

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

DLA Town Planning Ltd
5 The Gavel Centre Porters Wood
St Albans
Hertfordshire
AL3 6PQ

APPLICANT

Hunston Properties and the Trustees of the
Sewell Trust
C/o Agent

PLANNING PERMISSION

ADDITIONAL INFORMATION - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096)

Land to Rear of 112-156b Harpenden Road St Albans Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 07/12/2020 and received with sufficient particulars on 11/02/2021 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

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

Reason

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

Condition

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

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

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

Condition

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Reference 1956/P/101; Site Access Reference 19197/004 rev A.

Reason

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

Condition

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans: Parameter Plan 01: extent of Development; parameter plan 02: Road Structure; Parameter Plan 03: Building Heights

Reason

4. For the avoidance of doubt and in the interests of proper planning

Condition

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

Reason

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

Condition

6. Full details of both soft and hard landscape works should 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 mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments; and
- f) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting)

Reason

6. 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

Condition

7. A landscape and ecological management plan (LEMP) should 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 should cover all landscape areas within the site, other than small privately owned domestic gardens.

Reason

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

Condition

8. No development shall commence unless a method statement has been submitted to and approved in writing by the Local Planning Authority to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837. Thereafter the development shall be carried out in accordance with these approved details

Reason

8. 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.

Condition

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

Reason

9. 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.

Condition

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 contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason

10. 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.

Condition

11. 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 on-site arrangements: 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 areas; viii) turning areas. The proposed development shall be carried out in accordance with the approved details.

Reason

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

Condition

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

Reason

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

Condition

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No. 19197/004 Rev A). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason

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

Condition

14. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason

14. To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan review 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

15. No works shall commence until a detailed scheme is submitted to the LPA that shows the bus stop enhancements, including shelters, kassel kerbing and real time information bus displays must be provided for the NB and SB bus stops opposite the petrol filling station on Harpenden Road. The approved scheme shall be fully implemented prior to first occupation.

Reason

15. To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

16. The new access to serve the development shall not be constructed until the new turning head to serve No 126A to 132 Harpenden Road as shown in principle on Drawing No. 19197/002/01 REV D has been constructed. The turning space shall permit the entry and exit of both domestic and service motor vehicles in forward gear and shall be retained thereafter.

Reason

16. To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan.

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Condition

17. Prior to the commencement of the hereby approved application, a detailed scheme that safeguards a minimum 4m width area on the east of the site boundary and internal active travel route that leading to the area must be submitted to the LPA for approval. The approved scheme shall then be fully implemented prior to first occupation.

Reason

17. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 34 of the St Albans Local Plan, Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

18. No works shall commence until detailed design drawings are submitted to the LPA that show the provision of the two active travel accesses, being:

(1) North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station

(2) South East of the site & footway on Sandridgebury Lane.

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

Reason

18. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

19. No works shall commence until a detailed design drawing is submitted that shows the provision of 'Keep Clear' highway markings provided at the Beech Road / Seymour Road junction. All existing 'Keep Clear' markings on Harpenden Road between the Ancient Briton Signal and the proposed access junction must be reinstated as part of the offsite work / S278 process. Prior to first occupation of the site, the approved scheme shall be fully implemented.

Reason

19. To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan Review 1994 Policy 5 of Hertfordshire's Local Transport Plan.

Condition

20. Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason

20. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

21. 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 scheme must be designed in line with the

cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

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

Condition

22. 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 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.

Reason

22. In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 34 and 70 of the St Albans Local Plan and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

23. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate all of the relevant recommendations in Section 4 of the Turnstone Ecological Appraisal dated November 2020.

Reason

23. To comply with the requirements of Policy 106 of the St Albans Local Plan Review 1994 and the NPPF 2021.

Condition

24. 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.

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Reason

24. 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.

Condition

25. Following the completion of the fieldwork and the post-excavation assessment in Condition 24, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 24. 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

25. To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

Condition

26. A desktop study and site walkover shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desktop study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the desktop study shall be submitted to the LPA without delay upon completion.

Reason

26. 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 and the NPPF.

Condition

27. Prior to the commencement of any works other than those required to comply with this condition, 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 desktop study has been completed satisfying the requirements of condition 26 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.

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

Reason

27. 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.

Condition

28. The results of the site investigation and the detailed risk assessment referred to in Condition 27, 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 prior to the commencement of any other works.

Reason

28. 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.

Condition

29. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 28 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. 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

29. 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.

Condition

30. 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

30. 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.

Condition

31. 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

31. 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.

Condition

32. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020 and the following mitigation measures detailed within the FRA.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.43 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in attenuation pond.
3. Discharge of surface water from the private drainage network into the existing Thames Water Surface Water Sewer.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

32. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants, to comply with the NPPF 2021.

Condition

33. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020.

The surface water drainage scheme should include;

1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. The overland flow route through the site should be managed to ensure that it does not cause flood risk to the proposed development.
4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

33. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future users. To comply with the NPPF.

Condition

34. Prior to works commencing on site, details of how the development will incorporate a mix of rainwater and greywater harvesting, and water efficient fixtures, fittings and landscaping to achieve compliance with the target of 110/litres/person/day must be submitted to the Local Planning Authority for approval. The development will be constructed in accordance with the approved details and maintained in perpetuity.

Reason

34. To improve that the additional dwellings do not adversely affect the ability to supply water to the area as a whole, and ensure the meet the definition of sustainable development with regard to the efficient use of water, as required by the National Planning Policy Framework.

Condition

35. A noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the car wash process or any mechanical extract plant (e.g. refrigeration/air conditioning plant/etc) at the adjacent petrol station, are likely to give rise to excessive noise at the proposed new dwellings. The rating level of any noise from the plant/machinery/equipment from the adjacent petrol station shall not exceed the background sound level at the nearest proposed dwellings. Where additional measures are required to ensure noise from the petrol station does not exceed the background noise level, then a noise mitigation scheme shall be submitted to and approved in writing and implemented prior to the occupation of any of the units.

Reason

35. To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994

Condition

36. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development.

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

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

Internal ambient noise levels for dwellings

| Activity | Location | 0700 to 2300 | 2300 to 0700 |
|----------------------------|------------------|---------------------|--------------------|
| Resting | Living room | 35 dB Laeq, 16 hour | |
| Dining | Dining room/area | 40 dB Laeq, 16 hour | |
| Sleeping (daytime resting) | Bedroom | 35 dB Laeq, 16 hour | 30 dB Laeq, 8 hour |

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

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

Reason

36. To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

37. Open space shall be provided on site in accordance with the requirements of Policy 70 of the St Albans Local Plan Review 1994. No development shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

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

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Reason

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

Condition

38. The site is considered at high risk for dust and a Dust Management Plan should be submitted as part of the Construction management Plan required by condition 22. The plan must incorporate specific mitigation measures based on the site-specific risks as per the IAQM guidance (outlined from page 40 in the submitted Hawkins Air Quality Report Nov 2019).

Reason

38. To ensure the impacts during the construction phase are appropriately mitigated, to safeguard local air quality and residential amenity, to comply with the relevant provisions of the NPPF.

Condition

39. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

Reason

39. To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans Local Plan Review 1994 and the NPPF.

Justification for the grant of planning permission

The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the green belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). In this case, the harm relates to harm to the green belt, limited harm to character and appearance, and some harm to amenity during construction. There is limited conflict with the most important policies of the development plan (St Albans Local Plan Review 1994). The benefits include the provision of housing, self build housing and affordable housing, and the commitment to 10% biodiversity net gain. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 Agreement.

Signed



Tracy Harvey
Head of Planning & Building Control
St Albans City & District Council

Dated 12/01/2022

INFORMATIVES:

This decision was based on the following drawings and information:

| Document/plan | Date submitted | |
|---|----------------|----------|
| Site location plan | 10/02/21 | |
| Indicative layout | 10/02/21 | |
| Parameter plan - Access routes | 02/06/21 | |
| Parameter plan - Development zones/open space | 02/06/21 | 02/06/21 |
| Parameter plan - Building heights | 02/06/21 | |
| Planning Statement | 18/12/21 | |
| Planning Statement addendum | 02/06/21 | |
| Section 106 draft Heads of Terms | 02/06/21 | |
| Access plan - 19197-004A | 02/06/21 | |
| Transport Assessment | 18/12/21 | |
| Framework Travel Plan | 18/12/21 | |
| Stage One Road Safety Audit | 02/06/21 | |
| Designer's Response to Stage One Road Safety Audit | | 02/06/21 |
| Highways and Transport Addendum | 29/06/21 | |
| Highways and Transport Addendum II | 29/06/21 | |
| Noise report | 18/12/21 | |
| Flood Risk Assessment | 18/12/21 | |
| Utilities Assessment | 18/12/21 | |
| Arboricultural report and Tree Protection Plan | | 18/12/21 |
| Air Quality Assessment | 18/12/21 | |
| Ecological Appraisal | 18/12/21 | |
| Biodiversity metric letter and calculations | 02/06/21 | |
| Landscape and Visual Impact Assessment and Landscape Masterplan | | 02/06/21 |

Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx

Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Contaminated Land: Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site. Contaminated Land. Where a site is affected

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by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

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The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.