsafertravel@hertfordshire.gov.uk). Thereafter the Travel Plan shall be implemented in full throughout the life of the school.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

20. No phase of the development hereby permitted shall be occupied unless and until a scheme for the parking of cycles including details of the design, level and siting of the proposed parking for that phase has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented before the phase 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).

21. No development shall commence in each phase unless and until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the utilisation of above ground attenuation and conveyance sustainable drainage techniques (SuDS), with the incorporation of sufficient treatment trains to maintain or improve the existing groundwater quality, as per the Flood Risk Assessment produced by Glanville (dated March 2022) and updated submission information. The scheme shall also include the following:

- a. a detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
- b. detailed hydraulic modelling calculations of the proposed surface water drainage scheme that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year return period event and up to the 1 in 100 year return period event (including the correct allowance for climate change) have been submitted to, and approved in writing by, the Local Planning Authority.
- c. full details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater both locally and downstream of the site, especially from proposed parking and vehicular areas have been submitted to, and approved in writing by, the Local Planning Authority. Surface water treatment techniques should include both natural SuDS structures and also proprietary devices, such as advanced vortex separators.
- d. detailed construction drawings of all proposed SuDS features, including details of flow controls and piped network, have been submitted to and approved in writing by the Local Planning Authority.
- e. detailed construction drawings of the proposed deep bore soakaway structures have been submitted to, and approved in writing by, the Local Planning Authority.
- f. a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. This plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, 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.
- g. details for the provision of any temporary drainage during construction has been submitted to and approved in writing by the Local Planning Authority. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- h. detailed construction drawings of the proposed foul water drainage network have been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding, both on and off site as required by the National Planning Policy Framework.

22. No above ground works shall take place for each phase 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 for that phase. 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.

23. Prior to the commencement of ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals on an opportunistic basis shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated 15 August 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 appropriate recovery and beneficial use of the minerals (where feasible without the need for processing); and
- c) A method to record the quantity of recovered mineral for re-use on 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.

24. 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 Planning 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.

25. No development-related works shall take place within each phase of the site until an agreed programme defined by a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority for that phase. This scheme shall include a programme of archaeological evaluation by trial trenching, followed by open area excavation on those areas containing archaeological deposits required, 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 organisation.

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.

26. Following the completion of the fieldwork and the post-excavation assessment in Condition 26, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 26. 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.

27. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place in each phase until an investigation and risk assessment in relation to contamination on site (in addition to the phase I assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority for that phase. The assessment shall investigate the nature and extent of any contamination on 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. The submitted report shall include:

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

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.

28. The results of the site investigations set out in condition 27 and the detailed risk assessment undertaken at the site 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 for each phase. 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.

29. Before any dwelling is occupied, verification report(s) demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The reports 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.

30. No development above ground level shall take place in each phase, until a noise assessment has been carried out in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development for that phase.

Where identified by the noise assessment, to be necessary, a scheme for noise mitigation including sound insulation measures to be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms, shall be submitted to and approved in writing by the Local Planning Authority, and implemented prior to the occupation of any of the units.

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 not exceed 45dBA more than 10 times a night in bedrooms; 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: To protect the amenities of adjoining development. To comply with Policy 70 of the St Albans District Local Plan Review 1994.

31. Open space shall be provided on site in accordance with the approved parameter plans. No development in each phase shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

REASON: To comply with the requirements of Policy 70 of the St Albans Local Plan Review 1994.

32. No development in each phase, shall take place until a Site Waste Management Plan (SWMP) for that phase of 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.

33. Notwithstanding the submitted 'Arboricultural Impact Assessment' – JSL4258_770 (by RPS, 30 March 2022), a detailed tree protection plan and method statement should 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.

34. Notwithstanding the submitted Landscape and Visual Impact Assessment (April 2022), prior to the commencement of development of a school in the land allocated for a new school hereby permitted, as shown in the Land Use Parameter Plan (REDC01 MCB ZZ ZZ DR A 0223-D5-P5), a landscape and visual analysis for the school site specifically shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the landscape and visual impact is acceptable and comply with Policy 69 of the St Albans Local Plan Review 1994.