

# STATEMENT OF COMMON GROUND

**BETWEEN:**

**STACKBOURNE LIMITED**

**&**

**ST ALBANS CITY AND DISTRICT COUNCIL**

**Smallford Works, Smallford Lane, Smallford, St Albans, AL4 0SA**

**LPA Ref: 5/2019/3022**

**PINS Ref: APP/B1930/W/20/3260479**

**February 2021**

Signed: 	Signed: 
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Agent on behalf of: Stackbourne Limited (Appellant)	On behalf of St Albans City and District Council (Local Planning Authority)
Date: 16 February 2021	Date: 16 February 2021



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## APPENDICES

Appendix A: Extract of Local Plan Proposals Map

Appendix B: Draft conditions

# **1 INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Carter Jonas LLP on behalf of Stackbourne Limited ('the Appellant') and St Albans City and District Council ('the Council') in respect of an appeal against the decision of the Council to refuse to grant outline planning permission (LPA ref: 5/2019/3022) ('the Application') for the redevelopment of a site known as Smallford Works, Smallford Lane, Smallford, St Albans, Hertfordshire, AL4 0SA ("the Appeal Site").
- 1.2 The following SoCG deals with all planning and technical matters and identifies the areas where the principle parties (the Appellant and the Council) are in agreement. This then narrows down the areas that remain disputed.



## 2 THE APPEAL SITE

### Site Context

- 2.1 The site is located within the administrative area of St Albans and City District Council, close to the settlement of Sleafshyde and within the Parish of Colney Heath. More locally, it is located to the western side of Smallford Lane, which provides access to the site and also acts as a connecting route between the A414 in the south and the A1057 in the north via Sleafshyde and Smallford.
- 2.2 The Appellant and Council agree that the site comprises previously developed land (brownfield) of approximately 3.5 ha, which is relatively flat in topography and contains a number of yards that are used for storage and distribution purposes as an employment use. The Appeal Site is sub divided into sub plots, each containing hardstanding of either tarmac, concrete, or compacted earth, with fencing around the perimeter. Some of these plots include single storey buildings. It is agreed that the total floor area of permanent buildings is 2673.45sqm GEA. The site is used for storage and distribution of various items including scaffolding, building or construction materials, plant, containers, and vehicles.
- 2.3 The site is bound to the east by Smallford Lane, beyond which to the south east lies residential development on the north-western edge of Sleafshyde and open land along the majority of the eastern boundary; open land (formally known as 'Smallford Pit') lies adjacent to the west, south and north of the site, screened with mature landscaping. The Alban Way (a trail for cyclists and walkers) is located north of the site.

### Sustainability of Location

- 2.4 The Council dispute the sustainability of the location of the site, as set out in Reason for Refusal 1. However, the Appellant and the Council agree that following:

#### Local Services and Amenities

- 2.5 The site is one kilometre south of Smallford Village. This hosts a small number of amenities for residents including a farm shop, garden centre, petrol station, vets and a public house.
- 2.6 The site is located six kilometres west of St Albans Town Centre and is accessible via existing bus routes.

#### Walking and Cycling

- 2.7 The Alban Way, which forms part of the National Cycle Network Route 61, runs east-west approximately 350m north of the site and is accessible from the site via the exiting footway on the

eastern side of Smallford Lane. The Alban Way runs between the centres of St Albans and Hatfield, including both railway stations.

- 2.8 A number of Public Rights of Way (PRoW) are also located within the vicinity of the site, including Colney Heath 2 and 22 in the form of a bridleway and footpath respectively and Footpaths 11 and 39.

#### Public Transport

- 2.9 Smallford Lane is served by an existing bus route – 305 (Sandridge to Potters Bar) – via a bus stop on the southern corner of the site. Four services operate every weekday in each direction to St Albans City and Railway Station in one direction and Colney Heath in the other, reducing to three services on Saturdays with no service on a Sunday.
- 2.10 Alternative bus stops are located on Hatfield Road, approximately 1.2km (approximately 12 minutes walking time) north of the site. These bus stops are served by the 300, 301, 601 Alban Way, 602 and 653 Tigermoth bus routes, which provide frequent services to Welwyn Garden City, Hatfield and Stevenage to the east, and St Albans, Hemel Hempstead, Watford and Borehamwood to the west.
- 2.11 These additional bus stops are not easily accessible from the appeal site. Enhancements in the form of dropped kerbs and tactile paving to Sheapshyde Lane and Sleapscross Gardens would improve accessibility for the proposed development generally and contributions to these improvements are agreed to be necessary and will be provided via Section 106 Agreement.
- 2.12 St. Albans City Railway Station is the closest railway station, it provides links to Bedford, Gatwick Airport, Luton, Sutton, London St Pancras and Brighton.

### **Planning Policy Designations**

- 2.13 The Site is designated within the adopted Local Plan as within the Metropolitan Green Belt. The extent of the site and the relevant planning policy designations are illustrated at Appendix A.

### **Physical and Other Designations**

- 2.14 The site is located in Flood Zone 1 and is therefore considered to be at low risk of flooding. However, the site is located within a vulnerable groundwater area (Source Protection Zone 2). The site is not affected by any heritage assets, either within the site boundary or within the near vicinity. The closest listed buildings are located within the Sheapshyde Conservation Area. The site also lies immediately adjacent to the Smallford Pit Local Wildlife Site (LWS).

### 3 PLANNING HISTORY

- 3.1 The Appellant and Council agree that the use of the site as a brickworks pre-dated 1948.
- 3.2 By the early 1960s, the site itself contained additional works and buildings along with the single track lines leading from the works buildings to neighbouring quarry pits. By the mid-1970s, the site had been completely redeveloped with works, buildings and infrastructure, replaced this century with storage yards.
- 3.3 The site is subject to a considerable planning history from the 1980s onwards. The Appellant and Council agree that the list below constitutes a full and accurate summary of the site's planning history:

Planning Ref	Decision Date	Description	Decision
5/1979/1162	30/11/1981	Established use certificate in respect of industrial class IV	Refused
5/1980/0732	30/11/1981	Established use Certificate	Refused
5/1980/1283	25/11/1980	Outline permission for redevelopment of redundant industrial site to provide new industrial site.	Refused
5/1981/0055	23/02/1981	Outline permission for redevelopment of redundant industrial site to provide industrial and warehousing accommodation.	Refused
5/1982/0595 & 5/1982/0596	24/08/1982	Redevelopment of an existing industrial site to replace in a more rational layout with suitable parking for commercial vehicles from an improved access and to provide more effective industrial buildings.	Refused
5/1982/1130	14/10/1982	Unit 6, single storey workshop to replace fire damaged building.	Refused
5/1983/0007	01/01/1984	Parts Unit 1 and 1A – to manufacture various stone products to be bused for re-facing of existing stone clad buildings.	Refused
5/1983/0008	01/01/1984	Unit 2, to hire, repair and overhaul of various types of contractor's plant.	Approved
5/1983/0382	01/01/1984	Redevelopment of site for industrial purposes.	Approved
5/1988/0175	31/03/1988	Development of business park, Class B1	Refused
5/1988/0852	26/06/1988	Development of business park, Class B1.	Refused and Appeal dismissed 10/01/1990
5/1988/1880	10/01/1990	Development of a business park Class B1.	Refused
5/1994/1656	18/05/1995	Certificate of Lawfulness (Existing) For B2, B8 and use for plant hire and builders yard.	Refused
5/1995/0031	28/02/1995	Unit 1 - retention of portable buildings and container	Refused
5/1995/0032	28/02/1995	Retention of lighting columns	Refused
5/1995/0974	08/08/1995	Unit 5, installation of cess tank	Refused
5/1995/1564	04/04/1996	Certificate of Lawfulness (existing) - Use of land for B2, B8 purposes and as a plant hire depot and builders yard.	Refused

<b>5/1996/1228</b>	02/10/1996	Boreholes for monitoring landfill gas	Approved
<b>5/1997/1000</b>	24/07/1997	Directional sign.	Approved
<b>5/2002/2112</b>	26/04/2004	New access road.	Approved
<b>5/2009/0757</b>	07/07/2009	Discharge of Condition 2 (details of landscaping) of planning permission 5/02/2112 dated 26/04/04 for a new access road	Approved
<b>5/2017/2393</b>	13/01/2017	Certificate of Lawfulness (existing) - New access road	Approved
<b>5/2018/2006</b>	02/10/2018	Certificate of Lawfulness (existing) - To establish the existing lawful use for the industrial uses that have carried out over the last 10 years	Withdrawn

- 3.4 Within the Council's written advice (3 February 2017), it was confirmed that at that time no enforcement action had been taken in respect of uses or operational development at the appeal site. There are no current enforcement enquiries relating to uses at the appeal site. However a number of buildings and structures are the subject of current enquiries.

## 4 THE PROPOSED DEVELOPMENT

4.1 An Outline Planning Application with all matters reserved was submitted to the Council on 16 July 2020 and was validated on 19 December 2019.

4.2 The description of development proposed on the application form is as follows:

*“Redevelopment of site including demolition of existing buildings to provide up to 100 dwellings”*

4.3 It is agreed that for the purposes of this appeal the Council's amended description of development should be used:

*“Outline application (all matters reserved) - Redevelopment of the site including demolition of existing buildings to provide up to 100 residential units.”*

4.4 The Appellant's proposals seeks the development of a residential estate of 100 dwellings. An illustrative landscape layout plan (GA-100 Rev B) accompanied the application the subject of this appeal it shows three main areas of public green space comprising an open area including a balancing pond located around the centre of the site (annotated village green), the retention of the tree and two areas of land either side of the footpath in the south east corner of the site, two triangles of land to the west of the site and a footpath link (called a green lane) which amount to 7.7% of the Site area. Plan 02302 Rev B indicates that the overall building footprint (excluding incidental buildings such as shed) represents 19% of the Site with hardstanding comprising roads, car parking, manoeuvring areas and footpaths (but excluding patios) taking up 36% of the Site. The remaining areas comprise private curtilages to properties and perimeter landscaping, which together comprise 38% of the site area.

4.5 The proposed development indicatively includes a range of housing types to cater for the different needs of individuals in the district. The housing mix comprises of detached, semi-detached and terraced houses of which 40% will be affordable. An indicative masterplan has been produced to demonstrate the deliverability of a 100 unit scheme.

4.6 This has applied policy compliant parking and the following unit mix:

- 8 x 1 bedroom apartments;
- 8 x 2 bedroom semi-detached houses;
- 18 x 2 bedroom terraced houses;
- 16 x 3 bedroom detached houses;
- 8 x 3 bedroom end terraced houses;
- 20 x 3 bedroom semi-detached houses;

- 12 x 3 bedroom terraced houses; and
- 10 x 4 bedroom houses with integrated garages.

#### **Proposed Layout, Landscaping and Amenity**

- 4.7 Details of access, layout, appearance, scale and landscaping are all reserved and no details are provided for consideration at this stage. .

#### **Access and Parking**

- 4.8 Details of access and layout of car parking spaces are reserved and no details are provided for consideration at this stage. The application indicates the provision of 239 car parking spaces to serve the proposed dwellings.
- 4.9 A new primary vehicular access off Smallford Lane with a dedicated right turn was secured under an earlier planning permission (5/2002/2112) and has recently been delivered. The access shown on the indicative layout reflects this access arrangement..

## 5 REASONS FOR REFUSAL

5.1 Following a request by Members, the Application the subject of this appeal was referred to the Council's Planning Referrals Committee on 13 July 2020. The Officer's Report to the Committee recommended that the application be refused for six reasons as outlined below. Members resolved to refuse to grant outline planning permission in line with the Case Officer's recommendation

5.2 The Council's formal decision notice was issued on 16 July 2019. The six reasons for refusal state:

1. *The redevelopment of this unsustainably located site to provide 100 houses would result in substantial harm to the openness of the Green Belt when compared with the existing development on the site. As such, it fails to comply with Para 145(g) of the NPPF and comprises inappropriate development. There are no very special circumstances to override the identified harm. The proposal is therefore contrary to Policies 1, 8 and 74 of the District Local Plan Review and the NPPF 2019.*
2. *On the basis of the information provided, the proposed indicative development would have a detrimental impact on the wider Green Belt Countryside and be contrary to Policy 74 of the Local Plan Review and relevant provisions of the NPPF 2019.*
3. *The application has not demonstrated that the proposed development would not have an unacceptable impact upon the Local Wildlife Site, where a protected species (Great Crested Newts) may be present, and the delivery of a net gain biodiversity. The propose therefore fails to comply with Local Plan Policy 106 and the NPPF 2019.*
4. *The submitted surface water drainage assessment fails to address the discharge mechanism, the provision of greenfield runoff rates or clarification of restricted discharge via a flow control devise. As such, the application has failed to demonstrate that the proposal provides satisfactory and appropriate sustainable drainage. Furthermore, the application has not adequate[ly] demonstrated that the development would not adversely impact the public water supply. As such the proposals fails to comply with the NPPF 2019.*
5. *In the absence of a completed and signed legal agreement or other suitable mechanism to secure the necessary devices and infrastructure improvements relating to education, leisure, transport and health provision and as such would place an additional burden on the existing infrastructure and services without an acceptable level of mitigation to overcome this harm. This contrary to Policy 143B of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.*
6. *In the absence of a completed and signed legal agreement or other suitable mechanism to secure the provision and retention of affordable housing on the site the proposal would fail to*

*meet identified local housing needs, contrary to the aims of Policy 8 of the St Albans District Local Plan Review 1994, the Affordable Housing Supplementary Planning Guidance March 2004 and the National Planning Policy Framework 2019.*



## 6 PLANNING POLICY CONTEXT

- 6.1 The Appellant and the Council agree that the Policy Framework summarised below is relevant in the determination of this appeal.

### Development Plan

- 6.2 The adopted Development Plan for the area comprises the District Local Plan Review 1994 (“the Adopted Plan”).
- 6.3 The relevant Adopted Plan policies include:

Table 1: Relevant District Local Plan Review 1994 Policies	
Policy 1 (Metropolitan Green Belt)	Policy 2 (Settlement Strategy)
Policy 5 (New Housing in Specified Settlements)	Policy 7A (Affordable Housing)
Policy 24 (Unallocated Employment Site)	Policy 34 (Highways Consideration in Development Control)
Policy 35 (Highways Improvements in Association with Development)	Policy 39 (Parking Standards, General Requirements)
Policy 40 (Residential Development Parking Standards)	Policy 69 (General Design and Layout)
Policy 70 (Design and Layout of New Housing)	Policy 74 (Landscaping and Tree Preservation)
Policy 84A (Drainage Infrastructure)	Policy 104 (Landscape Conservation)
Policy 106 (Nature Conservation)	Policy 97 (Existing Footpaths, Bridleways and Cycleways)

Policy 143a (Watling Chase Community Forest)	Policy 143b (Implementation)
----------------------------------------------	------------------------------

6.4 The parties agree that the Inspector should have regard to Policy 7A in lieu of Policy 8 in respect of the application of Affordable Housing policy.

6.5 The most important policies for the determination of the appeal are agreed to be:

- Policy 1 (Metropolitan Green Belt);
- Policy 7a (Affordable Housing)
- Policy 2 (Settlement Strategy);
- Policy 74 (Landscaping and Tree Preservation);
- Policy 84A (Drainage Infrastructure); and
- Policy 106 (Nature Conservation).
- Policy 143b (Implementation)

6.6 Whilst the emerging Local Plan reached Examination, it has now been withdrawn following feedback from the Examining Inspectors. The parties agree its policies carry no weight in the determination of the appeal..

## Material Considerations

6.7 There are a number of other relevant documents that will be considered material to the determination of this Appeal. These include:

### The National Planning Policy Framework

6.8 The revised National Planning Policy Framework (NPPF) was published in June 2019 and sets out the Government's planning policies for England and how these are expected to be applied.

### The National Planning Practice Guidance

6.9 The National Planning Practice Guidance (NPPG) website was launched on 6<sup>th</sup> March 2014. It replaces and consolidates 7,000 pages of planning guidance on topics including flood risk, heritage and design and it should be read in conjunction with the NPPF.

### Colney Heath Neighbourhood Plan

6.10 On 27<sup>th</sup> February 2014, the Council's Cabinet approved the designation of the Neighbourhood Plan Area for Colney Heath. The appeal site falls within this area. However, at the time of finalising this

statement, it remains at an early stage in production and therefore holds no weight in decision making at this time.

## **Other Material Considerations**

6.11 The following documents are also material considerations in the determination of this Appeal.

### **Supplementary Planning Documents**

6.12 The following Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs) have been adopted by the Council:

- Affordable Housing – Supplementary Planning Guidance (March 2004)
- Revised Parking Policies and Standards (January 2002)
- Design and Layout of New Housing: Advice Leaflet No. 1 (November 1998)

### **St Albans Annual Monitoring Report 2020**

6.13 In the Council's latest Authority Monitoring Report (base date 31<sup>st</sup> March 2020) the Council report a supply of 2,612 dwellings. Based on a calculated need of 893 dwellings per annum as per the Standard Methodology and required buffer applied by the Housing Delivery Test, it is concluded that the Council have approximately a 2.4 year supply of housing (2020/21 – 2024/25).

6.14 Although the Appellant asserts that the actual five year housing land supply figure is lower than that stated in the Authority Monitoring Report, determining this is considered immaterial for the purposes of the application, as there is an undisputed significant shortfall.

## 7 PLANNING MATTERS

### Principle of Development (Green Belt)

- 7.1 The Appellant and the Council agree that the following are the policies and/or material considerations are applicable to this matter:

#### National Planning Policy Framework

- 7.2 The Government attaches great importance to Green Belts, with their essential characteristics being their openness and permanence (Paragraph 133).
- 7.3 Paragraph 134 of the NPPF sets out the five purposes of including land within the Green Belt:
- a) check the unrestricted sprawl of large built-up areas;
  - b) To prevent neighbouring towns merging into one another;
  - c) To assist in safeguarding the countryside from encroachment;
  - d) To preserve the setting and special character of historic towns; and
  - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 The construction of new dwellings within the Green Belt will be regarded as “inappropriate” aside from defined exceptions as listed at Paragraph 145. This includes, at Paragraph 145g), the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.5 Previously developed land is defined in Annex 2 of the NPPF:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation*

*grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”*

- 7.6 “Inappropriate” development is considered harmful to the Green Belt and according to Paragraph 143, should only be approved if Very Special Circumstances (VSCs) can be identified. Paragraph 144 goes on to explain VSCs only exist where the substantial weight given to any harm to the Green Belt and any other harm is clearly outweighed by other considerations.

### **National Planning Practice Guidance**

- 7.7 Paragraph: 001 (Reference ID: 64-001-20190722) outlines the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

### **Local Policy**

- 7.8 **Policy 1 (Metropolitan Green Belt)** defines the extent of the Metropolitan Green Belt in the District. It states that except for development in Green Belt settlements defined in Policy 2 or in very special circumstances, permission will not be granted for purposes other than: mineral extraction; agriculture; small scale facilities for sport and recreation; other uses appropriate to the rural area; or conversion of existing buildings to appropriate uses without harm to the countryside. New development in the Green Belt shall integrate with the existing landscape and siting, design and appearance will be important to proposals. Significant harm to the ecological value of the countryside should be avoided. The policy is not fully consistent with the Framework in that it does not recognise the full extent of exceptions to inappropriate development detailed at paragraph 145. The parties agree the policy is not out of date.
- 7.9 **Policy 2 (Settlement Strategy)** seeks to protect and enhance character of settlements and states that regard will be had to both the impact of individual and cumulative development. The Council will safeguard: character of settlements and Green Belt settlements; green spaces in settlements and conservation areas. The nature and intensity of development will reflect the settlement hierarchy: towns; settlements; and Green Belt settlements.
- 7.10 Sleepshyde is defined as a Green Belt settlement (ref: GBS.8) where development will not normally be permitted except: the local housing needs; or the local facilities and service needs of the

settlement in which the development is proposed. Development must not detract from the character and setting of Green Belt settlements.

### **Other Material Considerations**

#### *Affordable Housing SPG*

- 7.11 The Affordable Housing SPG (March 2004) states that the Council will seek a target level of 35% affordable units on suitable sites above the site size thresholds.

### **Common Ground and Disputes**

- 7.12 The Appellant and SACDC agree that:

- The appeal site is not located within any Green Belt settlement as defined by Policy 2 of the Adopted Local Plan.
- The site constitutes previously developed land, as per the definition provided in Annex 2 of the NPPF.
- The proposed development accords, in principle, with the development strategy set out within Council's Emerging Plan. Although not receiving an official allocation, previously developed sites (including those within the Green Belt) are expected to come forward as windfall sites to satisfy the District's housing requirement (see Paragraph 8.3.7 of Officer's Report).
- There is no in-principle objection to residential development at this site.
- The proposals include an over policy-compliant level of affordable housing (40%) and should therefore be tested against the second bullet of Paragraph 145g) – i.e. “not cause substantial harm to openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

- 7.13 The Appellant and Council dispute the following on this matter:

- The impact that the existing use and proposed development – both individually and comparatively – have on the openness of the Green Belt. This is applicable to both Green Belt tests in this case. Firstly, the test of “substantial harm” undertaken to conclude whether the development should be considered “inappropriate” development via Paragraph 145(g) of the NPPF. Secondly (and only on the basis of an assessed failure of the first test), as a factor when considering whether potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations as to amount to “Very Special Circumstances” – as per Paragraph 144 of the NPPF.
- The acknowledgement of, and weighting applied to, the “other considerations” advanced by the Appellant, and how this affects the planning judgement pursuant to Paragraph 144 of the

NPPF in establishing whether “Very Special Circumstances” exist to justify inappropriate development in the Green Belt.

## **Principle of Development (Loss of Existing Employment Use)**

- 7.14 The Appellant and the Council agree that the following are the policies and/or material considerations are applicable to this matter:

### **National Planning Policy Framework**

- 7.15 The economic objective of the NPPF (Paragraph 8a) seeks to build a strong and competitive economy by ensuring that sufficient land of the right types is in the right places and at the right time.
- 7.16 In support, Paragraph 121 of the NPPF states that local planning authorities should take a positive approach in their consideration of applications which propose alternative uses to that which is currently in place, insofar as it not allocated for a specific purpose and where this would help to meet identified development needs.

### **Local Policy**

- 7.17 **Policy 20 (Development in Employment Areas)** designates employment areas and employment development sites in the District.
- 7.18 **Policy 23 (Business Use Development)** states planning permission for business use development will not normally be permitted unless it accords with certain circumstances, or is within certain areas, listed in the policy. Criteria (vi) states that for existing business use on unallocated sites, extensions or redevelopment will be assessed against Policy 24.
- 7.19 **Policy 24 (Unallocated Employment Site)** states existing employment sites not covered by Policy 20 or 23 will normally be restricted to B1. Subject to this, within the Green Belt (Policy 24B): (i) the existing uses will not normally be permitted to expand; and (ii) redevelopment of existing established sites will be permitted if clear environmental benefits would result. Improved landscaping should normally be provided and there will be a presumption against any increase in floorspace. The future use should reflect the location of each particular site and employment use may not be acceptable on certain sites.

### **Common Ground and Disputes**

- 7.20 The Appellant and the Council agree that:
- The site is an existing employment use, used for storage and distribution purposes comprising a number of units or yards.
  - The site is not an allocated employment site, as per Policy 20 or Policy 23. It should therefore be treated as an “unallocated site” and subject to the tests of Policy 24.
  - The proposal to redevelop the existing employment site could be permitted if clear environmental benefits would result. Improved landscaping should normally be provided and



there will be a presumption against any increase in floorspace. The future use should reflect the location of each particular site and employment use may not be acceptable on certain sites. It is agreed that the proposal will lead to a substantial increase in floorspace compared to the existing position.

- There are no in-principle objections to the loss of the employment site in favour of residential development.

## **Need for Housing**

- 7.21 The parties agree that the following are the policies and/or material considerations are applicable to this matter:

### **National Planning Policy Framework**

- 7.22 The social objective of the NPPF seeks to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations. This delivery, along with the fostering of well-designed and safe built environments with accessible and open space will support strong, vibrant and healthy communities.
- 7.23 Chapter 5 of the NPPF seeks to support the Government's objective of significantly boosting the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is development without unnecessary delay.

### **Local Policy**

- 7.24 **Policy 5 (New Housing Development in Specified Settlements)** proposes a presumption in favour of housing development on: sites defined in the schedule of Policy 5 and those defined on the policy map; other sites where housing is consistent with the Plan. Residential development is not permitted if the land is required for another purpose in accordance with the Plan and policies. Where there is 15 or more dwellings proposed (or on sites over 0.4 hectares), the Council will seek affordable housing. It continues to state that residential density will be lower in towns, and development on green field sites should respect the density, scale and environmental quality of the settlement.

### **Statement of Common Ground and Disputes**

- 7.25 The Appellant and the Council agree that:
- The Council is unable to demonstrate a five year housing supply as required by Paragraph 47 of the NPPF. Furthermore, the proposal of 100 new units towards local housing supply would contribute towards correcting this.
  - The proposal provides a level of affordable housing over that required by adopted policy (35%).
- 7.26 The Appellant and the Council agree that the provision of housing including 40% affordable housing should carry significant weight in the determination of this appeal.

## Design and Landscaping

- 7.27 The Appellant and the Council agree that the following are the policies and/or material considerations are applicable to this matter:

### National Planning Policy Framework

- 7.28 Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development and creating better places which are acceptable to communities. Paragraph 124 continues to emphasise that effective engagement between applicants, communities, LPAs and other interested parties are essential for achieving good design.
- 7.29 Paragraph 170 of the NPPF requires decision makers to recognise the intrinsic character and beauty of the countryside.

### Local Policy

- 7.30 **Policy 69 (General Design and Layout)** states that development should take into account the surrounding context in terms of scale, character and materials.
- 7.31 **Policy 70 (Design and Layout of New Housing)** states, amongst other matters, that safe and attractive spaces of human scale should be created, with a dwelling mix to cater for a range of needs.
- 7.32 **Policy 74 (Landscaping and Tree Preservation)** seeks the retention of existing landscaping including healthy, trees, hedgerows, ponds and watercourses. Tree surveys will be required for applications where the site includes significant landscaping. The provision of new landscaping must retain existing trees and shrubs and preference should be given to native shrubs and trees.

### Common Ground and Disputes

- 7.33 The parties agree that:

#### Design/Layout

- The proposed residential density of approximately 28 dwellings per hectare provides an efficient use of PDL.
- The proposed indicative housing mix of 8% one-bed; 26% two-bed, 56% three-bed and 10% four-bed is acceptable in-principle.

#### Landscape

- The site is located within the Colney Heath Farmland Landscape Character Area and is part of the Watling Chase Community Forest.

- The existing site itself is of little landscape merit, aside from on the existing boundaries and surrounding land which is colonised by natural scrub and native tree belts which screen the existing industrial site from the surrounding area.
- Careful management and significant replacement planting over and above that required to be planted pursuant to the access permission at the appeal site is required to maintain the sylvan frontage, with existing trees and hedgerows in this area retained, secured via condition if granted approval.

7.34 The Appellant and the Council dispute the following on this matter:

#### Design/Layout

- The extent to which the quantum of proposed development will have a material impact on the character and appearance of the site and area
- The extent to which the proposed development, by way of design and layout, would have on the openness of the Green Belt compared to the existing development (related also to Paragraph 7.17 above).

#### Landscape

- The extent of the impact that the landscaping strategy will have on the appearance of the landscape, including openness of the Green Belt.
- The decision to not secure additional winter viewpoints and VP locations agreed with the LPA.

## Flood Risk and Drainage

- 7.35 It is agreed that a standalone SoCG be produced by the respective drainage witnesses covering areas of agreement and disagreement in relation to flood and drainage.

## Ecology (Trees and Biodiversity)

- 7.36 The parties agree that the following are the policies and/or material considerations are applicable to this matter:

### National Planning Policy Framework

- 7.37 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment, specifically sites of biodiversity value and wider benefits from natural capital including trees as well as requiring the provision of net gains for biodiversity (Paragraph 170).
- 7.38 Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects on the natural environment.

### Local Plan

- 7.39 **Policy 74 (Landscaping and Tree Preservation)** seeks the retention of existing landscaping including healthy, trees, hedgerows, ponds and watercourses. Tree surveys will be required for applications where the site includes significant landscaping. The provision of new landscaping must retain existing trees and shrubs and preference should be given to native shrubs and trees.
- 7.40 **Policy 106 (Nature Conservation)** states it will refuse proposals which could adversely affect local Sites of Special Scientific Interest (SSSIs); nature reserves; other sites of wildlife, geological or geomorphological importance; any site supporting species protected by the Wildlife and Countryside Act 1981; or the natural regime of either surface or ground waters in river valleys and their wetlands. If planning permission is granted for development which could affect a site of conservation interest, it will normally be subject to conditions aimed at protecting the special features of the site.

### Statement of Common Ground and Disputes

- 7.41 The parties agree that:

#### Trees

- No mature category 'A' or 'B' trees, and no trees of high landscape or biodiversity value are yet proposed to be removed. However as layout and landscaping are reserved matters such matters are not for consideration at this stage.

#### Ecology

- The site is located immediately adjacent to Smallford Pit Local Wildlife Site (LWS).
- The application site itself is of negligible ecological value. Mitigation measures to retain and reduce lighting on the scrub around the perimeter, restrictions to vegetation clearance to a period outside the bird breeding season, and enhancements in the form of bird and bat boxes as well as measures to secure net biodiversity gains will be necessary if permission is granted and can be subject to condition and section 106 undertaking.
- Reason for Refusal 3 can be overcome by way of suitable conditions and obligations secured by section 106 agreement. These are detailed within the draft conditions included at Appendix B and with the section 106 currently being drafted. Please note, the draft conditions are yet to be robustly reviewed by the Appellant but there are no expected to be any grounds of objection. Both parties reserve the right to comment on these during the Inquiry.

7.42 The parties disagree on the following issues related to this consideration:

## Transport

7.43 The Appellant and the Council agree that the following are the policies and/or material considerations are applicable to this matter:

### **National Planning Policy Framework**

7.44 Paragraph 102 of the NPPF states:

*“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”*

7.45 Paragraph 103 states:

*“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*

7.46 Paragraph 109 and 110 require consideration to be given to sustainable travel modes, the needs of people with disabilities, safe layouts, the delivery of goods, and provision for plug-in and ultra-low emission vehicles.

7.47 Paragraph 11 refers to the need for Travel Plans and Transport Statements or Transport Assessments and states that:

*“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the Proposed Development can be assessed”*

### **Local Policy**

7.48 **Policy 34 (Highways Considerations in Development Control)** states development which is likely to generate a significant amount of traffic will not normally be permitted unless the following are considered acceptable: road safety; environmental impact; road capacity; road hierarchy; car parking provision; and impact to rural roads.

7.49 **Policy 35 (Highways Improvements in Association with Development)** states in order to mitigate the highway effects of development proposals the District Council will seek highway improvements or contributions to highways and/or public transport from developers where proposals result in detrimental highway conditions.

7.50 **Policy 39 (Parking Standards, General Requirements)** seeks off-street parking in accordance with Policy 40. All parking areas must be clearly marked and spaces shall be a minimum of 2.4 x 4.8 metres. At least 6 metres is required between rows and 7.3 metres for garages. All spaces must be capable of independent use with the exception of spaces for exclusive use for one dwelling.

7.51 **Policy 40 (Residential Development Parking Standards)** sets out the residential parking standards: 1 bedroom dwellings – 1.5 spaces; 2 bedroom dwellings – either 2 or 2.5 spaces; 3 bedroom dwellings – 2.5 spaces; and 4 bedroom dwellings – 3.5 spaces.

### **Statement of Common Ground and Disputes**

7.52 The Appellant and SACDC agree that:

- The proposed development is expected to result in reduced peak hour trips when compared to the current site in both AM and PM peak hours. This includes a significant decrease in the number of Heavy Good Vehicles (HGVs). This is considered acceptable.
- There are no adverse impacts on highway safety that cannot be overcome through the imposition of suitably worded conditions.
- A new site access junction has recently been completed. This provides visibility splays of 2.4m x 120m either side of which is appropriate for the 40mph speed limit on Smallford Lane. Whilst it is expected that this would form a new access for the appeal development, details would be confirmed through Reserved Matters submissions.
- The width of the access road will have to be approved through a reserved matters application.
- Proposed pedestrian and cycle access will have to be resolved as part of a reserved matters application
- Refuse and Servicing arrangements will have to be resolved as part of a reserved matters application
- Car parking provision including the provision of disabled parking spaces can be dealt with at Reserved Matters, however the indication that 239 spaces would be provided for the mix of dwellings indicated would accord with Policy 40.
- Cycle parking will have to be resolved as part of a reserved matters application.
- Several public rights of way are located within the vicinity of the site. The Alban Way can be accessed from the eastern side of Smallford Lane with step-free access of an appropriate gradient. There is no direct link from the appeal site to the Alban Way.
- A Travel Plan to encourage sustainable transport modes and reduce the reliance on private vehicles can be appropriately applied by condition, with a fee that is agreed to be necessary, of £6,000 required to support monitoring and review secured through Section 106 agreement
- A Construction Traffic Management Plan will be required to manage and reduce detrimental impacts in the vicinity of the site, with a condition required to provide adequate parking for construction vehicles on-site to prevent conflict and impacts to the highway safety. This would be required for all phases of construction, including measures to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGVs associated with the construction of the development. It is agreed that such a condition meets all the tests in the NPPF.
- Hertfordshire County Council (HCC) as the highway authority does not object to the development, subject to suitable conditions and completion of S.106 and S.278 agreements.

7.53 In summary, the parties agree there are no unresolved issues at outline stage relating to this matter but that access and layout are reserved matters..



## **Ground Conditions and Contamination**

7.54 The Appellant and the Council agree that the following are the policies and/or material considerations are applicable to this matter:

### **National Planning Policy Framework**

7.55 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 178 specifically concerns ground conditions which seeks to ensure that sites are suitable for its proposed use by taking into account of ground conditions and risks from contamination.

### **Local Plan**

7.56 Chapter 14 (Archaeology) of the adopted DLPR 1994 identifies areas of archaeological significance to include: scheduled ancient monuments, sites for local preservation and sites where planning permission may be subject to a recording condition.

### **Statement of Common Ground and Disputes**

7.57 The parties agree that:

- Further, preliminary archaeological work will be required to assess the archaeological potential and significance of the site. This could be the first part of a sequential stratified project which may include excavation and/or preservation in situ, depending on the results of each phase and the significance of those results. This should be secured by a pre commencement condition (as per the advice given by SADC Archaeology).
- A full site walkover is required so that all potential sources of contamination can be taken into consideration during Phase II site investigations. Targeted site wide investigation should be undertaken prior to any development commencing. Any risks can be reduced to low or very low by implementing appropriate systems, including conditions requiring a site investigation, options appraisal and remediation strategy together with unsuspected contamination and verification report to ensure that the site appropriately decontaminated (as per the advice given by the Environment Agency).

7.58 The Appellant and the Council will work together to agree the Heads and enforceability of a section 106 undertaking, securing the following obligations:

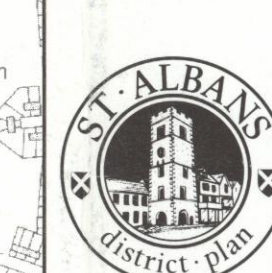
- Affordable Housing at 40%
- Education Contributions
- Youth service contribution
- Library service contributions
- Health Contributions

- Play area provision and maintenance
- Footpath Improvement Contributions
- Off Site Highway Works
- Travel Plan Monitoring fee
- Provision and maintenance of fire hydrants

7.59 Subject to the completion of this legal agreement prior to the close of the Inquiry, the parties agree that Reasons for Refusal 5 and 6 are overcome. The parties further agree that all the Heads detailed above meet the requirements of Regulation 122(2) of the CIL Regulations.

**APPENDIX A: EXTRACT OF LOCAL PLAN PROPOSALS MAP**

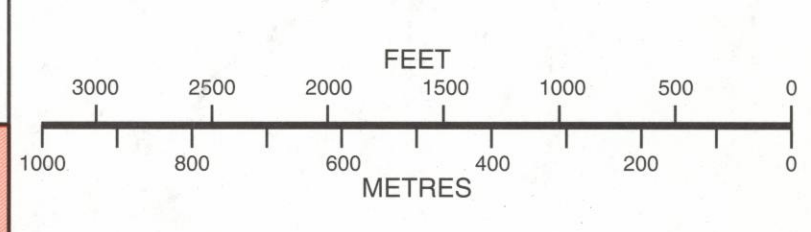




# PROPOSALS MAP



Scale: 1/10,000



The grid lines are at 1 kilometre intervals

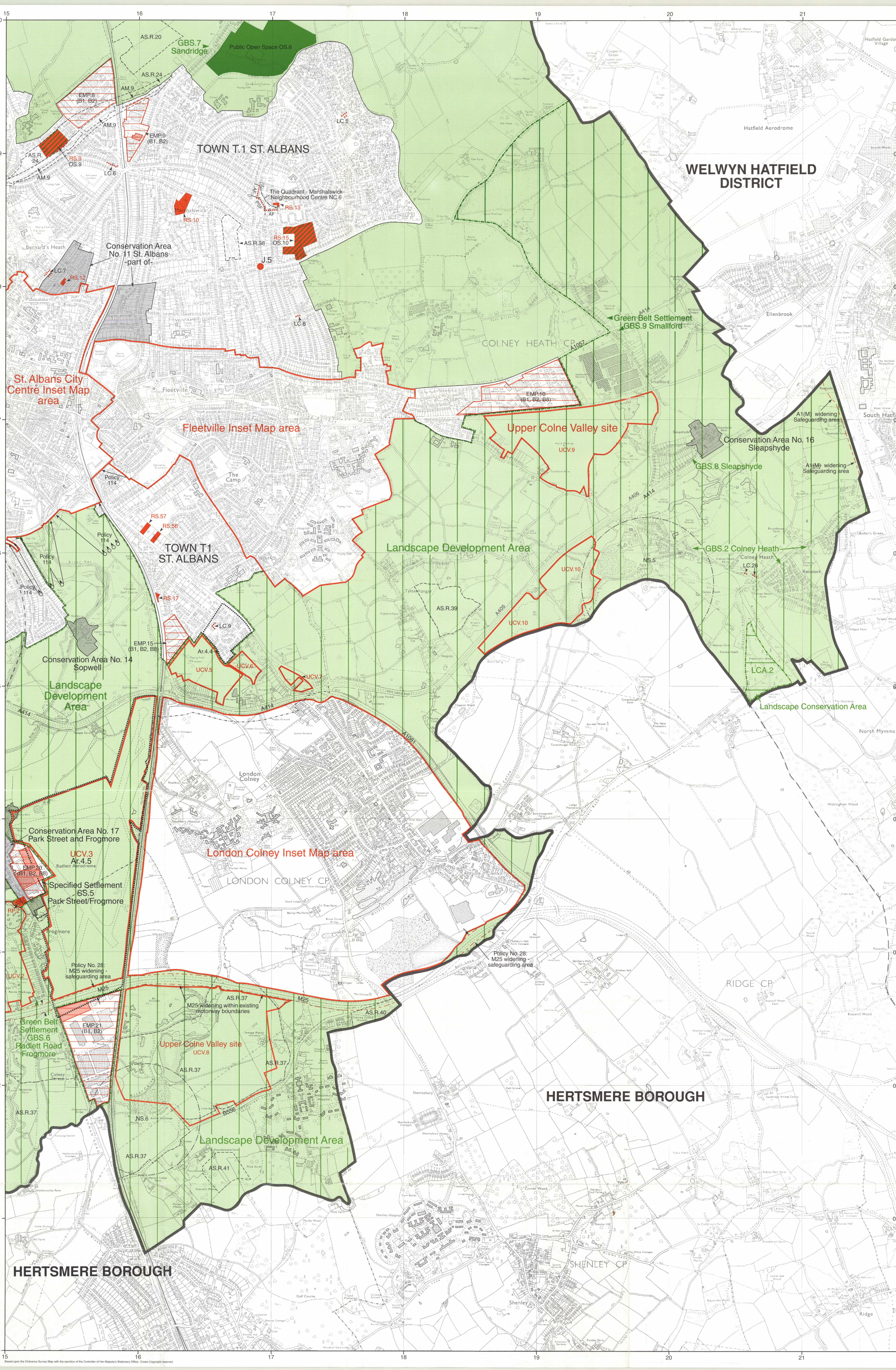
INSET MAPS: Larger scale Inset Maps have been prepared for :-  
FLEETVILLE  
HARPENDEN TOWN CENTRE  
LONDON COLNEY  
ST. ALBANS CITY CENTRE



This PROPOSALS MAP does not show any Policy or Proposal within the Inset Map areas

## POLICIES & PROPOSALS

PROP. MAP SHEET NUMBER	POLICY NUMBER	KEY STRUCTURING POLICIES
1,2,3,4	1	Metropolitan Green Belt
1,2,3,4	2	SETTLEMENT STRATEGY
1,2,3,4	2	Towns
1,2,3,4	2	Specified Settlements
1,2,4	2	Green Belt Settlements
1,2,3,4	4&5	HOUSING Location : Bricket Wood Example: R6.3. Number of site
1,2,3,4	20	EMPLOYMENT Employment Areas Acceptable uses (defined in Use Classes Order 1987) B1: Business Use, B2: General Industrial use B8: Storage and Distribution
1,2,3,4	20	Employment development sites in Employment Areas
1,2,3,4	26	Land for employment development at North-east Hemel Hempstead
1,3,4	28	TRANSPORTATION M1, M25, A1(M) and A5 widening safeguarding area - (land take not decided)
1,3,4	31	Policy 31: King Harry Junction improvement, St. Albans
1,3,4	32	County Council junction improvement schemes
1,3,4	33	Policy 33: Hemel Hempstead North-east Relief Road
1,3,4	38	Extension to East Lane public car park, Wheathampstead
1,2,3,4	54	SHOPPING and SERVICE USES NC - Neighbourhood Centres
1,2,3,4	54	Primary Shopping Frontage - neighbourhood centres
1,2,4	54	Class 'A' Frontage - neighbourhood centres
1,3,4	55	Local centres
1,3,4	63	SOCIAL and COMMUNITY SERVICES DS.1: Health centre, doctors' and dentists' surgeries
1,3,4	65	Primary school playing field extension
1,2,3,4	73	DESIGN and ENVIRONMENT Ar.4 - Article 4 areas
1,3,4	84B	Notifiable sites (hazardous installations)
1,2,3,4	85	CONSERVATION & HISTORIC BUILDINGS Conservation areas
1,3	92	LEISURE SL - New indoor sports facilities
1,2,3,4	93	New areas of public open space
1,3,4	94	Public open space provision in new residential areas
1,3,4	99	TOURISM H.1 New hotel
1,2,3,4	104	COUNTRYSIDE LCA - Landscape Conservation Areas
1,3,4	105	Landscape Development Area
1,3,4	106	Nature Reserve
1,3,4	106	Sites of Special Scientific Interest
1,2,3,4	109	ARCHAEOLOGY AM - Scheduled Ancient Monuments
1,2,3	110	Areas of Archaeological Significance: Sites for Local Preservation
1,2,3,4	111	Areas of Archaeological Significance: Sites where planning permissions may be subject to a recording condition
1,3,4	114	ST. ALBANS CITY CENTRE Zones of Visibility (St. Albans City Centre, Building Height, Roofscape and Skyline)
1,3,4	132	HIGHFIELD OVAL SITE, HARPENDEN Highfield Oval Site: future uses
1,3,4	143	THE UPPER COLNE VALLEY UCV - Land use proposals within the Upper Colne Valley





## **APPENDIX B: DRAFT CONDITIONS**

## 5/2019/3022 – Smallford Works Suggested Conditions

1. 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. The development hereby permitted shall be begun either before the expiration of two 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.

2. Plans and particulars of the reserved matters referred to in Condition C001 above, relating to the access to the site, appearance, layout and scale of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**REASON:** To comply with the provisions of Section 91 (i) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 02100 Rev A and Existing Site Plan 02101 Rev A.

**REASON:** For the avoidance of doubt and in the interests of proper planning.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- a. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination of the site.
- b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
- d. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution. To prevent further deterioration of a water quality element to a lower status class and prevent the recovering of a drinking water protected area. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

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

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

A site walkover, inspecting those areas previously inaccessible during the Phase I investigation, shall be undertaken and the findings taken in to consideration for the Phase II site investigations. This should be undertaken prior to clearance demolition of the site. 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.

6. The results of the site investigation and the detailed risk assessment referred to in Condition 5, shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

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

7. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 6 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.

8. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing. On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

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

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

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

10. 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 is not put at an unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants. To further prevent deterioration of a water quality element to a lower status class and prevent the recovering of a drinking water protected area. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

11. Piling/ deep footings/ investigation boreholes/ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

**REASON:** To ensure that the proposed intrusive activity does not harm groundwater resources. To further prevent deterioration of a water quality element to a lower status class and prevent the recovering of a drinking water protected area. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

12. Road and footway widths. Prior to the first occupation of the development details on the width of roads and footways within the development should be submitted to and



approved in writing by the Local Planning Authority. The approved widths shall be fully implemented before the development is first occupied.

**REASON:** To ensure suitable, safe and satisfactory planning and development. To comply with Policy 34 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 13.** Cycle parking. Prior to the first occupation 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. To comply with Policies 34 and 39 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 14.** Construction Management Plan/Statement. No development shall commence until a Construction Management Plan (or Construction Method Statement) 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 arrangement 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.

**REASON:** In order to protect highway safety and the amenity of other users of the public highways and rights of way. To comply with Policy 34 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 15.** Travel Plan. At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council

document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

**REASON:** To ensure sustainable travel options associated with the development are promoted and maximised. To comply with Policy 34 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 16.** Detailed Design Drawings. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays.
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading area.
- viii) Turning areas.

**REASON:** To ensure suitable, safe and satisfactory planning and development of the site. To comply with Policy 34 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 17.** The details to be submitted in relation to landscaping as required under Condition 2 above shall include details of both hard and soft landscaping works. These details shall include (a) proposed finished levels and contours; (b) means of enclosure; (c) car parking layouts; (d) other vehicles 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) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); (h) retained historic landscape features and proposals for restoration where relevant; (i) existing trees to be retained; (j) existing hedgerows to be retained.

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

- 18.** Soft landscape works required to be submitted under Condition 17 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.

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

19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme 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 and the National Planning Policy Framework.

20. No trees that are not scheduled for removal in the approved landscaping drawings required under Condition 2 shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the contractual practical completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

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

21. An arboricultural consultant shall be employed to supervise tree protection during the course of development including demolition and construction phases.

**REASON:** To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework.

22. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, and no building or enclosure or any new hardstanding shall be constructed within the application site without the prior written permission of the Local Planning Authority.

**REASON:** To allow the Local Planning Authority to retain control of the development in the interests of the openness of the Green Belt, visual amenity and character of the area having regard of the increase in permanent built form proposed and to comply paragraph 89 of the National Planning Policy Framework 2019.

23. The details to be submitted in relation to the reserved matters as required under condition 2 shall include details including scaled drawings of the proposed areas for refuse and recycling storage. The development shall be carried out in accordance with the details so approved prior to the first occupation of the site.

**REASON:** To ensure that the site can be adequately serviced in relation to waste and recycling in the interests of the amenity of the future occupants of the site, in accordance with the aims of Policy 70 of the St Albans District Local Plan Review and the National Planning Policy Framework.

- 24.** The development hereby permitted shall not be commenced until drawings showing existing levels and proposed slab levels have been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To enable the Local Planning Authority to exercise proper and considered control over the development as a whole, in compliance with Policy 69 of the St. Albans District Local Plan Review 1994.

- 25.** No work shall be commenced on site until full details of the number, size, layout, identification and location of car parking spaces has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the parking spaces have been provided as approved and thereafter they shall be maintained for this purpose.

**REASON:** To ensure adequate parking facilities are permanently provided in accordance with approved parking provision in accordance with the aims of Policies 39 and 40 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 26.** Before any of the dwellings hereby permitted is first occupied, all on site vehicular areas shall be laid out, surfaced and drained in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure satisfactory parking of vehicles outside highway limits in order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with the aims of Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

- 27.** No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. A public engagement strategy should also be produced. 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 on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 28.** Following the completion of the fieldwork and the post-excavation assessment in Condition 27, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

**REASON:** To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with 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.

29. This permission does not extend to the installation of external lighting. A scheme for such works shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works to install any external lighting. Works shall proceed in accordance with the scheme so approved.

**REASON:** In the interests of amenity and highway safety. To comply with Policies 9, 34 and 80 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework.

30. 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 in conjunction with Affinity Water:

- 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) A **Risk Assessment** identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- iii) A **Method Statement** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation measures** (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

**REASON:** Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. To comply with the National Planning Policy Framework.

31. 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 in conjunction with Affinity Water. 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. To comply with the National Planning Policy Framework.

- 32.** Prior to the commencement of development, details of a Surface Water **Drainage Scheme** that **does not include infiltration** shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

**REASON:** To provide confirmation that direct infiltration via soakaways will not be used due to the potential presence of contaminated land and the risk for contaminants to remobilise causing groundwater pollution potentially impacting public water supply. To comply with the National Planning Policy Framework.