

Statement of Agreed Planning Conditions CD 8.7

Appeal by Tarmac Ltd against the Refusal by St Albans City and District Council of an Outline Application for:

Up to 45 dwellings, including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works at Land to the Rear of 96 to 106 High Street
Colney Heath, Hertfordshire.

Ref No. APP/C1950/W/23/3333685

March 2024

Foreword

The following draft planning conditions are agreed in principle between the LPA and the Appellant, subject to further refinement as part of the scheduled Round Table discussions at the Inquiry.

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

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

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

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

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

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: (to be inserted).

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

5. Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:
 - a) existing and proposed finished levels and contours;
 - b) trees and hedgerow to be retained;
 - c) planting plans, including specifications of species, sizes, planting centres, number and percentage;
 - d) mix, and details of seeding or turfing;
 - e) hard surfacing;
 - f) means of enclosure and boundary treatments; and
 - g) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. A site investigation shall be carried out by a competent person to fully investigate the extent contamination at the site further to the information detailed within the phase 1 contaminated land assessment provided for this development. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA for review.

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

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

13. The results of the site investigation and the detailed risk assessment referred to in shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

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

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

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

15. A) 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 the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Flood Risk Assessment and Drainage Strategy' by BSP Consulting and dated 27 January 2022.
- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should 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 return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including an appropriate allowance for climate change.

- c. The maximum permissible flow-controlled discharge rate shall be no more than 3.2 l/s that is the site-specific QBAR for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change.
- d. If the development is discharging to a drainage system maintained/operated by another authority or land owner, confirmation of consultation and the acceptability of any discharge to their system should be presented for approval. The applicant must confirm a formal discharge consent from the asset owner of the Colney Heath Lakes on Ellen Brook; as shown in the 'Flood Risk Assessment and Drainage Strategy' by BSP Consulting and dated 27 January 2022).
- e. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- f. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.
- g. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard and at the proposed invert level(s) of the infiltration SuDS feature(s). This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- h. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site, in accordance with the Environment Agency Guidance "Discharges to surface water and groundwater: environmental permits".
- i. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100-year return period plus climate change event.
- j. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.
- k. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed sewer chamber location.

B) Upon completion of the drainage works for the development a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The documents submitted must include the following:

- a. A detailed management and maintenance plan for the lifetime of the development, 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

- b. Provision of complete set of as-built drawings for surface water drainage infrastructure that should include all as-built levels and dimensions and full as-built details of all structures and ancillaries.
- c. Full details of all maintenance and operational activities required for the surface water drainage infrastructure.

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 2023 and the Technical Guidance to the National Planning Policy Framework.

16. The detailed plans submitted in connection with approval of reserved matters shall show, to the satisfaction of the Local Planning Authority:
- The details of all hard surfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
 - The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
 - That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
 - The provision of sufficient facilities for cycle storage.
 - The provision of sufficient EV charge points.

All these features shall be provided before first occupation and maintained in perpetuity.

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

17. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the site access and associated highway works, as shown indicatively on drawing number 23356-04b. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users

18. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

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

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).

19. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the provision of 'No Parking on the Footway' signs on the section of the internal access road that bounds Colney Heath School and Nursery.

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

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.

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 December 2022. Thereafter, the relevant phase or phases of the development must not be carried

out other than in accordance with the approved minerals strategy. The minerals strategy must include the following:

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggins 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.

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

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

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

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

24. Following the completion of the fieldwork and the post-excavation assessment in Condition 23, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 23. This

will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

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

25. Unless the development has been completed, a development progress report must be provided to the local planning authority 12 months from the date of planning permission being granted. Such a report shall be provided annually thereafter from the date of approval, until the development is completed.

REASON: To comply with S114 of the Levelling Up and Regeneration Act 2023

26. Prior to occupation of any dwelling, details of the proposed lighting for public areas will be submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting strategy for bats. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of the amenity of occupiers and to minimise any lighting impacts upon species protected under the Conservation of Habitats and Species Regulations 2017.