

List of conditions

Land North of Chiswell Green Lane, Chiswell Green, St Albans (APP/B1930/W/22/3312277)

Reserved matters

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

Time limit

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

Approved plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Revision E), Proposed Access Arrangements (21086 001 Rev B), Proposed Foot/Cycle Amendments – Chiswell Green Lane, Stanley Avenue, Watford Road (21086/002), Proposed Foot/Cycle Enhancements (Stanley Avenue) (21086/002/1), Proposed Highway Amendments (Watford Road) (21086/002/2), Proposed PRow Improvements (St Stephens 082) (21086/003), Proposed PRow Upgrades (St Stephens FP080) (22185/004 Revision A) and Proposed Pedestrian/Cycling Upgrades - Toucan Crossing (21086/006).

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

Landscape Scheme

5. Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:
 - a) existing and proposed finished levels and contours;
 - b) trees and hedgerow to be retained;
 - c) planting plans, including specifications of species, sizes, planting centres, number and percentage;
 - d) mix, and details of seeding or turfing;
 - e) hard surfacing;

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

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

LEMP

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

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

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

Housing Mix

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

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

Tree Protection-Construction Stage

8. Notwithstanding the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (October 2021), a detailed tree protection plan and method statement shall be submitted as part of application(s) for reserved matters approval as required by Condition 1.

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

Tree retention- Post Completion

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

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

Hedge retention

10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

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

Access

11. Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 21086 001 Rev B. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

Internal Roads

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

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

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

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

13. The development hereby permitted shall not be occupied unless and until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

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

Off-site highway works

14. 1) Notwithstanding the details indicated on the submitted drawings, no on site works above slab level shall commence until a detailed scheme for the offsite improvement works as indicated on the drawing numbers set out below have been submitted to and approved in writing by the local planning authority:

i) Proposed Foot/Cycle Enhancements Chiswell Green Lane / Stanley Avenue - drawing 22185/006 or where planning permission for the development pursuant to appeal APP/B1930/W/22/3313110 is granted, drawing 8230258-1001 Rev I2 and drawing 8230258-1002 Rev I4

ii) Watford Road / Chiswell Green Lane Foot / Cycle Enhancements and Highway Amendments drawing 21086/002/2, or where planning permission for the development pursuant to appeal APP/B1930/W22/331227 is granted, drawing 22185/007 showing the signalised junction

vi) Proposed Memorial Car Parking Allocation (22185/005 Rev B)

vii) Proposed Pedestrian/Cycling Upgrades - Toucan Crossing (21086/006)

viii) Proposed footpath improvements (21086/003 and 22185/004 Rev A)

2) Where planning permission for the development pursuant to appeal APP/B1930/W/22/3313110 is granted, details shall only be required to be submitted in respect of those works listed in 14. 1) i) and ii) above if at the date of submission those said works have not already been approved pursuant to the planning permission granted pursuant to appeal APP/B1930/W22/331227

3) Prior to first Occupation of the development hereby permitted, the offsite highway works improvement approved in accordance with Condition 14 1) and 14 2) above shall be completed in accordance with the approved details

Commented [GB1]: The final wording of this condition is currently being agreed between the appellant, HCC and LPA and will be updated on 9 May 2023.

CEMP

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

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

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

Phasing

16. Notwithstanding the information contained in the Transport Assessment, no development shall commence in respect of any development parcel or strategic engineering element listed below until a Site Wide Phasing Plan, which accords with agreed s106 triggers has been submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements:

- a) Development parcels;
- b) Major distributor roads/routes within the site, including timing of provision and opening of access points into the site;
- c) Strategic foul surface water features and SUDS;
- d) Open space;
- e) Strategic electricity and telecommunications networks;

- f) Environmental mitigation measures.

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

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

Travel Plan

17. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan dated (November 2021) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

Cycle Parking

18. Prior to the first occupation/use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

Surface Water Drainage

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

- a. A fully detailed surface water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Sustainable Drainage Assessment' by GeoSmart Information Ltd and dated 5th July 2022.
- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme have been submitted and approved. These detailed calculations shall demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of summer and winter storm durations,

up to the 1 in 100 year return period event including an appropriate allowance for climate change.

- c. The maximum permissible flow controlled discharge rate shall no more than 10l/s for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).
- d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these shall also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features shall also be provided.
- e. The surface water drainage plan(s) shall include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.
- f. If any infiltration drainage is proposed on the final drainage layout, this shall be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site.
- h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.
- i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.
- j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed sewer chamber location.
- k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

The development shall be carried out in accordance with the approved details.

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

Water Supply and Fire Hydrants

20. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development

shall not be occupied until the scheme has been implemented in accordance with the approved details.

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

Minerals Recovery Strategy

21. Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated 15 August 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals strategy. The minerals strategy must include the following:

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

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

Foul water network

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

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

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

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

Archaeological Investigation

23. No development-related works shall take place until the implementation of a programme of archaeological evaluation and excavation has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The Written scheme of investigation shall include an archaeological programme including:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- d) Provision to be made for archive deposition of the analysis and records of the site investigation.
- e) Nomination of a registered archaeological contractor to undertake the works set out within the Written Scheme of Investigation.
- f) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

Contamination

24. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

REASON: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

26. Prior to the commencement of development, details of a Surface Water Drainage Scheme that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority.

REASON: The potential presence of contaminated land and the risk for contaminants to remobilise through direct infiltration causing groundwater pollution potentially impacting public water supply.

The following noise condition is considered to be necessary by the Council but is considered unnecessary and not reasonably related to the development by the appellant. It was noted in the Conditions session that there are no nearby noise sources of particular concern and no noise objections to the development. It is therefore, left to the discretion of the Inspector.

Noise

Commented [GB2]: The Council is happy for the Inspector to decide if this condition is necessary.

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

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

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

Internal ambient noise levels for dwellings
Activity Location 0700 to 2300 2300 to 0700
Resting Living room 35 dB Laeq, 16 hour
Dining Dining room/area 40 dB Laeq, 16 hour
Sleeping (daytime resting) Bedroom 35 dB Laeq, 16 hour 30 dB Laeq, 8 hour
The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should not exceed 45dBA more than 10 times a night in bedrooms; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

REASON: To protect the amenities of future occupants of the development. To comply with the requirements of the NPPF.

Site Waste Management Plan

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

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