
Report to the Secretary of State for Communities and Local Government

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 25 October 2016

TOWN AND COUNTRY PLANNING ACT 1990

ST ALBANS CITY AND DISTRICT COUNCIL

APPEAL BY OAKLANDS COLLEGE

AND

TAYLOR WIMPEY NORTH THAMES

Inquiry held on 10 May – 13 May and 17 - 20 May 2016

Oaklands College, St Albans Campus, St Albans AL4 0JA

File Ref: APP/B1930/W/15/3051164

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Oaklands College and Taylor Wimpey North Thames against the decision of St Albans City & District Council.
- The application Ref 5/13/2589, dated 30 September 2013, was refused by notice dated 2 December 2014.
- The development proposed is a comprehensive redevelopment to provide new and refurbished college buildings, enabling residential development of 348 dwellings, car parking, associated access and landscaping, including the demolition of existing buildings.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural matters

1. The appeal was recovered for decision by the Secretary of State on 10 July 2015. The reason was that the appeal involves proposals for significant development in the Green Belt.
2. Following the refusal of planning permission, minor amendments were made to the layout of part of the residential element of the proposal, intended to address the reason for refusal related to the effect of the proposed residential development on protected trees. This was the subject of a 28 day public consultation exercise beginning on 18 May 2015¹, with responses explained in the Statement of Common Ground². No party objected to this amendment and there is no suggestion that the interests of any party would be prejudiced. Accordingly the Inquiry considered the revised scheme. The parties requested that, should the Secretary of State intend to deal with the original plans, the main parties be afforded the opportunity to make submissions on the original layout.
3. A Planning Obligation³ was submitted towards the end of the Inquiry on 20 May 2016, and is discussed later in this report.

The site and surroundings

4. The appeal site is part of the St Albans Campus of Oaklands College - the College has other sites at Borehamwood and Welwyn Garden City. The total college site is around 144 hectares in extent and includes a range of educational buildings of varying ages set in substantial grounds.
5. The site is located between the A1057 Hatfield Road to the south (with residential and commercial development beyond), and Sandpit Lane to the north (beyond which the residential areas of Marshalswick and Jersey Farm rise up from the road). To the east beyond the College lands is Oaklands Lane, which includes a scatter of ribbon development forming part of Smallford. To the west is the Wynchlands housing development, along with

¹ Explained in the Statement of Community Involvement

² Document 4

³ Document 5

- playing fields associated with local schools. There are areas of woodland (including Beaumont Wood) on the western boundary of the land⁴.
6. The site is around 3 kms from the centre of St Albans and around 5 kms from Hatfield to the east. Access to the site is from Hatfield Road, Sandpit Lane and Oaklands Drive – although only South Drive (off Hatfield Road) is open to vehicles. Bridleway 51 runs north to south through the site, whilst Footpath 004 runs east to west across the site – both run through the existing college campus⁵.
 7. The development site includes the Central Developed Area (CDA) of around 10.7 hectares, which includes the main College campus and dilapidated glasshouses⁶. The majority of the College buildings date from the 1950s. The Mansion House is an undesignated heritage asset, originally dating from the late Georgian period and remodelled in the 1840s, with more recent alterations and extensions. The CDA includes a new teaching block, a sports hall and sports pitches.
 8. The Residential Development Area (RDA) is open agricultural land to the northwest of the CDA, sloping down from a plateau to Sandpit Lane to the north. It is around 13.1 hectares in extent. There is a woodland (Beaumont Wood), covered by a recent Tree Preservation Order, to the south of the RDA on land owned by Beaumont School⁷.

Planning policy

9. The development plan comprises the saved policies of the St Albans District Local Plan Review (1994) (LP)⁸.
10. The site is within the Metropolitan Green Belt as defined on the LP proposals map. It is outside the LP settlement boundary of St Albans, from which it is separated by the Wynchlands development and playing fields to the west.
11. It is also within the De Havilland Plain Landscape Character Area. The Council regards the site as being within the area of the Watling Chase Community Forest, although the policy basis for this is unclear – this will be discussed below.
12. There are a range of relevant LP policies set out in the Statement of Common Ground⁹. With particular regard to the issues between the main parties, LP policies 1 and 8 define the area of the Green Belt and set out the general policy approach and the criteria against which proposals for affordable housing in the Green Belt will be assessed – albeit that this is based on superseded national policy. Policy 2 sets out the settlement strategy – as previously noted, the appeal site is outside the defined settlement. Policy 74 deals with tree preservation.

4 The site and the surrounding area can best be appreciated at Mr Armstrong Appendix 8

5 Existing and proposed rights of way at Mr Gabbe Appendix 7

6 Photographs at Mr Gabbe Appendix 8

7 Boundary of CDA and RDA shown at Mr Rowe LPI 1

8 CD 2

9 Document 4 Paragraph 8.3

13. The Council has begun the preparation of a Strategic Local Plan (SLP), which was the subject of consultation in early 2016¹⁰. The Council anticipates adoption of the SLP in 2017, after Examination. The parties agree that the SLP can only be given limited weight at this stage.
14. As part of the preparation of the SLP a number of evidence base documents have been prepared¹¹. In particular two parts of a Green Belt Review have been published and are relevant to this appeal¹².
15. In the emerging SLP the Council has concluded that the test for exceptional circumstances to allow alteration to Green Belt boundaries has been met in some areas, and the SLP (SLP Policy 1) identifies four 'Broad Locations' where provision for around 4,500 homes will be made over the plan period to 2028. The appeal site falls within a wider area identified as one of these Broad Locations (East St Albans (Oaklands)) where a minimum of 1,000 homes is expected (SLP policy 13d).
16. There are a number of relevant Supplementary Planning Documents¹³. In particular the Planning Obligations Guidance (2008) is the main mechanism by which the Council seeks to mitigate any increased impact on local infrastructure and facilities.

Planning history

17. There is a considerable amount of planning history in relation to the College (set out in the Statement of Common Ground¹⁴).
18. The only scheme of direct relevance is the grant of planning permission by the Secretary of State on 13 July 2009, following a 'call-in' Inquiry. This permission was for 32,000 sq.m. of educational floorspace, the erection of 62 flats and houses, the use of the Mansion House as 26 units of non self-contained accommodation and a range of related matters¹⁵. The proposed housing, described as enabling development, would have been located in the area occupied by glasshouses and polytunnels to the west of the main educational area. This overall development was known as the 'Hub scheme'¹⁶.
19. The form of the Hub scheme and the location and amount of the residential development were significantly different to the current appeal. However the parties agree that there are similar issues related to the weight to be accorded to educational benefits. Although the LP was extant at that time, the decision was taken in the light of superseded national policy on the Green Belt. Central government funding for the development was subsequently withdrawn, the scheme did not go ahead, and the permission has lapsed.

¹⁰ Document 3

¹¹ Document 4 Paragraph 8.8

¹² Documents 5 and 6

¹³ Document 4 Paragraph 9.1

¹⁴ Document 4 Table 1

¹⁵ CD 12

¹⁶ Drawings and images at Mr Gabbe Appendix 1

The proposal and supporting material

20. The planning application for the combined college and residential development was submitted in late 2013, and was subsequently amended during 2014¹⁷. It was accompanied by a wide range of supporting material including an Environmental Statement (along with subsequent addenda)¹⁸.
21. The proposal is the redevelopment of the existing college floorspace, most of which is in the CDA, to provide 16,211 sq.m of new floorspace and 4,219 sq.m. of refurbished floorspace. 587 car parking spaces would be provided, along with 50 motorcycle and 254 bicycle spaces. A college square would be laid out to the north of the Mansion House to give a landscaped centre to the campus. The existing walled garden close to the centre of the site would be retained and refurbished¹⁹. The scheme includes new and improved Public Rights of Way²⁰. The college development would be undertaken in five phases²¹. The proposal would result in a reduction in the footprint, floorspace and volume of college buildings on the site²².
22. The residential development would provide 227 open market dwellings and 121 affordable dwellings²³. The affordable homes would be 60% affordable rent and 40% shared ownership. The overall density of the residential development would be 26.4 dwellings per hectare. The layout would include a circular road leading to a hierarchy of character zones. Two main areas of public open space are proposed – one facing Sandpit Lane and the other a village green in the centre of the RDA. The main access would be towards the western end of Sandpit Lane, with a secondary (emergency) access further to the east. Improvements are proposed for Sandpit Lane along with a new bus stop and shelter and the diversion of an existing bus service²⁴.
23. Planning permission was refused for three reasons:
 - Green Belt inappropriateness and openness. Landscape character. Loss of Best and Most Versatile (BMV) agricultural land.
 - Conflict with retained trees on the perimeter of the RDA.
 - The absence of a Planning Obligation dealing with infrastructure and affordable housing.
24. As mentioned above, discussions continued after the Council's decision to refuse planning permission, with the aim of addressing the concern of the authority regarding conflict between the new houses and retained trees on the perimeter of the site. The accuracy of the appellants' Arboricultural Survey Report was questioned, and another consultant acting for the

¹⁷ Document 4 Paragraph 4.2

¹⁸ Listed at Document 4 Paragraphs 4.3/4.4

¹⁹ Uncontested before and after aerial photographs of CDA Mr Rowe LPI 02

²⁰ Scheme summarised at Document 4 Paragraphs 4.8 and 4.12

²¹ Document 4 Paragraph 4.9

²² Document 4 Tables 4 and 5

²³ Mix shown at Document 4 Tables 2 and 3

²⁴ Document 4 Paragraph 4.11

appellants undertook a full measured survey. This led to a number of revisions to the detailed layout – although there was no change to the road layout, dwelling mix or house type. The revisions were the subject of local consultation, which did not elicit any further comments on the effect on trees. As a result of the amendments to the scheme, the Council no longer objects to the proposal on the basis of the conflict with the trees in the north-western part of the RDA. There is no tree issue related to the CDA part of the proposal.

25. One of the reasons for refusal related to the absence of a Planning Obligation dealing with a range of infrastructure and other matters. This has now been overcome by the submitted Obligation.
26. Following a joint site visit, it was agreed that the soil profile is Subgrade 3b, and therefore the objection to the loss of BMV is not pursued by the Council.

Agreed matters

27. There are a number of matters which are agreed between the main parties, largely set out in the Statement of Common Ground. The key matters are:
 - The site is within the Green Belt and the proposed development as a whole is inappropriate development, which is harmful by definition.
 - The proposal would not cause harm to three of the purposes of the Green Belt as set out in the National Planning Policy Framework (the Framework). These are to prevent neighbouring towns merging into one another, to preserve the setting and special character of historic towns, to assist in urban regeneration, and to encourage the recycling of derelict and other urban land.
 - The parties agree that the circumstances put forward to justify the proposal are:
 - a) Educational need and benefit. The parties agree that significant weight is attributed to the educational benefits arising from the proposal.
 - b) Enhancement of beneficial Green Belt uses such as community facilities, ecology, footpaths/bridleways and improvements to derelict land. The Council acknowledges these benefits and considers that some weight can be attributed to each element.
 - c) The delivery of housing. The parties agree that the Council cannot demonstrate a five year supply of deliverable housing land. There is no definitive development plan housing requirement for the District. The Council considers that under these circumstances the Household Projection Figures (published 2015) are the appropriate ones to use, which show a figure of 637 new households p.a. for the SLP period. The latest assessment of housing land supply is the Council's Monitoring

Report²⁵, which shows an identified supply of 3.49 years – including a 5% buffer. The proposal would make a significant contribution to meeting local needs. The affordable housing provision (121) would substantially exceed the number (67) of affordable dwellings recently completed in the District each year²⁶.

d) Aspects of sustainable development.

- No objection is raised by the Council to the design of the college buildings, residential layout and design, the effect on the residential amenity of neighbouring properties, the mix and tenure of the proposal, or relevant highway and transport matters (subject to conditions).
- The site is within a minerals consultation area identified in a Supplementary Planning Document. This was addressed in the Environmental Statement and the County Council, as the minerals planning authority, has raised no objection.
- Subject to appropriate conditions the Environment Agency has raised no objection in relation to surface water drainage or flood risk (the site is in Flood Zone 1). Thames Water raised concerns regarding the impact on the existing foul drainage system, but this is addressed by a Grampian condition dealing with an impact study and drainage strategy.
- The site contains a non-designated heritage asset (the Mansion House), which would be enhanced by the College proposal. In addition, subject to a recording condition, no objection is raised on archaeological grounds.
- Broad agreement has been reached on the Landscape and Visual Assessment (LVIA) baseline description and its context, the position and direction of the viewpoints, and the majority of the photomontages. It is agreed that the effect on landscape and visual amenity would be localised to an area of around 2 kms from the RDA and CDA.
- The landscape proposals for the CDA are appropriate and well-designed and would result in an overall minor beneficial change.

The case for the appellants²⁷

28. The appeal proposal, in totality, constitutes inappropriate development. The determining question is whether there are very special circumstances which clearly outweigh the harm by reason of inappropriateness and any other harm. There would be limited harm by reason of erosion of openness and some encroachment into the countryside. However, aside

²⁵ CD 4

²⁶ Annual Monitoring Report 2014

²⁷ Based on the Opening and Closing submissions and the evidence at the Inquiry

from harm by reason of inappropriateness, there is very little other detriment.

29. The site has no international, national or local landscape designation, and it is not suggested that any landscape and visual harm offends any development plan policy. The detailed landscape assessments should not obscure the fact that the landscape and visual impact is very limited, which supports the conclusion that this is one of the best Green Belt sites to release in St Albans²⁸.

Character and appearance – the Central Developed Area

30. Slavish adherence to LVIA matrices can obscure significant points. In this case it is important to consider the significant benefits to the College and the Rights of Way running through the central area. The parties agree that the landscape proposals for the CDA are appropriate and well designed²⁹ and that they respect the setting of the Oaklands Parkland Landscape Character Zone³⁰. The College square would become the green focus of the College and would be a social hub and a destination point for students and teachers³¹. The square would be at the junction of the Rights of Way network, which was recognised in the Hub decision as currently seriously diminished by the existing buildings³². Thousands of students, teachers, staff and visitors would benefit from the proposal, along with users of the Rights of Way.
31. The development would provide an appropriate parkland setting for the College. This can be appreciated from Viewpoint 1³³. It would result in significant improvements to the setting of the Mansion House.

Character and appearance – the Residential Development Area

32. It is agreed by the main parties that the layout, form and design of the residential element of the scheme are acceptable in terms of the Undulating Farmland Landscape Character Zone³⁴. The Framework advises that protection of landscapes should be commensurate with their status – so in this case the weight given to any concern related to the character and appearance of the area should reflect the absence of a specific landscape designation.
33. It is obvious that any residential development on a greenfield site will change the character of the landscape and will affect local views. The benefit of providing houses and affordable homes in an area of great need where greenfield development is necessary can never be achieved without those effects.

²⁸ CD 6 and Mr Armstrong Appendix 2

²⁹ Document 4 Paragraph 14.37

³⁰ Shown at Mr Rowe Figure 15.4

³¹ Public Realm Strategy

³² CD 13 Paragraph 149 and CD 12 Paragraph 17

³³ Mr Rowe Appendix page 24

³⁴ Shown at Mr Rowe Figure 15.4

34. In terms of the character of the area, the Council accepts that the proposed buffer planting would in time largely overcome the effects outside the RDA itself. The long term is clearly more important than short term effects, as advised in GLVIA³⁵.
35. The Green Belt Review, adopted by the Council³⁶, reflects the limited effect that the development would have on the character of the western part of the Broad Location. The Review states that "The extent of effects are likely to be limited. The existing landscape pattern provides a degree of enclosure and would help contain and provide a framework."³⁷ The Council argues that these conclusions in the Green Belt Review do not apply to the appeal site because it is only part of the wider area – but this approach is illogical.
36. The proposals for the RDA would reflect the adjacent urban character, and the magnitude of change would not be as great as in other locations as there are many existing urban influences:
- There is urban development on three sides³⁸.
 - The Council's Green Belt Review concludes that the western part (including the RDA) is of the lowest sensitivity within the Broad Location due to the strong urban edge³⁹.
 - The Hertfordshire Landscape Character Area 31⁴⁰ analysis describes the area to the south as being urban fringe development and, together with Oaklands College, as having a disjointed and mixed character.
 - The appellants' photomontages⁴¹, which follow the correct methodology, clearly show the edge of St Albans. In contrast some of the Council's photographs⁴² are several photographs put together.
37. Elements of the residential proposals lessen any impact on the area:
- The layout, form and design is acceptable⁴³.
 - It is common ground that the restoration of the field boundary in the south is particularly welcome, as is the extension of the eastern landscape buffer⁴⁴.
 - The density is in line with the Council's aspirations for residential development.
38. The fact that only local views would be affected means that the visual effects would be only over a very small area⁴⁵. This contrasts with a

³⁵ GLVIA extracts at CD 23, 25 and 26

³⁶ CD 3a

³⁷ CD 6 Page 39

³⁸ Mr Gabbe Appendix 10 Page 1

³⁹ CD 6 Figure 5.1

⁴⁰ Mr Farrier Appendix 6

⁴¹ For example Mr Rowe Appendices VP 12

⁴² Mr Farrier Appendix 7

⁴³ Document 4 and Mr Farrier Paragraph 5.1

⁴⁴ Mr Farrier paragraph 2.4

decision by the Secretary of State in Tewkesbury where, despite longer range views, only moderate weight was given to landscape and visual harm⁴⁶.

39. It is clearly right to give greater weight to the medium term (Year 15) position. Whilst the amount of tree growth can vary, the appellants' photomontages are based on standard growth rates used by experienced montage experts⁴⁷. This contrasts with the Council's less accurate approach.
40. The case for the Council came down to concern over effects in the winter of Year 15 from viewpoints 14 and 15, as experienced by some road users. Other viewpoints were assessed as not being significantly affected.
41. The effect on views is therefore localised, and this is supported by the Green Belt Review which noted that the visual effects of new development would be at a very local level⁴⁸. As confirmed by the Council's landscape witness, the effect on landscape character and local views would not conflict with LP policy 74 or any other development plan policy.

The effect on trees

42. The original plans resulted in objection from the Council in relation to trees in two areas of the RDA. In the north-western part of the development, there was concern regarding physical conflict between the proposed houses and tree roots. The revised layout, which was the subject of public consultation, is agreed to have overcome this issue.
43. The revised plans also address the Council's concern regarding shading to the gardens of eleven properties in the southern part of the residential development. Although the Council admit that the revisions improve the situation, the authority remains concerned that the extent of shading could lead to future pressure to undertake invasive works to trees in the adjoining Beaumont Wood.
44. The relevant policy is LP policy 74⁴⁹, which provides that account should be taken of a number of matters including the need to avoid siting buildings where they are likely to justify future requests for tree felling or surgery for reasons of (amongst other matters) excessive shading. There are three points to note about this policy:
 - It only requires the decision maker to take account of the matters raised, and does not include clear criteria for judging the issue.
 - It anticipates a planning judgement being made.
 - It only deals with the siting of buildings not with garden shading.

⁴⁵ Illustrated by Viewpoints and photomontages in Mr Rowe Figures 15.7 – 15.35

⁴⁶ CD 19 Paragraph 15.16

⁴⁷ CD 24

⁴⁸ CD 6 page 40

⁴⁹ CD 2

45. The reason for refusal relates to whether the layout would lead to requests for works to the trees – but in fact the correct test is whether it would justify any such requests. The Hopcraft paper⁵⁰ on which the Council relies does not establish the likelihood of justified requests.
46. The trees in question are on land owned by Hertfordshire County Council and recently leased to Beaumont School – which has taken an active interest in the wood as an educational resource and has commissioned an Arboricultural Survey and Management Plan. Neither the County Council nor the School objected to the making of the Tree Preservation Order. In the event of any requests to fell trees, not only would the Council's consent be required, but approval would have to be given by the County Council and the School.
47. The Council must consider any future applications for works to the trees objectively, and the Council accepted that there was no way of predicting the future position. The experts for the appellants, the Council and Beaumont School all agree that the wood is a resource of value, and this significance would be material in considering the proposed works.
48. The extent of the shading is demonstrated by the shading diagrams. However they do not indicate the relative intensity of the shade, seasonal leaf variation or diffused light.
49. There is no standard distance between trees and houses or related to garden size. The Hopcraft report only drew "tentative" conclusions and noted that "the perceived enjoyment and benefits from shade would make an interesting comparison". The study did not cover woodland and has not been adopted by the Council as SPG or similar. In contrast Taylor Wimpey pointed out that trees are prized by customers and stated that this area of the RDA is the highest value part of the site.
50. The only possibly useful guidance is the Council's Design Leaflet No.1 which, although not directly relevant, addresses the question of the usefulness of gardens. It is notable that shaded areas do not fail to qualify under the 'usefulness test'. The unshaded areas of the gardens of the eleven properties all meet the Council's garden sizes.
51. Overall, the risk to the trees in Oaklands Wood is negligible and there is no conflict with any development plan policy.

Green Belt harm

52. The overall development is inappropriate and substantial weight must be given to this harm, in line with the Framework. However it is noteworthy that the college element is not inappropriate, enhances openness and enhances beneficial uses in the Green Belt.
53. Harm to the purposes of the Green Belt is very limited. The main parties agree that there is no harm to three of the purposes of the Green Belt –

⁵⁰ Mr Roseveare Appendix 6

preventing towns merging, preserving historic towns, and assisting regeneration.

54. The Inspector and the Secretary of State addressed the Green Belt purpose related to preventing the unrestricted sprawl of large built up areas in the Hub decision. The Inspector stated that he did not consider the Hub scheme would amount to unrestricted urban sprawl because of its siting and design, and the Secretary of State agreed⁵¹. This is in contrast with the Council's approach in the current case, which is that any urbanising development would be urban sprawl⁵².
55. In fact the development is the opposite of sprawl. The layout, form and design is acceptable, and the development is located as close as possible to St Albans where it can interface with the existing form. In any event, the Council is not claiming that the development is unrestricted urban sprawl but only local sprawl.
56. It is accepted that there is some harm to the Green Belt purpose related to safeguarding the countryside from encroachment. However, as noted in the Green Belt Review, the site is enclosed by three urban edges and this limits the contribution it makes to the area⁵³. It is not visually open and does not affect large parts of the Green Belt.

The development plan

57. LP Policy 1 allows for inappropriate development where there are very special circumstances, as there are in this case. LP Policy 2 does not entirely exclude development outside towns.
58. Given the agreement on the Planning Obligation, a range of LP policies are met. These include Policies 7A, 8, 35, 143B, along with the Affordable Housing SPG.
59. It is agreed that the proposal complies with LP Policy 74 in landscape terms. There is an issue in relation to the effect on trees, but in fact there is no potential conflict with the trees in Oaklands Wood.
60. Overall, taken as a whole, the proposal complies with the development plan, read as a whole, due to the existence of very special circumstances. In any event, even if there were conflict with LP policies 1 and 2 these are relevant policies for the supply of housing. They are out of date and attract greatly reduced weight. The Green Belt boundaries were drawn to meet housing needs prior to 1994.
61. The Council does not suggest that there is any breach of any development plan policy related to the Watling Chase Community Forest, even if the site is regarded as being within the area of the Forest. LP policy 143A is a welcoming policy for landscaping conservation and cannot restrict the appeal scheme. The same is true of emerging SLP policy⁵⁴. The only

⁵¹ CD 13 Paragraph 124 and CD 12 Paragraph 13

⁵² Mr Farrier Paragraph 6.1

⁵³ CD 6 Paragraph 5.1.3

⁵⁴ CD 3 Policy 27

document put in evidence was agreed to be not accepted as SPG in St Albans⁵⁵.

Very Special Circumstances – educational needs and benefits

62. The important role of further education colleges in general and Oaklands College in particular is not in dispute⁵⁶. Nor is the policy support for education at national, regional and local level⁵⁷. The importance of Oaklands College to its students is not contested⁵⁸.
63. There is agreement that significant weight should be attributed to the educational benefits of the proposal. The appeal scheme was the subject of years of discussion with Council officers and Members at all levels, during which time it was never suggested that very special circumstances had not been demonstrated – indeed officers were instructed to draw up a Planning Obligation⁵⁹.
64. Then a response from the Council's Spatial Planning team raised the point for the first time and suggested that other sources of funding were available. When the appellants submitted financial information showing that this was not the case, the latter point was dropped. There is no evidence from Council officers – none of whom appeared at the Inquiry - or the Council's witnesses as to why the educational benefits had been effectively downgraded.
65. The appellants' position is that:
 - All the educational elements are necessary and highly desirable⁶⁰.
 - It has been recognised by the Council, the Secretary of State in the Hub decision and by OFSTED (2011) that improvements to the buildings and layout are urgently needed⁶¹.
 - The College can only fund the scheme by way of enabling development. Ms Hancock set out the funding and financial position in detail and was not challenged on her conclusion that enabling development is the only method of funding improvements⁶².
 - Taylor Wimpey are bound by the Obligation to fund the educational improvements in step with the housing development.
 - The Secretary of State has accepted the principle of such enabling development in the context of the Hub scheme.
66. The Council appears to prefer Option 3 (as set out by Ms Hancock), which involves the refurbishment of existing buildings. However the existing

⁵⁵ Mr Farrier Appendix 8

⁵⁶ Set out at Ms Hancock Section 2

⁵⁷ Set out at Ms Hancock Section 3

⁵⁸ Set out at Ms Hancock Section 4

⁵⁹ Mr Gabbe Appendix 2

⁶⁰ Elements detailed in Ms Hancock Section 7

⁶¹ Ms Hancock Sections 5 and 6

⁶² Ms Hancock Section 8 and Paragraph 8.19

piecemeal layout, which causes a range of operational, educational and safety problems, would remain. This option excludes the proposed Gateway Building, which is particularly significant in terms of meeting the needs of the full range of students, nor would there be a new refectory and Learning Resource Centre which are necessary to meet the students' needs. Not only is this central to the College's approach, but it has implications for the Public Sector Equality Duty.

67. The Secretary of State has already accepted that the educational benefits of providing up to date accommodation are considerable, and this was a crucial factor in finding that very special circumstances existed in the Hub decision in 2009. The Inspector⁶³, endorsed by the Secretary of State⁶⁴, concluded that:
- The provision and delivery of education at all levels is a national priority.
 - The existing accommodation is of poor quality.
 - Many of the buildings are uninspiring and expensive to maintain.
 - The number of buildings and their means of access cannot encourage inclusiveness.
 - The lack of communal spaces discourages cross fertilisation and breaking down barriers.
68. The Framework seeks development which will widen educational choice⁶⁵, which is especially relevant given the fact that around one third of the College's students are in the 16-18 year age group. In addition the importance of skills is set out at the national level in 'Rigour and Responsiveness in Skills'⁶⁶, and 'Fixing the Foundations'⁶⁷.
69. The importance of education is equally recognised at the regional and local level. The LEP Skills Strategy emphasises the importance of developing skills which are needed in the workplace⁶⁸.
70. The emerging SLP is highly supportive of educational development⁶⁹ and notes that Oaklands College is the main provider of further education and lifelong learning in the District. It refers to the key requirement that the College should provide further high quality flexible learning facilities. Support in principle is given for redevelopment to provide new or expanded facilities.
71. The College has suffered two major reverses in recent years. The first was in 2009 when funding was withdrawn for the approved Hub scheme. The second was when the Council changed its position on the appeal scheme –

⁶³ CD 13 Paragraphs 159/160

⁶⁴ CD 12 Paragraph 20

⁶⁵ Paragraph 72

⁶⁶ Department of Education and Business Innovation and Skills

⁶⁷ HM Treasury

⁶⁸ Ms Hancock Appendix 4 Page 5

⁶⁹ CD 3 Policies SLP6 and SLP 13D

following extensive discussions⁷⁰. Despite these setbacks, the College continues to provide a high standard of education. The Council, in cross examination of one of the appellant's planning witnesses (though not with the witness for the College), suggested that the likelihood of closure was the relevant test to adopt in this case. However no witness for the Council put this forward – in fact the Council did not put forward any educational or economic evidence.

72. The Council's only point was that there were some other options that could have been tested and that therefore the weight to be given to educational matters should be tempered. However it was accepted that significant weight should still be attached to educational need, as set out in the Statement of Common Ground. In any event, as explained by the College's witness, the Council's apparently preferred option – Option 3 – was not acceptable as it would entirely fail to address:

- The inflexible nature of the current space.
- The under provision of suitable general teaching space.
- The lack of learning resource and social provision.

73. In addition Option 3 would only partially address inefficient running costs, high maintenance and poor accessibility. The Council did not call a witness to explain how this option would be satisfactory in educational terms.

74. Overall, the educational benefits should be given very significant weight.

Very Special Circumstances – enhancement of beneficial Green Belt uses

75. The enhancement of beneficial uses in the Green Belt is a material consideration which was largely agreed in the Statement of Common Ground⁷¹. The proposals would result in:

- Improved community facilities, through enhancement of the College's offer, for existing and future residents.
- Ecological enhancements.
- Footpath and bridleway improvements.
- Improvements to derelict land on the College campus, including the dilapidated glasshouses.

76. The Council accepts these benefits and considers they should each be given some weight. In fact they are of considerable importance as they are in line with Framework policy⁷².

77. In addition, the visual improvement of the College should be given significant weight as it would benefit students, staff, and those using the Rights of Way. The total footprint of the College buildings would be

⁷⁰ Mr Gabbe Paragraphs 4.3-4.7

⁷¹ Document 4 Paragraph 14.10

⁷² Paragraph 81

reduced by 28%, or 19% if the polytunnels were excluded from the calculation.

Very Special Circumstances – housing delivery

78. The position on housing delivery was agreed in the Statement of Common Ground⁷³. The position is:

- The Council cannot demonstrate a five year supply of deliverable housing land as required by the Framework, and paragraph 14 is therefore engaged. However, as the site is within the Green Belt, the paragraph 14 presumption in favour of sustainable development does not apply.
- In the absence of a five year supply, the provision of new housing should be accorded significant weight.
- The scheme would provide 121 units of affordable housing (35%). This should be accorded significant weight and would substantially exceed the number of affordable dwellings completed in the District per annum.

79. The weight to be accorded to the provision of housing and affordable housing is greater than at the time of the Hub decision, especially in the light of Framework policy. At the time of the Hub decision the supply was 5.9 years whereas the Council (for the purposes of this appeal) agree that there is currently only 3.4 years.

80. The historic target of 200 d.p.a. set out in LP policy 7A has only been met once in 21 years, with only 16 completions in the last monitoring year⁷⁴. Even the 200 d.p.a. figure is out of date, with the SHMA update identifying a need for affordable dwellings at a rate of 335 d.p.a. In the light of this situation, reflected in the Council's Sustainable Community Strategy which identifies the provision of affordable housing as the Council's number one priority, the delivery of 121 affordable dwellings is a very significant benefit.

Very Special Circumstances – improvements to the setting of the heritage asset

81. The parties agree that clearing the central space would result in a significant improvement to the setting of the Mansion House⁷⁵.

82. The Mansion House is clearly of importance as it is one of only three distinctive features in the De Havilland character area⁷⁶. It is a non-designated heritage asset which the Council and local community representatives wish to retain. The proposals go beyond that and would significantly enhance its setting.

⁷³ Document 4 Paragraphs 14.12 – 14.14

⁷⁴ Mr Armstrong Paragraph 4.74

⁷⁵ Document 4 Paragraph 14.29

⁷⁶ Mr Armstrong Appendix 6

The emerging development plan and the evidence base

83. In the context of the preparation of the emerging SLP, the Council has endorsed the release of the land east of St Albans from the Green Belt. This was based on the Green Belt Review and a Sustainability Appraisal⁷⁷.
84. The weight to be accorded to the draft SLP itself is diminished by the existence of objections and its pre-submission status. However, given the longstanding recognition by the Council of the College's need, the Hub permission, and the strength of the evidence base, the SLP policy towards the release of Green Belt land should be given more weight than can be accorded to the remainder of the SLP.
85. In any event the weight which can be attached to the Green Belt Review, which is an independent study designed to be part of the evidence base for the SLP, is significant. There was no criticism of the facts, judgements or conclusions in the Review by any of the Council's witnesses.
86. The conclusion of the Green Belt Review is that the area east of St Albans, including the RDA, is the second best area in terms of release in St Albans. Officers have assessed the area in terms of sustainability and have noted that there are a number of employment areas in the vicinity, good access to primary and secondary schools, that the area is well served by local shopping and medical facilities, is close to a large food store, and is well served by walking and cycling routes. In terms of the settlement hierarchy, the east of St Albans area (including the RDA) would be well related to St Albans⁷⁸.

Enabling development

87. The proposal is predicated on the College development being funded by the residential development. This is secured by the Planning Obligation, and no party has raised issue with this mechanism, either as a matter of law or fact. With the passage of time, an updated Viability Update has been prepared, which concludes that the scheme is financially viable and capable of delivering the funds to cover the Council's costs. Phasing and ring fencing are properly secured through the Obligation, and the uncontested appraisal ensures that the college scheme is deliverable⁷⁹.

Third party views

88. Along with representations reflecting the Council's concerns, third parties have raised a number of other issues, some of which were essentially seeking information⁸⁰.
89. For example there was concern about drainage matters, but those at the Inquiry were unaware that the Environment Agency had withdrawn its initial objection on receipt of further information. Flows from the site will be attenuated so that they do not exceed current rates. Existing flooding

⁷⁷ Mr Armstrong Appendix 2

⁷⁸ Mr Armstrong Appendix 2

⁷⁹ Mr Armstrong Appendix 3

⁸⁰ Table of responses at Mr Armstrong Appendix 7

problems due to poor maintenance are not the responsibility of the appellants and will not be exacerbated by the development.

90. In a similar way, objectors were unaware that air quality had been addressed in the Environmental Statement and that the Council's Environmental Health Officers were satisfied.
91. Infrastructure provision is addressed by the terms of the Planning Obligation. Amongst other matters this deals with school expansion, open space contributions, leisure and library contributions, healthcare and youth facilities. All relevant authorities are satisfied with the quantum of the contributions.
92. The Highways Authority is satisfied with the development and is content that that the additional traffic can be accommodated and the residual impacts will not be severe⁸¹. A sum is to be made available for a bus service serving the residential site. A new footpath would link East Drive and Hatfield Road, and East Drive would be upgraded to a bridleway. The Residents' Association would like the extended footpath route to link to Oaklands Primary School, but this proposal, and the Rights of Way Improvement Plan is cast into doubt by the fact that landowners have not been consulted.

Conclusion

93. The level of harm to the Green Belt is very limited, which is why the Green Belt Review considers that there are exceptional circumstances to release this area from the Green Belt. The test in that case is not the same as the very special circumstances test, but the position of the Council in this respect is an important factor. The educational needs and benefits have already been held by the Secretary of State to be considerable in the Hub decision. The general and affordable housing is needed bearing in mind the acute lack of a five year supply and the poor delivery of affordable housing. There are significant benefits arising from the enhancements to beneficial Green Belt uses. The College proposal is entirely positive in landscape and visual terms. The development makes a substantial contribution to the three strands of sustainable development and should go ahead without delay.

The case for the Council⁸²

Green Belt inappropriateness and purposes

94. The proposal is inappropriate development and therefore is, by definition, harmful to the Green Belt. Even if the CDA element were regarded as the partial or complete redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it⁸³, this is the wrong approach. The

⁸¹ In line with Framework Paragraph 32

⁸² Based on the Opening and Closing submissions and the evidence at the Inquiry

⁸³ Framework Paragraph 89

scheme must be regarded as a whole, and as a whole it is inappropriate development.

95. It is agreed that the proposal would harm the Green Belt purpose of avoiding encroachment into the countryside. This would be a substantial and significant harm, and the appellants accepted that the RDA is farmland⁸⁴.
96. There would also be harm to the purpose of checking the unrestricted sprawl of large built-up areas. St Albans is a large built-up area, and the appellants defined sprawl as "the unplanned, ad hoc spread of the urban area⁸⁵". This is what the development represents, as the emerging SLP is at an early stage and the draft identification of the appeal site as being within a 'Broad Location' for development does not make the proposal a planned development.

The effect on landscape character

97. The Landscape Character Area assessment for the De Havilland Plain highlights the unbuilt countryside as a positive attribute, whilst the built edge of St Albans is regarded as a negative aspect. The appellants accepted that although there are some areas surrounding the RDA which are somewhat enclosed, other parts are more open. There are a number of locations within the vicinity of the RDA where the edge of St Albans is not visible. These factors lead to the agreed medium sensitivity of the area.
98. The hedges and woodland along the southern and western boundary of the RDA provide clear enclosure and clear boundaries between the agricultural land and the existing settlement edge. The proposed development would introduce high density housing over much of the RDA which would result in harmful urban sprawl and encroachment into the countryside.
99. It stands to reason that the current proposal would have an adverse effect on some aspects of landscape character, as was illustrated by the decision at Brockworth⁸⁶. Although each case will vary in detail, the general effect of a housing development on open fields is bound to be harmful. The appellants' initial position, that the effect of the RDA at Year 1 would be beneficial, was reversed and it was accepted to be a moderate adverse impact at that stage⁸⁷. There were other concerns with the appellants' analysis which must lead to reduced weight being accorded to it⁸⁸.
100. The appellants' reliance on planting is flawed. The buffer planting should be regarded as mitigation and not enhancement. Enhancement, as defined by GLVIA, should relate to a separate identifiable benefit, unrelated to impact⁸⁹.

⁸⁴ Mr Rowe in cross-examination

⁸⁵ Mr Armstrong Paragraph 4.16

⁸⁶ CD 10 decision Paragraph 12

⁸⁷ Mr Rowe in cross-examination

⁸⁸ Summarised at Document 12 Paragraph 11 -14

⁸⁹ CD 25 Paragraph 3.39

101. Overall, there will be a significant landscape effect up to year 15 and potentially beyond. The appellants' suggestion that there would be a beneficial effect is unrealistic, as there would be a greater sense of built form throughout the wider area.
102. In terms of visual effects, there would be significant adverse effects at Year 1 for particular receptors in certain locations⁹⁰. In Year 15 there would still be significant adverse effects from a number of viewpoints⁹¹.
103. A number of key points of disagreement regarding visual harm became apparent at the Inquiry:
- The difference in the experts' views as to the impact at Viewpoint 10 was due to the differing approach to the sensitivity of the student receptors. But they would be equestrian students for whom being in rural surroundings would be part of their learning experience.
 - In relation to Viewpoints 11 and 12, the effect of the existing landscape planting was overstated by the appellants. There would only be limited additional planting, and for a considerable time the housing would be set above the skyline.
 - There would be a clear and substantial impact from Viewpoints 14 and 15. What is currently a field would become a housing estate in Year 1 and this would have a major adverse effect as one leaves St Albans.
 - The countryside aspect from Views 17 and 19 would be reduced.
104. Although the visual impact would be localised, when considered alongside the landscape character effects, the impact is clear. The significant adverse effects on local landscape character and local views resulting from the proposed residential development would be much greater than the slight benefit that the College redevelopment would provide to the appearance of the buildings and open spaces within the CDA.

The effect on Beaumont Wood

105. The development would lead to unacceptable pressure on the protected trees in Beaumont Wood, as there has been a failure to take proper account of the effect of shading.
106. The appellants accepted that during the design stages up to the Council's decision, incorrect measurements of the heights and crown spreads of the trees had been used. But, despite a resurvey and a change of layout, there is no evidence of an adequate re-evaluation of the scheme by the appellants. The appellants considered that the effect of shade was sufficient to cause a limited redesign – and this establishes that shading is capable of leading to an unacceptable relationship between trees and future occupiers.

⁹⁰ Viewpoints 10, 11, 12, 14, 15

⁹¹ Viewpoints 14, 15 and potentially 10 depending on growth rates

107. There would be significant shading to the affected gardens, and this presents a realistic possibility of reasonable requests for significant tree work. The shading is substantial – the shade arc drawings show that in some cases 66% of the rear gardens would experience shade⁹². This is not markedly affected by the consented works to the TPO trees⁹³. The appellants accepted that, as the shade would be caused by a woodland, this would lead to a greater depth of shade due to overlapping areas. The trees are predominantly ash, which is one of the more regular subjects of complaints regarding shading⁹⁴.
108. The appellants suggested that shade is less important because of the benefit of diffuse light in gardens. However BS5837⁹⁵ does not suggest that this can overcome the loss of direct sunlight, nor did the report relied upon by the appellants⁹⁶.
109. A request to undertake works to the protected trees would be reasonable due to the significance of the shading. The appellants' expert had previously used 50-60% shading to justify the removal of a protected tree elsewhere – and that related to only a single tree not a woodland⁹⁷. The depth of the tree belt and the orientation of the sun track are also relevant. Although the appellants stated that the area outside the shade would still meet the garden sizes in the Council's SPG⁹⁸, it was agreed that this was only achieved by including parts of the gardens beside the houses⁹⁹. These areas are unusable and should be excluded. It was also agreed by the appellants that the TPO works application had been made in part on the basis of shade potential. Overall, it is clear that a request for works to/removal of the trees is likely to be regarded as reasonable.
110. There is a realistic prospect of complaint from future occupiers. The Hopcraft study¹⁰⁰, whilst having certain ambiguities and deficiencies, suggests the potential for complaint where the distance between trees and houses is 40 metres. Similarly the guidance on High Hedges¹⁰¹, whilst not directly applicable, gives an indication of the potential for issues to arise.
111. The appellants' response was a letter from Taylor Wimpey's sales director. But little reliance can be placed on that letter as perceptions can change over time. In any event, if houses adjacent to trees are so attractive, it is not clear why the decision was taken on the basis of the updated survey to move certain properties further from the trees.
112. The appellants also relied on a development at Daws Hill to show that trees and buildings can co-exist¹⁰². But that is a very different situation as the

⁹² Mr Roseveare Appendix 3, CD 28

⁹³ 25 April 2016 Dr Curtis Appendix 7

⁹⁴ Mr Roseveare Appendix 6

⁹⁵ CD 21 Trees in relation to design, demolition and construction (2012)

⁹⁶ Dr Curtis Appendix 2

⁹⁷ CD 21

⁹⁸ CD 2A

⁹⁹ Mr Armstrong in cross-examination

¹⁰⁰ Mr Roseveare Appendix 6

¹⁰¹ Mr Roseveare Appendix 8

¹⁰² Dr Curtis Appendix 9, CD 22 and CD 22a

evidence shows that there is no significant understorey in that case and the tree cover is less dense.

113. If reasonable requests for TPO work are made the Council would have to allow them. The resolution of the potential conflict between the occupants of the proposed dwellings and the trees is complicated by the fact that the woodland is in third party ownership, which means that the appellants cannot deliver a woodland management plan. There can also be a process of attrition arising from multiple applications – as the Allandale case demonstrates¹⁰³. The risk of harm occurring in the future is a material consideration and there would be a contravention of LP policy 74.

Contravention of the development plan and weight to be attached to it

114. The proposal is in conflict with LP policies 1 and 2, dealing with the Green Belt and the settlement strategy. These are policies for the supply of housing and are regarded as out of date under Framework paragraph 49¹⁰⁴. However they should be given weight for the following reasons:

- Weight is not dictated by the age of the policy, but by its consistency with the Framework.
- Policy 1 is consistent with the Framework in requiring very special circumstances to be demonstrated and in requiring development to integrate with the landscape.
- The general approach of directing development to major centres is consistent with the Framework.

115. In any event the effect of Footnote 9 to Framework paragraph 14 is that all the aspects of policies 1 and 2 are in the Framework. The same issues would have to be considered even if the LP policies were discounted.

Educational need

116. The main factor in favour of the proposal is the need to improve the College's facilities. This is agreed to be a matter attracting significant, but not overriding, weight.
117. This weight must be tempered by the existence of other options, not addressed by the College in any detail, which might meet less of the College's needs but would cause less harm to the Green Belt. There is no clear assessment of the scale of any enabling development related to other options.
118. The College is achieving a good standard of education and its numbers have remained stable, despite the fact that the Hub scheme did not go ahead. OFSTED, although they do not consider the fabric of the buildings, recognise the quality of the educational offer and would doubtless have mentioned the fabric of the buildings if this was harming educational

¹⁰³ Mr Roseveare Appendix 6

¹⁰⁴ In line with *Suffolk Coastal District Council v Hopkins* [2016] EWCA Civ 168

provision. There is no suggestion that, without the proposal, the College would decline or close.

119. Option 3, the 'Major refurbishment' option as set out in the appellants' evidence¹⁰⁵, would lead to a reduction from 348 dwellings to 242 dwellings¹⁰⁶. This would reduce the extent of built development in the RDA and potentially reduce the harm when viewed from Sandpit Lane. This was not considered by the appellants in written evidence, and only Option 3 was addressed verbally by the appellants.

120. Overall, in the absence of substantial evidence which addresses the various College options, the weight to be attached to the educational benefit must be tempered.

Housing need

121. Significant weight should be placed on this factor, but this should be put into context. The government has said that the single issue of unmet need is unlikely to justify development in the countryside¹⁰⁷. Whilst this is not a single issue case, it indicates the relative weight to be put on housing need.

122. The agreed position is that there is a 3.49 year supply, as stated in the Statement of Common Ground¹⁰⁸.

Positive Green Belt enhancement

123. It is agreed that some weight can be attributed to improvements to the footpath network, outdoor provision, access to College facilities, ecological enhancements and improvements to derelict land (especially the glasshouse area).

124. The appellants sought to stress the improvement to the openness of the Green Belt as a result of the College redevelopment. However that is of minor significance as the College will still be a major presence in the CDA. The benefit to users of the Rights of Way passing through the College is agreed to be only a minor beneficial effect – and the number of people experiencing this benefit was not considered by the appellants.

125. At one point the appellants seemed to be suggesting a vast improvement to the setting of the Mansion House. However, as analysed by the Environmental Statement, this is only a moderate effect.

126. The proposals would not lead to a net beneficial effect on the Watling Chase Community Forest. Although there would be some tree planting, the overall development would take up a substantial amount of open land. There would not be a net benefit, contrary to the guidance related to the Forest, although it is accepted that the SPG related to the Forest has not been adopted by St Albans District Council¹⁰⁹.

¹⁰⁵ Ms Hancock Section 6

¹⁰⁶ Mr Gabbe's estimate

¹⁰⁷ Planning Practice Guidance 3-034-20140306

¹⁰⁸ Agreed by the Council for the purposes of this appeal only

¹⁰⁹ CD 11

The emerging SLP and the Green Belt Review

127. It is agreed that only limited weight can be placed on the SLP. However the appellant suggests that greater weight can be placed on SLP policy 13d (and SLP policy 1), which relate to the Broad Location (East St Albans (Oaklands)). However there are significant objections to this draft policy, which must be considered through the development plan process.
128. Nor can the fact that the College has produced an unofficial and indicative Masterplan be given any significant weight¹¹⁰. The emerging SLP policy 13d envisages a masterplan being prepared in consultation with a number of parties, and the College's Masterplan fails to accord with the Council-led and inclusive process envisaged in the SLP. In any event, the appeal scheme is significantly different to the SLP approach – which refers to a substantial urban extension with a school and other facilities.
129. Just as the SLP should be given limited weight, so should the Green Belt Review¹¹¹. This is part of the evidence base for the SLP which the Council has used to formulate its emerging policies. Given that the SLP is the primary response to the question of where housing should be located in St Albans, the contents of the Green Belt Review cannot be given more weight than the emerging plan itself. In any event, contrary to the appellants' view, the Green Belt Review only provides limited support for this particular scheme:
- The Green Belt Review was considering a wider area than the appeal site.
 - It did not assess how much housing should be directed to a particular area.
 - It did not specify how much development should be sited in the western part of the wider area (around the RDA).
 - It was not considering any particular scheme.
 - There was no LVIA and there was no analysis similar to that undertaken by the parties in this particular case.

Sustainable development

130. Some aspects of the development will contribute to sustainability – for example the contribution of the housing development towards the social role of sustainability. However such benefits appear to be capable of being achieved by a lesser level of development. The harm which would be done to the environment in landscape, visual and arboricultural terms conflicts with the environmental role of sustainability. In any event, the presumption in favour of sustainable development does not apply in this case.

¹¹⁰ Mr Gabbe Appendix 10

¹¹¹ CD 5 & 6

Conclusion

131. The appellants have failed to establish very special circumstances which clearly outweigh the substantial harm.

The case for others who attended the Inquiry and written representations

132. Cllr G Churchyard¹¹² objected to the proposal on flooding, traffic and infrastructure grounds. In particular attention was drawn to flood events in Marshalswick. Congestion along Sandpit Lane is a serious issue, along with parking congestion at the local shopping centre. There are serious problems with capacity at primary and secondary schools in the area, together with pressure on medical facilities.

133. Cllr J Churchyard¹¹³ objected to the proposal due to the loss of Green Belt land, flooding and traffic issues in Sandpit Lane. The new housing would put stress on local educational and medical facilities. The visual effect on Sandpit Lane has been underestimated by the appellants. The proposed housing scheme does not include any new facilities so future residents would have to rely on existing services.

134. Mr J Watson¹¹⁴ objected on grounds of the loss of Green Belt land without special justification, especially as there are other pressures on the Green Belt in the area. A Neighbourhood Plan is in the early stages of being prepared, and it is already clear that the SLP is not supported locally. The effect of the proposed houses on the slope down to Sandpit Lane would cause major visual harm. The Residents Association stated that much of the affordable housing would not be within reach of local people, and was concerned that the affordable housing element would be watered down over time. Residents were concerned about flooding, which would be exacerbated by the proposal, and by the impact that the scheme would have on existing traffic congestion in Sandpit Lane. The Rights of Way Improvement Plan included proposals which should be included in the development. The proposals for a bus service have not been properly considered. There is a very high level of pressure on local primary schools, and there is no space for additional facilities.

135. Cllr J Foster read a letter from the Headteacher at Beaumont School¹¹⁵ expressing concern at the impact on local schools and the need for infrastructure contributions.

136. 18 written representations¹¹⁶ were submitted at the appeal stage, some from parties who also spoke at the Inquiry, with additional comments submitted to the Council before its decision on the application. These representations objected on similar grounds to those raised by the Council and those who appeared at the Inquiry.

¹¹² Document 9

¹¹³ Document 10

¹¹⁴ Document 11

¹¹⁵ CD 29

¹¹⁶ On case file

Conditions and Planning Obligation

137. A range of planning conditions were discussed and agreed (without prejudice) at the Inquiry.
138. A Planning Obligation¹¹⁷ was discussed at the Inquiry. It deals with the provision of affordable housing, a new bus service, highway and footpath/cycleway improvements, two Travel Plans, the phasing of the college development in step with the enabling housing development, and the ring fencing of the proceeds of sale of the housing land so that the College can only spend them on the College development.

¹¹⁷ Document 5

Inspector's conclusions

[Numbers in square brackets denote source paragraphs]

Agreed matters and main considerations

139. There are a number of agreed matters, largely set out in the Statement of Common Ground [2, 27]. In summary, the most important of these are:

- The development plan comprises the saved policies of the St Albans District Local Plan Review (1994) (LP) [9].
- The policies in the emerging Strategic Local Plan (SLP) can only be accorded limited weight at this stage and in view of unresolved objections [13]. (There is an issue between the parties as to the weight to be attached to the Green Belt Review, which forms part of the SLP evidence base.)
- The site is within the Metropolitan Green Belt. The appeal scheme as a whole is inappropriate development, which is harmful by definition.
- The proposal would not harm three of the purposes of the Green Belt as set out in the Framework – these relate to the merging of towns, historic towns, and urban regeneration.
- The circumstances put forward to justify the proposal are:
 - a) Educational need and benefit, to which the parties agree significant weight should be attached [62-74, 116-120].
 - b) Enhancement of beneficial Green Belt uses, to which the Council attaches some weight [75-77, 123-126].
 - c) Housing delivery. The Council does not have a five year supply of deliverable housing land and there is a substantial shortfall. The proposal would make a significant contribution to meeting general housing need. The affordable housing provision would substantially exceed the number of affordable dwellings completed in the District each year. Significant weight should be attached to these matters [78-80, 121, 122].
 - d) Aspects of sustainable development add some weight in favour of the proposal.
- The planning permission granted by the Secretary of State in 2009 [18], for educational and residential enabling development (the 'Hub scheme'), has lapsed but is a material consideration, particularly in relation to educational need and benefit.
- No objection is raised by the Council to the design of the college buildings, residential layout and design, the effect on the amenity of neighbouring properties, housing mix and tenure, highway and transport matters (although this is a matter of particular concern to local residents) and ecology.

- Broad agreement has been reached on the Landscape and Visual Impact Assessment (LVIA) baseline description and its context, the position and direction of the viewpoints, and the accuracy of the majority of the photomontages. The effect on landscape and visual amenity would be localised to an area of around 2 kms from the Residential Development Area (RDA) and the Central Development Area (CDA).
- No objection is raised to the landscape effect of the CDA element of the scheme, which would result in a minor beneficial change.
- The site contains a non-designated heritage asset (the Mansion House), which would be enhanced by the college element of the proposal [31, 81, 82, 125].

140. One of the Council's reasons for refusal is not being defended by the Council following the completion of the Planning Obligation. This is reason 3 which dealt with the absence of a mechanism related to the delivery of affordable housing and infrastructure contributions [3, 23, 25].

141. In addition, part of the first reason for refusal, alleging the loss of Grade 3a Best and Most Versatile agricultural land, is no longer an issue between the parties, with the agreement that the appeal site is Subgrade 3b[23, 26].

142. As a result of amendments to the scheme after the Council's decision, the Council no longer objects to the proposal on the basis of conflict with the trees in the north-western part of the RDA [24, 42]. There remains an issue related to the potential effect on protected trees in Beaumont Wood to the south of the RDA.

143. With this background, the main considerations are:

- The effect on the openness and purposes of the Green Belt.
- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the protected trees in Beaumont Wood.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (in particular related to educational and housing matters), so as to amount to the very special circumstances necessary to justify the development.

Policy context

144. There is a range of relevant LP policies set out in the Statement of Common Ground [12]. With particular regard to the issues between the main parties, LP policies 1 and 2 define the area of the Green Belt, drawn to meet housing needs in 1994, and sets out the policy approach. LP policy 2 sets out a generally restrictive policy towards areas outside defined settlements. The appeal site is in such an area.

145. The proposal conflicts with LP policies 1 and 2, but as both are policies for the supply of housing they are out of date under Framework paragraph 49

- [60, 78, 114]. That does not mean that they should be given no weight but their weight is clearly reduced, even though some aspects of the adopted Green Belt policy have echoes in more recent national policy.
146. The consequence of LP policies 1 and 2 being out of date means that Framework paragraph 14 comes into play. However footnote 9 to paragraph 14 identifies Green Belt policy as an example of a specific Framework policy which indicates that development should be restricted.
147. The same broad issues therefore fall to be considered under the Framework even given the reduced weight to be accorded to these LP policies. Both Framework and LP policy allow for development in the Green Belt where there are very special circumstances, and the assessment of whether such very special circumstances exist and clearly outweigh the harm caused by the proposal is the key to this decision.
148. Turning to emerging local policy, the Council has begun the preparation of a Strategic Local Plan (SLP). This was the subject of consultation in early 2016 and the authority hopes for adoption in 2017 after Examination. The SLP identifies the residential element of the appeal site as part of a 'Broad Location (East St Albans (Oaklands))' where greenfield Green Belt development (principally housing) will be undertaken (SLP policies 1 and 13D) [15].
149. The identification in the draft SLP of the appeal site as part of a wider area suitable for residential development is a material consideration weighing in favour of the appeal proposal. However there are significant objections to this draft policy, which must be considered through the development plan process. Accordingly only limited weight can be placed on the SLP in accordance with paragraph 216 of the Framework, as agreed by the parties [13].
150. The appellant has suggested that greater weight should be placed on the emerging policy related to the release of Green Belt than can be applied to the remainder of the emerging SLP. This is argued to be due to the longstanding recognition by the Council of the College's needs, the existence of the Hub permission, and the contents of the SLP evidence base [84, 127]. However, although these matters are clearly arguments in favour of granting permission for the appeal scheme, they are also matters to be properly considered in the examination of the SLP. It would be illogical to accord these policies any greater weight than the emerging plan as a whole, especially as similar arguments could doubtless be put forward in relation to other sites and policies.
151. The emerging policy (SLP policy 13D) indicates that development of the Broad Location would be master-planned, in an exercise led by the Council in consultation with communities, landowners and other stakeholders. The College has produced an indicative Masterplan, but this does not accord with the inclusive process envisaged in the policy, which in any event covers a wider area [128]. The College's Masterplan therefore does not align with the emerging policy, and can therefore be accorded very limited weight.

152. Turning away from the development plan and the emerging plan, the Inquiry spent some time considering the relevance and weight to be accorded to part of the evidence base of the emerging SLP, namely the two parts of the Green Belt Review. This Review was an independent study which concluded that the area east of St Albans, including the RDA, is the second best area for release in St Albans. This was assessed by Council officers who noted the sustainability and accessibility credentials of the area as part of the decision to put forward the area for release in the SLP [14, 35, 36, 41, 83, 85, 86, 129].
153. However, just as the SLP should be given limited weight, so should the Green Belt Review. It is part of the evidence base for the SLP and is not and never will be a policy. The SLP is part of the Council's response to the housing needs of the District, and this has been the subject of consultation and further examination – it would not be appropriate to give the Review more weight than the emerging plan.
154. Overall, the proposal conflicts with the Green Belt and locational policies of the LP, albeit that they are out of date and have reduced weight, subject to the assessment of potential very special circumstances. The approach of the emerging SLP (and the evidence base documents) support development in the wider area encompassing the appeal site, but this carries limited weight in favour of the proposal.

Green Belt considerations

155. The proposal is inappropriate development, as accepted by the main parties, and is therefore by definition, harmful to the Green Belt [23, 27, 28, 52, 94]. It is therefore contrary to LP policy 1 and national policy and should not be approved except in very special circumstances. This is a significant consideration weighing against the proposal.
156. The appellant has noted that the college part of the development is not inappropriate development, as it comprises the replacement of buildings by new buildings in the same use and which would be smaller than the structures it would replace. Taken in isolation, that is correct in terms of national policy – although LP policy 1 which does not provide for replacement buildings. However that approach disaggregates the scheme and applies varying weights to constituent elements. That is the wrong approach, as many proposals in the Green Belt have elements which are not inappropriate – what matters is the compliance of the overall proposal with development plan and national policy. The scheme has to be regarded as a whole, and as a whole it is inappropriate development [52, 94].
157. In addition to the harm in principle caused by inappropriateness, the proposal taken as a whole would reduce the openness of the Green Belt [28, 94]. As above, the college element of the proposal would result in a reduction in the footprint, floorspace and volume of the college buildings [21] and this element of the proposal would result in an increase in openness. However, taken along with the substantial residential development, the proposal as a whole results in a reduction in the openness of this part of the Green Belt. Openness is one of the essential

characteristics of Green Belts and this aspect adds to the harm to the Green Belt.

158. National policy provides that the Green Belt has five purposes. In this case there is clearly no harm to three of these purposes: preventing towns from merging, preserving historic towns, and assisting regeneration. This is agreed by the main parties [27].
159. As a result of the change from farmland to residential development, it is clear that the proposal would conflict with the purpose of the Green Belt related to encroachment into the countryside. Although the level of the harm is not agreed, this difference largely relates to the visual consequences of the residential development and the extent to which the site may be regarded as being currently enclosed by development on three sides. This is a matter considered below. However the change of around 13 hectares of farmland to residential development clearly offends against this purpose of Green Belt designation.
160. The above matters were not the subject of significant disagreements between the main parties at the Inquiry, as it was generally accepted that the proposal taken as a whole is inappropriate development in the Green Belt and represents encroachment into the countryside. However the final purpose of designating Green Belts is more contentious.
161. National policy provides that one purpose of the Green Belt is to check the unrestricted sprawl of large built-up areas. There is no doubt that St Albans qualifies as a large built up area, and the Council's view is that the proposal would result in local sprawl to the east of St Albans [96].
162. Sprawl can be regarded as development which has spread out in an untidy or irregular way. In this case, both the College and the residential development have been carefully planned and designed, and the housing would be located as close as possible to the current edge of the urban area. Whatever the overall merits of the proposal may be, it would not appear as unrestricted sprawl at the edge of St Albans. Although the Hub Scheme was different in detail to the current proposal, the view taken in that decision was that the scheme did not represent urban sprawl, and the same conclusion is drawn in this case [54].
163. Overall, the proposal is inappropriate development in the Green Belt, which is harmful by definition. In addition there would be additional harm by reason of a reduction in openness and by virtue of encroachment into the countryside. There is therefore conflict with LP policy 1 and national policy.

The effect on the character and appearance of the area

164. The background to this consideration is the fact that the appeal site is not designated for its landscape value either at the national or local level. In such circumstances it is important that the protection which is afforded to the area is proportionate. In addition it has not been suggested by any party that the proposal offends any development plan policy dealing with the effect on the landscape, and this is an important consideration [41].

165. The Environmental Statement identified two areas of landscape character within the land owned by the College. The southern part of the area, including the CDA, is the Oaklands Parkland. This is managed parkland, and includes the existing campus buildings, sports facilities and gardens. The northern area, including the RDA, is Undulating Farmland and comprises arable, pastoral and grazing land, and is noted to have a clearly rural character [166].
166. Dealing first with the CDA part of the scheme, the current position is that the College campus comprises a fragmented range of buildings of varying ages. Many of these were never designed for their current purpose and most of the older buildings are in a dilapidated condition, and have clearly reached or exceeded the end of their useful life. Car parking is scattered throughout the site, and this significantly detracts from its visual character. Although there are a number of features which make a positive contribution to the landscape, such as the Mansion House and the walled garden, the overall effect of the existing campus is to significantly detract from the character and appearance of the Oaklands Parkland.
167. The removal of the unsightly buildings and the improvement in the arrangement of the site, providing a clear and legible layout including defined parking areas, would be a benefit which is acknowledged by all parties [104, 166]. The proposed square would be at the meeting of the Rights of Way network and would provide a focus for the College. The proposed buildings themselves would be significantly more attractive than those they would replace. Most of the trees within the CDA would be retained and the proposed landscaping, including a range of native species, would be a visual enhancement.
168. The proposal would therefore enhance the parkland character of the area. The impact of this element of the proposal on receptors, especially those using the footpaths, students, staff and visitors to the College, would be beneficial. The main parties agree that the college element of the proposal would have a minor beneficial effect, and this is supported by the evidence.
169. Turning to the residential element of the proposal, there is less unanimity between the parties as to the likely effect on the landscape and visual amenity.
170. It is self-evident that the development of the existing fields by the residential development would cause an adverse effect on landscape character [33, 99]. However the sensitivity of the landscape is affected by the fact that the RDA is enclosed by urban development on three sides, albeit at some distance in some locations. This enclosure is most notable on the northern edge of the RDA, with housing development on the opposite side of Sandpit Lane, and to a slightly lesser extent on the western and southern edges, where playing fields and woodlands are interposed. This relationship of the RDA with the existing urban form limits the contribution which this area makes to the immediate landscape.
171. The contribution which the RDA currently makes to the landscape further to the east is limited by topography and by the presence of the edge of St Albans as a backdrop and, from some viewpoints, a feature in part of the

foreground. Overall, these factors lead to the agreed medium sensitivity of the area.

172. The proposed housing development would be clearly visible, at least in the short term, from a number of locations – most notably from the area north of Sandpit Lane and from the area to the east of the RDA. This change in the land use would have a significant effect on the character of the area in the years following construction – the increasing effect of mitigation planting will be considered below. The appellants have noted that the Council accepts that the effect on landscape character would be relatively localised [27]. However, although this is correct, the loss of undeveloped character would be locally significant and harmful.
173. There are two matters where it is necessary to consider if the difference between the main parties results from different methodologies or differences in professional opinion:
- Firstly the accuracy of the photographs and photomontages. No objection was raised to the approach adopted by the appellant, but it emerged at the Inquiry that the Council's photographs located to the east of the RDA looking north were in fact composites of a number of photographs merged together – with a consequent effect on the appearance of the view [36]. However there is no reason to think that this was done to deceive, and nothing turns on this.
 - Secondly, there is a methodological difference between the parties as to the growth rates of the proposed buffer planting. This has obvious consequences for the extent to which the development would be screened and the effect on the area in the medium and long term. The appellants' images were produced by a company who are experienced in the production of photomontages and who explained in their written statement to the Inquiry had based their images on standard growth rates. I prefer that evidence to the Council's approach which, though based on experience, was less well supported by evidence [39].
174. Neither in relation to the photographs/photomontages nor the growth rates is there a significant difference arising from methodology, and the positions of the two main parties are largely as a result of professional judgement.
175. Overall, there would be a moderate adverse local landscape effect caused by the residential proposal in the first instance. However, with the benefit of the proposed planting, the consequences of the development would be significantly reduced over time, although there would remain a greater sense of built form in the landscape.
176. The visual impact of the residential proposal on receptors can best be assessed in relation to a number of the agreed viewpoints [27].
- There was a considerable amount of discussion at the Inquiry regarding Viewpoint 10 – which is not on a public Right of Way and is in a location where it is likely that only those students involved in equestrian education would obtain the view. The debate centres on the sensitivity of these receptors, as there was no real disagreement

that the housing would be visible from that location. It seems reasonable to assume that, for students pursuing that field of study, their rural surroundings would be part of their experience, and that this would be diminished by housing development.

- From Viewpoints 11 and 12, to the east of the residential development, the housing would be visible above the skyline. Despite the mitigation planting (and accepting the appellants' position on growth rates) for a significant period the experience of those viewing the landscape would be diminished. That also applies to Viewpoint 12, slightly further to the east on the Right of Way.
- Viewpoints 17 and 19 are set further from the countryside away from the residential development to the northeast. Due to the distance involved, although the extension of the built form of St Albans would be visible, the experience of receptors at those locations would be scarcely affected.
- The final Viewpoints are 14 and 15, from locations along Sandpit Lane. At these locations the receptors would be residents and visitors, along with pedestrians and road users. As the appellant has identified, the views from these locations into the appeal site are affected by the slope up into the main part of the site, which has the twin effect of restricting views into much of the RDA but also making the proposed dwellings closer to the road more conspicuous. The existing houses are set back from Sandpit Lane, there is some intervening vegetation, and open space and landscaping is proposed within the RDA. That said, as accepted by the appellants, the change would be initially harmful ('medium adverse'), although softened over time to 'minor adverse'. However, from consideration of the plans and the appellants' photomontages, it is considered that these effects are understated. At present the receptors have an entirely open and rural view across this part of the RDA, whereas after the development they would be looking at a housing estate, albeit set back behind open space and some planting – but the overall impact would be significant and harmful.

177. The visual impact of the proposal, especially when viewed from the Sandpit Lane area, would therefore be initially harmful. It would remain a significant adverse impact even after the planting matures.

178. There was considerable debate at the Inquiry as to the precise interpretation of the matrices submitted by the appellant showing the effect of the proposal. However, the approach of the Landscape Institute, in summarising the main changes between GLVIA2 and GLVIA3, refers to a greater emphasis on professional judgement. It is self-evident that a housing development on a greenfield site will change the character of the landscape and have a visual effect.

179. The beneficial effect of the college development in landscape terms goes some way towards balancing the harm caused by the residential development. Overall, the combined proposal would cause some limited harm to the character and appearance of the area, although this must be

set in the context of the lack of a landscape designation and the absence of any conflict with the development plan.

The effect on the protected trees in Beaumont Wood

180. The Council's initial concern related to the relationship between two areas of the proposed residential development and adjacent trees. As described above, a subsequent revision overcame the issue in relation to the north-western part of the RDA [24]. There is no issue related to trees in the CDA [24].
181. LP Policy 74 deals with tree preservation, and provides that buildings should not be sited where they are likely to justify future requests for tree felling or surgery for reasons of (amongst other matters) shading of buildings. In relation to eleven properties in the southern part of the proposed residential development the remaining issue is whether there would be unacceptable pressure on the protected trees in Beaumont Wood as a result of the shading of gardens. There is no suggestion that the appeal scheme would cause shade to buildings, and the policy therefore does not relate to the issue in this case.
182. There is no doubt that Beaumont Wood contributes to the visual amenity of the area and is a resource worthy of protection. That is common ground between the parties and is clearly a view shared by the leaseholders of the wood (Beaumont School) who are proceeding with a Management Plan [46, 113]. A recent consent for TPO works has been given partly in the interests of good husbandry and partly, it appears, to address the potential shading of the gardens of the proposed dwellings [107, 109]. No party has suggested that the shading of gardens is other than a material consideration.
183. The extent of the shading of the rear gardens of the proposed dwellings would be significant – in some instances up to two thirds of the rear gardens would experience shade [107, 184]. However, simply considering the shade arc does not tell the entire story, as the diagram could be taken to imply that the shaded area receives no direct light at all. It does not take account of seasonal leaf variation or diffuse light coming through the trees (although the depth of the woodland would reduce this due to overlapping areas of shade). In that sense the shade diagrams represent the worst situation.
184. Although there would be significant shading of the gardens of the properties affected, the gardens in question are not small. The remaining unshaded area would still meet the Council's minimum garden sizes, albeit this would in part rely on the areas to the side of the houses [50, 184]. The Council asserted that these side areas are unusable and should be discounted – but there is no evidence to suggest that these areas would not be usable for some domestic purposes.
185. The likely reaction of future residents to the shading of part of their rear gardens is difficult to predict. Personal reaction to trees is essentially a subjective matter, and there is no way of predicting future attitudes. For some, the existence of a shaded area would be a benefit, especially if there

were dappled light coming through the trees, whilst for others the extent of shading could be regarded as a negative factor.

186. Both parties attempted to illustrate the likely reactions of residents and the distance at which complaints might be triggered with examples and studies:

- The appellant drew attention to BS 5837:2012, which sets out the shade segment design tool as a means of indicating potential direct obstruction of sunlight. However, although it provides an accepted methodology, it does not seek to preclude the provision of tree shade as a general rule and does not consider filtered light [108].
- The Council drew attention to a study of shading of dwellings in another authority area by Ian J Hopcraft [45, 49, 110]. This looked at the likelihood of complaints from householders. Although this provides some tentative conclusions, it did not deal with the effects of woodland and is not comparable to the current situation. Nor did it consider the reverse side of the coin, namely the benefits which some might perceive resulting from proximity to trees.
- The authority referred to a situation elsewhere where the appellants' arboricultural witness had used shading caused by a protected tree to justify its removal [109]. However, as with the Hopcraft study, this related to a single tree and bears little comparison with the current case.
- The appellants described a development at Daws Hill to illustrate the coexistence of trees and buildings. However, judging from the material provided to the Inquiry, this was a materially different scheme, with no significant understorey and less dense tree cover [112].
- The Council drew a parallel with the guidance on High Hedges [110]. However, this is intended for a very different purpose, dealing specifically with evergreen hedges, and adds very little to the current appeal.
- The Council's Design Leaflet No.1 was referred to by the appellants [50]. Again this is not directly relevant, but it does address the question of the usefulness of gardens. The shading of gardens is not a factor stated to affect a garden's usefulness.

187. None of the above evidence gives any sound basis for assessing the likelihood of complaints from future residents. The key factor in this respect is the fact that potential purchasers would be aware of the existence of the woodland and its protected status, and it would be their choice to purchase such a property. This position is reflected in a letter submitted by Taylor Wimpey, stating that trees are prized by their customers [49]. Although this is far from determinative, it does lend some weight to the argument that anyone who did not want a partly shaded garden would be unlikely to purchase one of the affected properties.

188. Should there be pressure for unacceptable tree works the Council would have to consider future applications objectively and, given the amount of

unshaded gardens remaining, the authority would be in a good position to resist inappropriate works. This would be in the light of the fact that both the Council and Beaumont School agree that the wood is a valuable resource.

189. In addition, along with the Council's consent to any future works to the trees, the approval of the County Council as freeholder of Beaumont Wood and Beaumont School as the leaseholder would need to be obtained. This would give an added layer of protection outside the planning system.
190. Overall, the proposed residential development would not harm the protected trees in Beaumont Wood, and would not conflict with LP policy 74.

Educational benefits

191. The importance of the delivery of high quality education is a national and local priority and is common ground between the parties. Oaklands College is agreed to be the main provider of further education in the District. This role is noted and supported in the emerging SLP [70].
192. The quality of the educational offer at the College is not in dispute, and is set out in the evidence of the College [62-74]. The way in which the College benefits those who missed out on education the first time round was also set out and was not disputed.
193. It is clear that the College has operated under very difficult circumstances for a considerable period of time. Many of the existing buildings are of very poor quality and are wholly unsuited to the provision of the high standard of education which the College, despite the inadequate buildings and site layout, continues to provide. Some of the teaching buildings were originally constructed for residential use and both their internal layout and physical fabric are not conducive to modern education. Other buildings are temporary structures which have clearly outlived their normal life, and are in a poor state of repair. Coupled with this, the scattered and haphazard layout of the buildings across the campus and the absence of a central focus lead to a lack of inclusiveness.
194. All these matters were described in evidence and were self-evident on the site visit. In addition the poor quality of the buildings was noted in the decision on the 2009 Hub scheme and in the 2011 Ofsted report [65, 118]. Since that time, the unchallenged evidence is that a backlog of expensive maintenance has built up, and the running costs of the buildings have escalated.
195. The clear evidence of the College was that it could only fund the scheme by way of residential enabling development. Although there were some questions directed to this point and concerning the suggested availability of other sources of funding, the Council did not produce any evidence to indicate that alternative external or internal funding was available. The evidence leads to the conclusion that enabling development is the only method of funding improvements. This was the same position which was accepted in the Hub decision.

196. The Council's position was that a reduced College development scheme could also deliver educational benefits, admittedly more limited in scope, which would therefore reduce the need for enabling residential development in the Green Belt. However the Council did not put forward any educational or viability evidence to suggest that development on a smaller scale could properly meet the needs of the College and its students. The authority addressed the options set out by the College largely by way of cross-examination.
197. Option 3 (as listed by the College), which would refurbish the existing buildings, was the main option which the Council considered should have been explored in more detail [66, 72, 73, 117, 119, 120]. However it was apparent from the clear evidence on behalf of the College that a number of issues could not be addressed by this option:
- The current scattered layout, which causes a range of educational and practical issues, would largely remain. The inflexible nature of the current space would not be significantly addressed.
 - Some of the key new buildings, including the proposed Gateway Building, the refectory and Learning Resource Centre could not be provided. The needs of the full range of students would therefore not be met.
 - The option would only partly address the inefficient running costs, high maintenance and poor accessibility of the existing buildings.
198. Overall, although the Council's position was that the appellants, and specifically the College, should have addressed this option in more detail, the authority did not call a witness to explain how any particular option would be satisfactory in educational terms. This lack of evidence significantly weakened the position of the authority.
199. There was a suggestion at one point by the Council that the test to be applied to the need for the proposed facilities was whether, without the development, the College was in danger of imminent closure [71]. However this suggestion was not supported by any evidence and is not considered to be an appropriate approach. It would require an educational establishment to be in a parlous state before investment was held to be necessary.
200. Overall, there is agreement between the parties that significant weight should be attributed to the educational benefits of the proposal. This would be in line with the importance of education in national and local policy documents, and which was recognised in the Hub decision in 2009. Although the Hub scheme was different, the significant weight accorded to educational benefits at that time is reflected in the position in this appeal.
201. There is no evidence from the Council to demonstrate that a lesser option could secure the educational improvements needed by the College. The evidence on this matter was almost entirely in favour of the appellants. The delivery of significant improvements to the College weighs heavily in favour of the proposal.

Enhancement of beneficial Green Belt uses

202. The proposed development carries with it a number of benefits for uses and facilities within the Green Belt. These advantages are largely agreed by the main parties as material considerations in favour of the proposal, as set out in the Statement of Common Ground. The agreed benefits are:

- The improvements to the offer provided by the College would benefit existing and future residents [75-77].
- The landscaping proposals include ecological enhancements [75].
- The development includes improvements to footpaths and bridleways, along additional with additions to the existing footpath network [75].
- The CDA currently includes a significant area of derelict land, especially in the form of dilapidated glasshouses, which would be removed and redeveloped/landscaped [77].
- The visual improvement of the College buildings would benefit students, staff, and those using the Rights of Way. There would also be a significant reduction in the footprint of the College buildings.

203. These benefits, which are accepted by the Council, should be given some weight in favour of the proposal.

Housing delivery

204. The position regarding the benefit arising from the provision of market and affordable housing is very largely a matter of common ground between the main parties [27].

205. The current position in the District is that (following the revocation of the East of England Plan) there is no development plan housing requirement. Pending the adoption of the SLP, the 2012 based Household Projection Figures (1991-2037) were accepted at the Inquiry to be the only appropriate figures. These identify an average need for 637 new households per annum for the District during the emerging SLP Plan period to 2031 [27].

206. The latest published assessment of housing land supply is in the Annual Monitoring Report (December 2015). This indicates an identified supply, at a baseline date of 1 April 2015, of 3.49 years, including a 5% buffer [27].

207. Accordingly, it is common ground that the authority is unable to demonstrate a five year supply of deliverable housing land as required by the Framework [27, 78, 122]. As stated above, LP policies 1 and 2, dealing with the Green Belt and settlement strategy, are relevant policies for the supply of housing and are not up-to-date as the Council cannot demonstrate a five-year supply of deliverable housing sites.

208. Paragraph 14 of the Framework is therefore engaged but, in the light of the location of the site within the Green Belt, there are specific policies in the Framework which indicate that the development should be refused. The

presumption in favour of sustainable development therefore does not apply. However this does not mean that permission should inevitably be refused – instead the consideration of whether very special circumstances exist to justify inappropriate development is at the heart of this appeal. The delivery of housing is a matter which adds to the consideration of potential very special circumstances.

209. The proposal would deliver a significant quantum and range of market housing, which would make a significant contribution towards the need in the District. In the light of the absence of a five year supply the provision of the proposed new market housing should be afforded significant weight. This is the agreed position of the main parties [27, 78, 122].
210. The scheme would also provide 35% of dwellings (121 units) as affordable housing [22]. The appellants stated that this would substantially exceed the number of affordable dwellings completed in the District in total per annum (67p.a, AMR 2014) [27]. This was not contested by the Council and, in the light of the very low level of provision in the area, this aspect of the proposal should be given significant weight – again as agreed by the parties [78, 122].
211. The weight to be accorded to the provision of housing has echoes in the decision on the Hub scheme in 2009. However in that decision only limited weight was accorded to the provision of new housing, and it was held that this factor did not, taken by itself, outweigh the harm by reason of inappropriateness. Circumstances have changed in the intervening period. At the time of the Hub decision, the Inspector's report noted that there was a 5.9 year supply of housing sites – this contrasts with 3.49 years at present. The Hub decision also predates the Framework policy to boost significantly the supply of housing. Although the issue of unmet need would not, on its own, justify the proposal, these factors lead to greater weight now being put on the provision of housing than at the time of the Hub decision.
212. Overall, the provision of housing is summarised briefly in this section, as there is no significant dispute between the main parties. However the weight which this matter adds in favour of the appeal scheme is significant.

The effect on heritage assets

213. The central part of the current campus includes a number of buildings and structures of visual and historic interest – namely the three storey Mansion House, the Coach House, parts of the walled garden and areas of parkland.
214. The Mansion House, which is a prominent feature in the landscape especially when viewed across the open parkland, was originally a late Georgian house, remodelled in the 1840s and subsequently. There have been a series of highly unsympathetic additions to the building, which have seriously detracted from the appreciation of the asset. This building is one of the few identified features in the De Havilland Plain character area [82].
215. The effect of the appeal scheme on the significance of this non-designated heritage asset should be taken into account in determining the appeal. As part of the intention to open up the central area of the CDA, the scheme

includes the removal of unsympathetic extensions to the Mansion House, and its role as the historic focus of the site would become more apparent.

216. This factor, along with the intention to improve the setting of the other historic features of the campus, would be a benefit in heritage terms. There was some debate at the Inquiry as to the extent of this acknowledged benefit, and it appeared at one point that the appellants were giving greater weight to this factor than is agreed by the parties [81, 82, 125]. Given the scale of the overall scheme and the undesignated status of the Mansion House, it is not considered that great weight can be accorded to this aspect, although the clearing of the central area and the improvements to the Mansion House are certainly benefits of the appeal proposal.

The Watling Chase Community Forest (WCCF)

217. No reference was made in the reasons for refusal to the WCCF. However the Council's position at the Inquiry was that the proposal was inconsistent with the objectives of the Forest.
218. The policy position is not clear. The LP includes a policy (143A) which supports the establishment of the WCCF, within which proposals for (amongst other matters) landscape conservation will be welcomed. However the adopted LP map clearly shows the appeal site and Oaklands College as being outside the Forest area [11].
219. However in the Forest Plan Review (2001) and the subsequent WCCF Guide, the Oaklands College campus and the appeal site were shown as being within the Forest area. During the course of the Inquiry there were numerous requests to the Council to clarify the status of these documents, and the position was not entirely resolved by the close of the Inquiry.
220. What does appear clear is that neither the Review nor the Guide has been adopted by St Albans District Council in any manner. Nor has the LP, showing the appeal site as being outside of the Forest area, been amended. In policy terms, it is at least arguable that the only relevant LP policy does not apply to the appeal site.
221. Even if the LP policy were to apply to the appeal site, it was accurately described by the appellants as a 'welcoming' policy, which does not seek to restrict developments such as the appeal scheme. Similarly emerging SLP policy SLP27 encourages the implementation of the Forest Plan, but does not seek to resist other types of development.
222. The inclusion of public open spaces and planting within both the CDA and the RDA go some way to addressing the objectives of the Forest Plan. However, given the loss of open agricultural land, the appellants' position, which is that there would be a net overall beneficial change to the Forest, is considered to be an overstatement.
223. Overall, on the basis of the evidence, it is unlikely that there is any development plan policy related to the WCCF applicable to this proposal, as the apparent extension to the Forest area has not been adopted by the Council and no amendment has been made to the LP. Nor have the other

documents related to the Forest been adopted by the authority. In any event, the policies do not seek to prevent the type of development proposed in the appeal scheme. This matter is neutral in the planning balance.

The effect on the Sandpit Lane area – traffic, flooding and Rights of Way

224. Some residents have expressed concern at the increased level of traffic along Sandpit Lane which the residential element of the scheme would generate [132, 133, 136]. The Council did not object to the proposal on that basis. The appellants' Transport Assessment considered the increase in traffic at key junctions as a result of the appeal scheme and concluded that the only junction expected to experience a material increase in traffic flows (greater than 5%) would be the Sandpit Lane/Marshalswick Lane junction [225].
225. The proposal incorporates an improvement scheme to mitigate the effects on this junction, and the Transport Assessment compared this with the unimproved junction. The conclusion was that the functioning of the improved junction would be no worse than if the development had not taken place. This conclusion was the subject of a sensitivity test based on higher trip generation forecasts, but again the result was a 'nil-detriment' position at worst [225].
226. In the absence of any objection from the Highway Authority or any detailed evidence from any other party, this factor is neutral in the planning balance.
227. Turning to flooding in the Sandpit Lane area, there is clear photographic evidence from residents of flood events in the recent past [132, 134, 136]. However the cause of that flooding is not clear - although the appellant has suggested that poor maintenance may be the problem. The Environment Agency has withdrawn its initial objection.
228. The appellants' evidence is that flows from the residential development would be attenuated so that they do not exceed current rates [227, 228]. There is no technical evidence to counter the appellants' evidence, and this factor is neutral in the planning balance.
229. The scheme includes a new footpath between East Drive and Hatfield Road, and East Drive would be upgraded to a bridleway. It has been suggested by local residents that an extended footpath should link to Oaklands Primary School [134, 229]. However this suggestion, and the Rights of Way Improvement Plan on which it is based, has not been the subject of consultation – and in particular the School has not been involved as landowners of part of the suggested route. This suggestion is therefore at an early stage, and the absence of such a link does not weigh against the proposal.
230. Some residents were concerned with the adequacy of contributions related to the stress on educational and medical facilities. This is considered below.

Planning conditions and Obligation

231. A set of conditions covering both the college and the residential elements of the development were discussed and agreed (without prejudice) at the Inquiry in the light of Planning Practice Guidance.
232. For the avoidance of doubt the approved plans for both elements are set out, and phasing plans approved (Conditions 1 and 3).
233. Many of the remaining conditions apply to both the college and residential elements of the development, and these are considered jointly below.
234. In the interests of the amenity of the area and the appearance of the development, control is to be exercised over the trees to be retained (4, 23). Hard and soft landscaping, including tree planting, external lighting and materials need to be the subject of further submissions (8, 9, 11, 14, 25, 26, 27, 31, 33). Given the slope on part of the site, the finished floor levels should be submitted for approval (10, 32). The approved works to the trees covered by the Beaumont Wood TPO need to be undertaken prior to the occupation of the residential development, in the interests of good husbandry and amenity (40).
235. For health reasons, a site investigation scheme dealing with contamination needs to be submitted for approval (18, 19, 36, 37, 38). A condition also needs to address any unexpected contamination encountered during development (5, 38). In relation to the college development only, a condition needs to address the potential presence of asbestos (6).
236. An archaeological watching brief is necessary in order to monitor the development (7, 24).
237. To address the issue of foul drainage, surface water drainage and existing sewerage infrastructure (the last in relation to the college development only), control needs to be exercised over a drainage strategy and piling (12, 13, 17, 20, 28, 35, 39).
238. In the interests of highway safety and the amenity of the residents and occupiers of the area, a construction management plan needs to be submitted for approval, and the hours of demolition and construction works need to be controlled (15, 16, 21, 22).
239. In relation to the residential development, it is necessary to impose conditions requiring the provision of and retention of the domestic garages and the prohibition of their use for any other purpose (29, 30, 34). This is to ensure that the development does not harm highway safety due to indiscriminate on-street parking.
240. The Planning Obligation provides for a range of matters:
- The phasing of the college development in line with the enabling residential development. This would secure one of the main benefits of the scheme – the ability of the College to undertake the educational development. The proceeds of the sale of the housing land would be ring fenced to ensure that they are only spent on the college development. There is no suggestion that the scheme is not viable or

that it would not be capable of delivering the funds to cover the Council's costs.

- The phased provision of 121 affordable dwellings, in accordance with LP policy 72, spread across the site.
- An index-linked contribution towards a bus service serving the development, localised highway and footpath/cycleway improvements and the provision of Travel Plans for both elements of the development. This is in the interests of highway safety and the promotion of sustainable modes of transport.
- Financial contributions towards education, libraries, outdoor sport, healthcare, youth facilities and childcare to address the impact of the residential development on a range of local services. LP policy 143B establishes the requirement for the development to provide for its infrastructure consequences, and the approach towards the quantum of the contributions is clearly set out in the Councils' statements. All the relevant authorities are satisfied with the contributions.

241. All the elements of the Obligation are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

242. Some of the provisions of the Obligation are designed to mitigate the impact of the proposal and these elements, most notably the infrastructure contributions, therefore do not provide significant benefits weighing in favour of the proposal. However other matters, most notably the enabling development and the provision of affordable housing, weigh in favour of the appeal.

Planning balance and conclusion

243. The start point is that the proposal conflicts with the development plan in relation to Green Belt and settlement policies. Although the adopted LP policies are out of date, they are nonetheless part of the statutory plan. Planning permission should therefore be refused unless there are material considerations which warrant a decision other than in accordance with the development plan. In this case the material considerations include the benefits of the proposal and Framework policies.

244. The proposal brings a number of economic benefits, most notably the provision of improved educational and training facilities. The college development would maintain the existing levels of employment and both aspects of the scheme would generate new employment the construction period. The construction of the college development and particularly the market and affordable homes would result in direct and indirect economic benefits and a significant increase in local spending power.

245. In social terms, the provision of new market and affordable homes in an accessible location adjacent to a major town is a very significant benefit –

especially in the light of the pressing need for housing in the area. The scheme would result in new and improved educational, community and recreation facilities.

246. In terms of the environment the proposal would cause some limited harm to the character and appearance of the area (and harm to the Green Belt). However the college element of the scheme represents a welcome recycling of land and the removal of derelict/dilapidated buildings, whilst the overall development provides an element of green infrastructure and enhanced opportunities for access and recreation. There would be carbon emission savings as a result of the replacement of the inefficient existing College buildings.
247. Taking the three dimensions of sustainability together, notwithstanding the limited harm to the character and appearance of the area, the social and economic benefits are such that the proposal represents sustainable development. The limited adverse impact does not significantly and demonstrably outweigh the benefits. However, in the light of the location of the site within the Green Belt, the Framework's presumption in favour of sustainable development does not apply, as there are specific Green Belt policies in the Framework which indicate that development should be restricted.
248. Turning to the overall balance, the proposal is inappropriate development in the Green Belt, which is harmful by definition. There would be additional harm by reason of a reduction in openness and by virtue of encroachment into the countryside. This leads to the conflict with the development plan and national policy related to the Green Belt and locational strategy. The approach of the emerging SLP (and its evidence base) suggests that there could be development in the wider area encompassing the appeal site, but in view of the early stage which this emerging plan has reached, this factor can be accorded only limited weight.
249. There would also be some limited harm to the character and appearance of the area. However the absence of any landscape designation and the lack of any alleged conflict with the development plan are material considerations which lessen the weight to be attributed to this matter.
250. There are two main aspects which weigh heavily in favour of the proposal.
251. Firstly the delivery of significant improvements to the College weighs very heavily in favour of the proposal. There is no significant evidence to demonstrate that the much-needed improvements to the College could be delivered by any other means. This is essentially the same position as at the time of the grant of planning permission for the Hub scheme in 2009.
252. Secondly, in the agreed lack of a five year housing land supply, the proposed market and affordable housing is a significant benefit.
253. There are other benefits arising from the development, which add additional weight in favour of the proposal. These are the enhancement of beneficial Green Belt uses and the improvements to the setting of the appearance of the Mansion House and other historic features in the College campus.

254. The effect on protected trees in Beaumont Wood, the relationship with the policies related to the Watling Chase Community Forest, and the effect on traffic and flooding in the Sandpit Lane area are essentially neutral factors in the balance.

255. Overall, there are persuasive material considerations which warrant a decision other than in accordance with the development plan. The considerations summarised above clearly outweigh the harm to the Green Belt and the limited harm to the character and appearance of the area, thereby justifying the proposal on the basis of very special circumstances.

Recommendation

256. I recommend that the appeal be allowed and planning permission be granted subject to conditions.

P. J. G. Ware

Inspector

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

Mr M Reed of Counsel He called:	Instructed by the Head of Legal Services
Mr M Roseveare ND Arb M A	The Landscape Partnership
Mr G Farrier BSc(Hons) DipLD CMLI	Principal Landscape Architect, The Landscape Partnership
Mr N Ozier BA(Hons) MRTPI	Managing Director, Aitchison Rafferty

FOR THE APPELLANTS:

Ms M Ellis QC and Mr R Ground QC They called:	Instructed by Mr Gabbe and Mr Armstrong
Dr R Curtis BSc(Hons) PgDip PhD MArbor	Associate Director, Aspect Arboriculture
Ms Z Hancock QCA	Principal, Oaklands College
Mr V Gabbe BA(Hons) DipTP MRTPI	Director, VRG Planning
Mr K Rowe BA(Hons) MA MSc FLI	Technical Director, Waterman Infrastructure and Environment
Mr G Armstrong BA(Hons) MRTPI	Director, Armstrong Rigg Planning

INTERESTED PERSONS:

Cllr J Churchyard	Chair, Sandridge Parish Council
Cllr G Churchyard	Parish and County Councillor
Mr J Watson	Marshalswick North Residents Association
Cllr J Foster	Parish Councillor, appearing for Beaumont School

INQUIRY DOCUMENTS

1	Lists of persons present at the Inquiry
2	Opening statement for the appellants
3	Opening statement for the Council
4	Statement of Common Ground ^(CD 17)

5	Planning Obligation (20 May 2016) ^(CD 18)
6	CIL Compliance Statement relating to District and NHS contributions
7	Statements (17 August 2015, 4 April 2016) by Hertfordshire County Council regarding the Planning Obligation
8	'Route Map' to the Planning Obligation
9	Statement by Cllr G Churchyard
10	Statement by Sandridge Parish Council
11	Statement by Marshalswick North Residents Association
12	Closing submissions by the Council
13	Closing submissions by the appellants

CORE DOCUMENTS

1	National Planning Policy Framework (2012)
2	St Albans District Local Plan Review (1994)
2a	Residential Design Advice Leaflet No.1 (1998)
3	Draft Strategic Local Plan Publication (2016)
3a	Committee Reports: Minute of Extraordinary Meeting of the Council (2 December 2016) Report to Cabinet (19 November 2016) Report to Planning Policy Committee (17 November 2016)
4	Monitoring Report (December 2015)
5	Green Belt Review Purposes Assessment (Part 1) (October 2013)
6	Green Belt Review Sites & boundaries Study (Part 2) (February 2014)
7	Draft Strategic Local Plan, Report of Consultation (June 2015)
8	Independent Assessment of Housing Needs and Strategic Housing Market Assessment: Housing Vision (November 2013)
9	Independent Assessment of Housing Needs and Strategic Housing Market Assessment: Update Report, Housing Vision (2015)
10	South West Hertfordshire Strategic Housing Market Assessment (January 2016)
11	Watling Chase Community Forest Plan/Watling Chase Community Forest SPG (2001/2003)
12	Secretary of State's Decision Letter for Oaklands College Hub Scheme (July 2009)
13	Inspector's Report related to the Oaklands College Hub Scheme (April 2009)
14	St Albans City and District Council v Hunston Properties Limited and Secretary of State for Communities and Local Government [2013] EWCA Civ 1610 2013
15	Appeal References APP/B1930/A/12/2180486 & APP/B1930/A/13/2201728 in relation to Land r/o Nos 112-156b Harpenden Road St Albans (August 2015)
16	Officer's report to Planning Committee (November 2014)
17	Statement of Common Ground
18	Section 106 Obligation
19	Appeal Reference APP/G1630/V/14/2229497 – Land at 'Perrybrook', Brockworth, Gloucestershire (31 March 2016)
20	Strategic Local Plan Sustainability Appraisal (December 2015)

21	BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations (April 2012)
22	Aspect TPO Justification Daws Hill, Wycombe
22a	Delegated Report, Daws Hill, Wycombe
23	GLVIA pg 92-93 & 113-114
24	Letter (10 May 2016) from Troopers Hill
25	GLVIA extract pg 43
26	GLVIA extract pg 106
27	Letter from Beaumont School (3 May 2016)
28	Shade diagram
29	Letter (16 May 2016) from Headteacher, Beaumont School
30	Correspondence with Rights of Way Unit
31	Notes of the meeting (22 October 2015) between Council and appellants
32	Report from Spatial Planning to Development Management

Annex – Recommended conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

College plans: 2012.231/100, 2012-231-ZoX/101, 2012-231-ZoX/105, 2012.231-ZoX/150, 2012-231-ZoX/200, 2012-231-ZoX/201, 2012.231-ZoX/205, 2012-231-ZoX/305, 2012-231-ZoA/200, 2012-231-ZoA/201, 2012-231-ZoA/202, 2012-231-ZoA/203, 2012-231-ZoA/210, 2012-231-ZoA/211, 2012-231-ZoA/220, 2012-231-ZoA/302, 2012-231-ZoB/200, 2012-231-ZoB/201, 2012-231-ZoB/202, 2012-231-ZoB/203, 2012-231-ZoB/204, 2012-231-ZoB/210, 2012-231-ZoB/220, 2012-231-ZoC/200, 2012-231-ZoC/201, 2012-231-ZoC/202, 2012-231-ZoC/203, 2012-231-ZoC/204, 2012-231-ZoC/210, 2012-231-ZoC/220, 2012-231-ZoD/200, 2012-231-ZoD/201, 2012-231-ZoD/202, 2012-231-ZoD/203, 2012-231-ZoD/210, 2012-231-ZoD/220, 2012-231-ZoE/200, 2012-231-ZoE/201, 2012-231-ZoE/203, 2012-231-ZoE/210, 2012-231-ZoE/220, 2012-231-ZoF/200

Residential plans: LSD59-01 Rev S, LSD59-02 Rev S, LSD59-03 Rev P, LSD59/-04 Rev E, LSD59-10, LSD59-20, LSD59-30, LSD59-31, LSD59-32, LSD59-33, LSD59-34, LSD59-35, LSD59-36, LSD59-37, LSD59-38, LSD59-40, LSD59-41, LSD59-50 Rev B, LSD59-51 Rev B, LSD59-52 Rev B, LSD59-53 Rev A, LSD59-54 Rev B, LSD59-55 Rev B, LSD59-56 Rev B, LSD59-57 Rev B, LSD59-58 Rev B, LSD59-59 Rev B, LSD59-60 Rev B, LSD59-61 Rev A, LSD59-62 Rev A, LSD59-70-A3-NTS Rev C, LSD59-71-A3-NTS Rev C, LSD59-72-A3-NTS Rev B, LSD59-73-A3-NTS Rev B, LSD59-74-A3-NTS Rev A, LSD59-75-A3-NTS Rev B, LSD59/168-170/PL1, LSD59/59/A/PL1 Rev F, LSD59/59/B/PL1 Rev E, LSD59/59/B/PL2 Rev C, LSD59/59/B/PL3 Rev C, LSD59/59/C/PL1 Rev E, LSD59/59/C/PL2 Rev E, LSD59/59/D/PL1 Rev D, LSD/59/E/PL1 Rev C, LSD/59/E/PL2 Rev B, LSD/59/E/PL3 Rev B, LSD/59/F/PL1 Rev E, LSD/59/G/PL1 Rev E, LSD/59/G/PL2 Rev D, LSD/59/H/PL1 Rev E, LSD/59/J/PL1 Rev F, LSD/59/K/PL1 Rev F, LSD/59/L/PL1 Rev E, LSD/59/L/PL2 Rev D, LSD/59/M/PL1 Rev F, LSD/59/N&P/PL1 Rev D, LSD/59/R/PL1 Rev G, LSD/59/S/PL1 Rev E, LSD/59/T/PL1 Rev E, LSD/59/T/PL2 Rev D, LSD/59/U/PL1 Rev C, LSD/59/V/PL1 Rev D, LSD/59/W/PL1 Rev C, 31278-101 Rev C, 31278-102 Rev C, 31278-103 Rev C, 31278/110/-, 31278/111/-, 17226/1001 Rev H, 17226/1002 Rev E, 17226/1003 Rev E, EED13778-AA-74-001- A10, EED13778-AA-74-002- A10, EED13778-AA-74-003- A06

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. The proposed development shall be carried out in accordance with the phasing plan contained within the Section 106 agreement dated 20 May 2016, specifically drawing reference LSD59-10 dated July 2013 (Residential

phasing) and drawing reference 102_GR_ES_6.1A dated August 2013 (College phasing).

Conditions related to the College development

4. In this condition "retained tree" means an existing tree, hedge or hedgerow which is to be retained in accordance with details to be submitted to and approved in writing by the local planning authority prior to commencement of development; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of each phase of the College development for the permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
5. If, during the College development, contamination not previously identified is found to be present at the site then no further College development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
6. Prior to the commencement of the College development hereby permitted, a survey shall be carried out to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded cement is found the Health and Safety Executive shall be contacted and the asbestos shall be removed by a licensed contractor.
7. No development involved in the College development shall take place on site until the applicant, or their agent or successor in title, has agreed an archaeological watching brief in accordance with a specification which has

- been submitted by the applicant and approved in writing by the local planning authority. The watching brief shall be implemented as agreed therein.
8. No works or development shall take place in the College development until full details of all proposed tree planting and soft landscaping and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
 9. No College development shall take place until details of hard landscape works for that element of the development been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of the relevant phase of the development or in accordance with a programme to be agreed with the local planning authority. These details shall include:
 - a) proposed finished levels and contours;
 - b) means of enclosure;
 - c) car parking layouts;
 - d) other vehicle and pedestrian access and circulation areas;
 - e) hard surfacing materials;
 - f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - g) proposals for the long term management of the site.
 10. No College development shall take place until details of finished floor levels for all of the College and associated buildings have been submitted to and approved in writing by the local planning authority. Development for that element of the development shall be carried out in accordance with the approved details.
 11. Prior to the commencement of the construction of the College development, samples of the materials to be used in the construction of the external surfaces of that element of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development of the College phase shall be carried out in accordance with the approved details.

12. The College development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
13. No impact piling shall take place in relation to the College development until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
14. Prior to the first occupation of the College development, details of external lighting shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.
15. Construction of the College development hereby approved shall not commence until details of construction management plan setting out construction vehicle, number, routing, parking, location of construction materials and equipment, temporary measures and wheel washing facilities to avoid construction vehicles depositing of mud and debris on the highway are submitted to and approved by the planning and highway authority. Development shall be carried out in accordance with the agreed document.
16. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on Monday to Friday, nor on any Saturday before 08.00 hours or after 13.00 hours.
17. The College development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Waterman (ref: CIV 14311 ES002, dated September 2013) and appended Technical Note prepared by Elliott Wood (ref: CIV14311 ES 002) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include:
 - a) A restriction in run-off and surface water storage on site as outlined in the Drainage Strategy.
 - b) Infiltration systems only to be used where it can be demonstrated that they will not pose a risk to groundwater quality

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

18. Prior to commencement of the College development no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A site investigation scheme, based on the submitted Preliminary Environmental Risk Assessment (Oaklands College St Albans Campus: Phase 2 Development. Prepared by Waterman Energy, Environment & Design Limited. Document Reference EED12814-105-R-1-2-1-CC. First Issue. July 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) 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 in (2) are complete and identifying any requirements for longer - term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

19. No occupation of the College development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
20. The College development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Conditions related to the Residential development

21. Construction of the Residential development hereby approved shall not commence until details of construction management plan setting out construction vehicle, number, routing, parking, location of construction materials and equipment, temporary measures and wheel washing facilities to avoid construction vehicles depositing of mud and debris on the highway are submitted to and approved by the planning and highway authority. Development shall be carried out in accordance with the agreed document.

22. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on Monday to Friday, nor on any Saturday before 08.00 hours or after 13.00 hours.
23. In this condition "retained tree" means an existing tree, hedge or hedgerow which is to be retained in accordance with details to be submitted to and approved in writing by the local planning authority prior to commencement of development; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of each phase of the Residential development for the permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
24. No development involved in Residential development shall take place on site until the applicant, or their agent or successors in title, has agreed an archaeological watching brief in accordance with a specification which has been submitted by the applicant and approved in writing by the local planning authority. The watching brief shall be implemented as agreed therein.
25. No works or development shall take place in the Residential development until full details of all proposed tree planting and soft landscaping and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting including the tree buffer along the eastern boundary of the Residential site shall be carried out in accordance with those details and at those times.
26. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species

and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

27. No Residential development shall take place until details of hard landscape works for that element of the development been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of the relevant phase of the development or in accordance with a programme to be agreed with the local planning authority. These details shall include:
 - a) proposed finished levels and contours;
 - b) means of enclosure;
 - c) car parking layouts;
 - d) other vehicle and pedestrian access and circulation areas;
 - e) hard surfacing materials;
 - f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - g) proposals for the long term management of the site.
28. The Residential development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
29. Before each unit within the Residential development is occupied, the associated car parking shown on the approved plan have been constructed, surfaced and permanently marked out.
30. The provisions of Schedule 2, Part I, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall not apply to any garage to which this permission relates. No internal or external alterations shall take place to any garage which would preclude its use for housing motor vehicles without the written permission of the local planning authority first being obtained. The garaging so provided shall be maintained as a permanent ancillary use to the development and shall be used for no other purpose at any time.
31. The garages hereby permitted shall be used for the garaging of private vehicles and no trade or business shall be carried out on or from the site or the building.

32. No development of the Residential development shall take place until details of the materials to be used in the construction of the external surfaces of the Residential development hereby permitted have been submitted to and approved in writing by the local planning authority. Construction of the Residential development shall be carried out in accordance with the approved details.
33. Prior to the commencement of the construction of the Residential development details of the proposed finished floor levels of all the residential and associated buildings and the finished ground levels of surrounding property, shall be submitted to and approved in writing by the local planning authority. The development of the Residential phase shall be carried out in accordance with the details so approved.
34. Prior to the commencement of the Residential development, a scheme for external lighting relating to that element of the development shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details so approved.
35. The Residential development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Waterman (ref: CIV 14311 ES002, dated September 2013) and the Drainage Strategy produced by Knapp Hick & Partners (ref: 31278/R/001/JAS, dated May 2013) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include:
- a) A restriction in run-off and surface water storage on site as outlined in the Drainage Strategy.
 - b) Infiltration systems only to be used where it can be demonstrated that they will not pose a risk to groundwater quality
- The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
36. Prior to commencement of the Residential development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A site investigation scheme, based on the submitted Preliminary Environmental Risk Assessment (Oaklands College St Albans Campus: Phase 2 Development. Prepared by Waterman Energy, Environment & Design Limited. Document Reference EED12814-105-R-1-2-1-CC. First Issue. July 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- b) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) 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 in (2) are complete and identifying any requirements for longer - term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 37. No occupation of the Residential development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 38. If, during the Residential development, contamination not previously identified is found to be present at the site then no further residential development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 39. The Residential development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 40. Prior to the first occupation of the Residential development the works approved under Tree Preservation (Order 1567) consent TP/2016/0138 shall be completed. For the avoidance of doubt, the approved works include understorey / reinforcement planting.