



# Appeal Decision

Hearing held on 19 March 2024

Site visits made on 6, 18 and 19 March 2024

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 May 2024**

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## **Appeal Ref: APP/B1930/W/23/3331451**

### **52 And Land Rear Of 28-74 Ragged Hall Lane, Chiswell Green AL2 3LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by LVW Brixton Hill Ltd against St Albans City and District Council.
  - The application Ref is 5.2023.1300.
  - The development proposed is described as "Outline planning application to include up to 53 dwellings (Use Class C3), associated green infrastructure, drainage and all ancillary works, new junction off Ragged Hall Lane following the demolition of no. 52 Ragged Hall Lane. Detailed approval is sought for access arrangements only, with all other matters reserved."
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### **Decision**

1. The appeal is allowed, and outline planning permission is granted for up to 53 dwellings (Use Class C3), associated green infrastructure, drainage and all ancillary works, new junction off Ragged Hall Lane following the demolition of no. 52 Ragged Hall Lane. Detailed approval is sought for access arrangements only, with all other matters reserved at 52 And Land Rear Of 28-74 Ragged Hall Lane, Chiswell Green, AL2 3LD in accordance with the terms of the application, Ref 5.2023.1300, subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The application was made in outline, with approval sought for access only. Matters of appearance, landscape, layout and scale are reserved for future applications, although parameter plans have been submitted for approval.
3. Since the appeal was submitted and with its evidence on the appeal, the Council has set out reasons for which it would have refused the application, had this appeal not been submitted. These have informed my main issues.
4. Before the hearing, the Council and the appellant submitted a signed Statement of Common Ground (SOCG). This narrowed down the remaining points of dispute between the main parties and also informed my main issues.
5. Several parties referred to the St Stephen Parish Neighbourhood Plan. However, the plan area does not include the site. It was confirmed and agreed at the hearing that it is not relevant to this decision.

6. In the days leading up to the hearing, Keep Chiswell Green (KCG) sought to update the Appendix to their appeal submission, to update their list and analysis of other Green Belt appeal decisions determined at inquiry. As this update had not been seen by the other main parties to the appeal, in consultation with the parties at the hearing, I declined to accept it in the interests of fairness, consistent with the Procedural Guide: Planning appeals – England. Nevertheless, I do still have the substantial evidence of KCG, including their original appeal decision analysis. It was discussed and agreed at the hearing that one of the decisions they were particularly keen for me to see<sup>1</sup> was already in evidence having previously been submitted by the appellant. As such, I am satisfied that no party has been prejudiced by my decision not to accept the late evidence of KCG.
7. Following the close of the hearing, the Secretary of State issued two appeal decisions for other Green Belt housing sites in Chiswell Green. The appellant wished to include these, and commentary on them as late evidence to the appeal. I sought the views of the main parties, including KCG (given their role at the hearing) as to whether or not this late evidence should be accepted. Those decisions dealt with housing in the Green Belt at Chiswell Green rather than with housing in the Green Belt more generally as in the late evidence of KCG. As such, it is my view that they represented an exceptional circumstance warranting their inclusion as late evidence to this appeal. In the interests of fairness, comments on the effect of these decisions on the cases made were sought and I have taken these into account in my decision.

### **Main Issues**

8. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - The effect of the proposal on the openness of the Green Belt.
  - The effect of the proposal on local landscape character and appearance.
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### **Reasons**

#### *Whether inappropriate development*

9. There is no dispute between the parties that the proposal is inappropriate development in the Green Belt. It is therefore by definition harmful to the Green Belt and should not be approved except in very special circumstances.
10. In this respect, the proposal is contrary to saved Policy 1 of the City and District of St Albans District Local Plan Review, adopted November 1994 (the Local Plan), and national policy in the Framework on protecting Green Belt land.

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<sup>1</sup> APP/B1930/W/23/3323099

### *Openness*

11. The proposal would plainly have an effect on the openness of the Green Belt. Although in outline, given the nature of the proposal and the parameters set out, it would lead to the introduction of built form where there currently is none, in the form of up to 53 dwellings.
12. In considering that effect, it is important though to note that the effect on the spatial component of openness would, in my opinion, be necessarily limited by the context to the site. It lies between a row of existing housing and a farm. That farm is itself well screened from the wider Green Belt and wider area. As such, the site does not represent a wholly unbounded intrusion into the Green Belt. This would however affect the spatial openness of the Green Belt.
13. Spatial openness can also have a visual component, and this was discussed at length at the hearing. The site itself is well screened, with the farm to the north and its boundary screening limiting longer views from the north, and the existing houses along Ragged Hall Lane limiting longer views from the south.
14. There is also screening to each side. Whilst this screening does not wholly obscure the site, it does limit views of and into it, filtering long views from the Watford Road, the public right of way from the Verulam estate and from other informal routes in the area. In addition, the site has a plainly different visual appearance to its surroundings. Much of the other land around the site, including from the farm and much of the rear of Ragged Hall Lane to the A414 appears to be a mixture of scrubland and tree planting, giving that land a more spatially and visually open character than the appeal site, which being in relatively short grass has a more managed appearance.
15. It was agreed at the hearing that the Green Belt studies I have before me, commissioned by the Council at various stages for plan preparation should be given weight in connection with their purpose. As such, whilst they are tools for the preparation of the plan, they are of limited direct relevance to the appeal proposal, given the scale of the land parcels they address. Further, KCG sought to suggest that the most recent, 2023, studies should themselves be given limited weight as they had yet to be reviewed, amended if necessary and then approved by the Council for plan making.
16. Turning to the purposes of the Green Belt set out in the Framework it was agreed that the proposal conflicts with purposes a) to c). Taking each of these in turn, I find that given the location of the site and the particular nature of its surroundings and the physical features of the Green Belt and settlements around it, the proposal would result in limited harm to the purpose of checking the unrestricted sprawl of large built-up areas. There was a discussion as to whether or not Chiswell Green was a large built-up area for this purpose. However, I find no need to reach a conclusion on that point. In any event, the location of the A414, the topography and the Green Belt land which would remain to the west, north and east of the site, as well as the land which would remain north of the A414, and the natural boundary of the farm all contribute to limiting harm to this purpose. Further, the exercise of control through the development management process and this appeal means that growth is not unrestricted.

17. For the same reasons, I find limited harm to the purpose of preventing neighbouring towns merging into one another. The gap; visual, spatial and perceptual between Chiswell Green and St Albans would, in my opinion remain fundamentally the same as it appears today. In this, I also note that the resultant gap between the built form of Chiswell Green and St Albans would still be larger than the (in my opinion, much more prominent and easily seen) gap between them where the Watford Road crosses the A414.
18. Given the scale of the proposal and its relationship to the existing built and natural environment, as well as the proposed planting, landscaping and development parameters, I find that the proposal would cause limited harm to the purpose of safeguarding the countryside from encroachment. Whilst it is clear, as I have acknowledged above that the site is countryside, for the same reasons as set out above, I find such harm to be limited.
19. The existing spatial and visual constraints to the site do, in my opinion, somewhat limit therefore the harm to the openness of the Green Belt. Whilst I have found limited conflicts with the purposes of the GB, the proposal would cause harm, and that harm must be given substantial weight.

*Landscape character and appearance*

20. It is the Council's case, confirmed at the hearing and reinforced by third parties that the bulk of the alleged harm to landscape character and appearance would be limited to the site itself, with effects on the immediate area. Screening, both existing and proposed, and the landscape features which reduce views into and of the site, discussed above, all contribute to reducing any landscape effects beyond the site itself. This is consistent with the position in the Landscape and Visual Impact Assessment submitted by the appellant. From the evidence and my observations of the site and its surroundings, I agree with this assessment.
21. However, I do not agree with the suggestion that wider harm to the landscape would be caused by the presence of the developed site, or its relationship to the adjoining built form, either Chiswell Green or the farm. I accept that the local landscape character and appearance would change. The northern edge of this part of Chiswell Green would expand into what is currently countryside, and the farm would now adjoin the urban edge rather than be separated from it by a field in grass. However, I consider that the magnitude of that change would be limited by the already built and developed immediate context to the site.
22. I do not disagree that the change to landscape character and appearance would be evident to users of the public right of way and local residents. However, I am not convinced that such a change would be unacceptably harmful. However the site is currently experienced, either in fleeting, filtered distant views, when travelling along the public right of way, or from private property, it is only ever done so within the very obviously built-up and essentially urban or urban-edge character of its context. Whilst the farm would lose the final strip of undeveloped land separating it from Chiswell Green, such a situation is not unusual, and I do not find it harmful in and of itself. In any event, given the limitation of visual effects to within or close to the site, such change would not harm the landscape character and appearance of the area.

23. I note the Council's concerns over the future effectiveness of proposed planting, but the application was made in outline, with approval sought for access only. Matters of landscape and layout in particular are reserved for future applications. Although parameter plans have been submitted, there is nothing within them that suggests that landscape character and appearance concerns relating to the landscaping of the site and its wider effects could not be adequately addressed through future detailed applications.
24. Allied to the effects on landscape character and appearance, parties to the appeal expressed concerns over the effect of the proposal on the public right of way which passes through the site and around effects on access to open space. At the hearing and in representations it was made plain that the part of the site through which the public right of way passes is used for a variety of functions, including dog walking and exercise. The appellant confirmed however that the land is private, only being passed through by that public right of way. As noted, there is no intention to remove it, and illustrative plans show that its line would remain. At present, close to the site the public right of way already has a range of visual and spatial contexts; passing through woodland, running between garden boundaries and a line of conifers, running between houses and a field, within vegetation, across an open field (the site), through a farm along a private drive and then across scrubland lined with trees before running alongside the A414 and linking up to the wider network. Set against this already mixed context, I do not consider that the proposal would harm the amenity of users, or otherwise make it a less attractive, practical or well-used route. Indeed, as noted above, the proposal could lead to greater use of the public right of way and an increase in access to space around it.
25. Taking all of the above together, I find that whilst the proposal would of course change the landscape character and appearance of the site, this would not be harmful, and any wider effects would be limited by the scale of the site and the character and appearance of its context. Further mitigation of any residual landscape character and appearance effects could be provided through details in future applications for reserved matters approval.
26. As the proposal would not cause unacceptable harm to local landscape character and appearance, I therefore find that it does not conflict with saved Policy 74 of the Local Plan insofar as it is relevant, or national policy in the Framework on achieving well-designed and beautiful places.

*Whether very special circumstances exist*

27. I have found that the proposal would, by definition, be inappropriate within the Green Belt. Although it would have limited conflict with the purposes of including land within the Green Belt and cause limited harm to openness, these harms carry substantial weight as required by the Framework.
28. I have found above that there would be no harm to the character and appearance of the area.

29. The proposal does include significant public benefits, found in the delivery of market, self- and custom-build housing and a policy-compliant level of affordable housing. At the time this appeal was submitted, the housing land supply in this area was significantly short of the amount required by national policy. By the time of the hearing, the Council confirmed that it had fallen further, and the Housing Delivery Test results were similarly poor. As such, it is not necessary for me in this appeal to make a determination as to the level of supply. Quite simply, delivery and supply in this area is failing to meet national policy requirements by a significant margin, and, despite suggestions that there will at some point be a plan-led solution, there is little short-term prospect of that position changing. The main parties agree that the area is deficient in both affordable and market housing supply and delivery.
30. It has been suggested to me that housing and any attendant benefits are not particularly unusual or special, sufficient for them as other considerations to clearly outweigh any harm to the Green Belt. However, to my mind, given the parlous state of both housing land supply and delivery in this area, new housing does appear to be both so vanishingly rare and in such great need that the provision of it must attract significant weight. That the level of supply appears to have worsened with the passage of time during this appeal is also relevant. National policy is clear that failure in both supply and delivery engages policy mechanisms to restore supply and to achieve the Government's objective of significantly boosting the supply of and delivering a sufficient supply of homes. I find therefore that the provision of housing attracts significant weight.
31. In addition to housing, the proposal also includes public open space, children's play space and environmental improvements including biodiversity net gain, even though not strictly required. The proposal would also retain the existing public right of way, and would, in effect, allow lawful access to the space it passes through. There are also economic benefits connected to this proposal, both during the construction phase and arising from the residents. Whilst these were not quantified, there is no doubt that they would arise. All of these factors taken together, attract moderate weight.
32. Taking all of the above together, I find that these other considerations do clearly outweigh the harm I have found to the Green Belt. As such, I consider that the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
33. Consistent with the approach in the Framework set out above, saved Policy 1 of the Local Plan requires very special circumstances for development of the type proposed here to be acceptable, subject to other criteria within that policy. I will return to these matters later in my decision.



## Other Matters

34. I have been provided with a large number of other appeal decisions by parties to this appeal, to bolster the case that I should, can, should not or cannot allow this appeal. The decisions I have been provided with cannot provide a complete picture of the approach to the Green Belt or give rise to a definitive weighting to be given to every consideration. For example, the decisions submitted by KCG are only inquiry decisions. Further, whilst the decisions submitted to me make plain the conclusions of those Inspectors on those appeals, I have not seen (nor do I wish to encourage the submission of) the evidence which led to those conclusions nor did I hear the testing of that evidence, which will have informed the way those decisions were made.
35. As decisions are written for the informed reader, whilst consistency in decision making is an important part of the planning process, decisions are necessarily made on the particular merits of the particular case. Indeed, at the hearing, it was agreed that fundamentally, each case is decided on its own merits. As such, whilst I acknowledge all of those previous appeal decisions, the conclusions reached in them do not affect my reasoning or conclusions in this case.
36. It was put to me that the grant of planning permission on this site would spell the end of the Green Belt in this area through the loss of this site and by enabling further incremental loss or weakening the concept and cohesion of the Green Belt. That it would in essence, suffer death by a thousand cuts. I accept that future decision makers may be presented with this decision, and I accept that this decision could alter the area and the context to any future decisions. However, any future decision maker would be as independent as I am. They would make their decision on the merits of the case before them, as I have done here. This decision, and my exercising of my planning judgement within it does not fetter any future decision maker in their exercise of their planning judgment.
37. At the event, the balance between a development, the principle and density of which some consider to be uncharacteristic of the area, and the efficient use of Green Belt land was discussed. It was suggested to me that such a balance can only properly be struck through the plan-making process. I do not agree with this position, and as set out above, consider that this proposal does demonstrate a suitable striking of that balance. Other than the assertion that this should be done at the plan-making stage I have not been presented with compelling evidence otherwise, and given the delays to plan-making in this area, I give such concerns limited weight in any event.
38. I note concerns raised over the loss of agricultural land. However, the site is not currently in agricultural use, and the land is not of an Agricultural Land Classification level specifically protected by the Framework.
39. In all other matters, including those raised by third parties, including highway safety and effects upon the living conditions of occupiers of adjoining properties, on the evidence before me, I agree with the position set out in the SOCG. Taking all of that together, there is nothing in the other matters put to me which lead me to alter my conclusions thus far.

## **Planning obligation**

40. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for contributions towards childcare, ambulances, General Medical and General Practice services, library services, mental health services, primary education, secondary education, special educational needs and disabilities, waste transfer station, youth services, affordable housing, biodiversity net gain, self-build provision and play space provision meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
41. A finalised, agreed obligation was before me at the hearing, and a signed and sealed agreement under section 106 of the Act has been provided within the extended deadline agreed. The Councils confirmed in advance of, and during the hearing that this undertaking meets their requirements, both legally and with regard to what it will secure and deliver. I agree with that conclusion. On that basis, I consider that the proposal could secure satisfactory contributions towards the matters listed. In this respect, the proposal would therefore comply with saved Policy 143B of the Local Plan.

## **Conditions**

42. The Council has suggested a number of conditions to be attached, should planning permission be granted, the appellant has agreed these conditions, and they were discussed at the hearing.
43. Having had regard to the evidence, the requirements of the Framework and the Planning Practice Guidance I have imposed the standard outline conditions concerning the scope of the reserved matters and implementation (1 to 3). I have also imposed a plans condition (4) to make clear the parameters applying to the permission granted.
44. Conditions 5, 6, 8, 9 and 10 are necessary to ensure that the proposal is appropriately landscaped, and that existing features of landscape and ecological value are protected. Condition 7 is necessary to ensure that the proposal delivers an appropriate housing mix. Conditions 11, 12, 13 and 14 are necessary for the protection of highway safety and convenience. Conditions 15, 24 and 33 are required such that the proposal is constructed without causing harm to the living conditions, safety and convenience of occupiers of surrounding properties, and to ensure that the delivery of the site takes place in an appropriate manner. Conditions 16, 17, 18, 19 and 20 are required to ensure that the proposal is properly, suitably and sustainably drained. Condition 21 is necessary to ensure that access to water supplies is available for the emergency services. Conditions 22 and 23 are necessary to ensure that any archaeological remains if found are properly understood, identified and appropriately dealt with. Condition 25 is necessary for the provision of appropriate living conditions for future occupiers. Condition 26 is necessary to ensure that any external lighting does not harm the living conditions of future occupiers or occupiers of surrounding properties.



45. Conditions 27, 28, 29 and 30 are necessary to protect health in case of any land contamination issues. Condition 31 is necessary to ensure that open and play space is provided in accordance within the submitted parameters. Condition 32 is required to promote sustainable development through the minimisation of waste and the maximisation of recycling during construction.
46. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance, that they have been kept to a minimum and only imposed where necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

### **Planning Balance**

47. There is no disagreement between the Council and the appellant that the supply of housing land in this area is insufficient. The SOCG stated that the level of supply was 2 years. This was reduced by later submissions from the Council. That this is the position in this area is bolstered by recent appeal decisions, allowed and dismissed. Although I accept that subsequent decisions may have further altered the level of supply, there is no suggestion that the large shortfall has been wholly made up. I give no weight to the suggestion that housing land supply is merely a theoretical construct and should be disregarded in favour of some other approach. It is clearly the basis on which national policy around housing is founded, and there is nothing to reasonably suggest that I depart from the approach set out so succinctly in the evidence of both parties on the application of and execution of the tests in the Framework.
48. National policy stresses importance of both housing delivery and the protection of Green Belt land. On the basis of representations to this appeal, both in writing and in person, it is clear that the protection of Green Belt is also of particular importance to residents of the local area.
49. In cases such as this there is a balance to strike between those two important aims, and the construction of national policy and the tests within it provide a way to carry out that balance. The test at paragraph 11dii of the Framework applies unless the application of the policies in the Framework which protect areas or assets of particular importance, in this case Green Belt, provide a clear reason for refusing the development proposed.
50. In my reasoning above I have applied the Green Belt policies within the Framework and indeed, the development plan, to the development proposed. I have not found that the application of those policies provides a clear reason for refusing the development proposed.
51. The test at paragraph 11dii of the Framework is therefore engaged, such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
52. The proposal would see the delivery of housing. This is described by the Council themselves as contributing significantly towards meeting an identified housing need in the area, both for affordable and market housing. In consultation responses and in the SOCG, the Council give the delivery of housing substantial weight.

53. Other benefits include but are not limited to the provision of public open space, children's play space and environmental improvements including biodiversity net gain and the retention of the existing public right of way. There are also economic benefits connected to this proposal, both during the construction phase and arising from the residents. These benefits would be delivered on a site with limited landscape character and appearance effect, in a broadly sustainable location and with no other absolute constraints on delivery.
54. Set against those benefits, the only adverse impact identified is the harm to the Green Belt, already considered in my reasoning above.
55. Taking all of the above together, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the Framework taken as a whole.
56. As a result, the proposal benefits from the presumption in favour of sustainable development. This is a material consideration in my determination of this appeal.

### **Conclusion**

57. The Local Plan is plainly old and time-expired. In addition, it predates the relevant and original Frameworks by some years. Nevertheless, it is broadly consistent with the Framework in that it requires the demonstration of very special circumstances to give permission for development other than for the exceptions set out. In addition, it remains the development plan, and as such, retains its legislative primacy.
58. The relevant development plan policy concerning Green Belt, Policy 1, requires the demonstration of very special circumstances. I have found that these exist. It also requires integration with the existing landscape, noting the importance of siting, design, external appearance and additional landscaping. There is nothing to suggest that these could not be satisfactorily dealt with in future detailed reserved matters applications. The proposal provides for biodiversity net gain, avoiding harm to ecological value. As such, there is no conflict between the proposal and this development plan policy. Any remaining conflict with other development plan policies is extremely limited and outweighed by the benefits and very special circumstances I have found above.
59. I therefore find that taking all of the above together, there is limited conflict with the development plan. However, there are material considerations which clearly and strongly weigh in favour of the grant of planning permission, including the demonstration of very special circumstances, the delivery of much-needed housing and the presumption in favour of sustainable development, sufficient to outweigh that limited conflict. As such, there are material considerations which indicate that a decision be taken other than in accordance with the development plan.
60. The appeal should therefore be allowed, and outline planning permission granted.

*S Dean*

INSPECTOR

## Appearances

### FOR THE APPELLANT:

Anjoli Foster  
Matt Richards BSc(Hons) MSc MRTPI  
Paul Gibbs  
Edward Josey  
Blaine McMahon

Landmark Chambers  
Savills  
David Jarvis Associates  
Markides Associates  
Scene Architects

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Connell BA(Hons) DipTP MRTPI

GCPP

### INTERESTED PARTIES:

Mr King  
Mrs St Ledger McCarthy  
Mr Dowling  
Mr Avery  
Mr C Berry  
Mr Shaun Greaves BA(Hons) DipURP MRTPI

Keep Chiswell Green  
Keep Chiswell Green  
Keep Chiswell Green  
1<sup>st</sup> St Albans Scouts  
CPRE  
Representing Mr Doherty,  
Mr Abernethy, Mr Hurst (local  
residents)

Mr & Mrs Shaveet  
Mrs Stokes  
Mrs Dowling  
Mrs Westwood  
Mr Atkinson  
Mr Abernethy

Local resident  
Local resident  
Local resident  
Local resident  
Local resident  
Local resident

## Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) for each phase of the development as defined by the Phasing Plan agreed as part of condition 33, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase, begins and the development shall be carried out as approved.
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.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (RHLSA-SCN-XX-XX-DR-01.001-A1 Rev. P01),  
Movement Parameter Plan (RHLSA-SCN-XX-XX-DR-A-01.115-A3 Rev. P01),  
Density Parameter Plan (RHLSA-SCN-XX-XX-DR-A-01.112-A3 Rev. P00),  
Land Use Parameter Plan (RHLSA-SCN-XXXX-DR-A-01.111-A3 Rev P02),  
Proposed Access Arrangement (23149-MA-XX-DR-C-001 Rev P01).

5. Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval for that phase, as required by Condition 1. The landscaping details to be submitted shall include:
  - a) existing and proposed finished levels and contours
  - b) trees and hedgerow to be retained;
  - c) planting plans, including specifications of species, sizes, planting centres, number and percentage
  - d) mix, and details of seeding or turfing;
  - e) hard surfacing;
  - f) means of enclosure and boundary treatments; and
  - g) structures (such as furniture, play equipment, refuse or other storage units, signs, lighting).
6. A landscape and ecological management plan (LEMP) for each phase, shall be submitted as part of application(s) for reserved matters approval for that phase, as required by Condition 1 and include:
  - a) A description of the objectives;
  - b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion;
  - c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
  - d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
  - e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met. The LEMP shall cover all landscape areas within the site, other than privately owned domestic gardens.

7. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, shall be submitted as part of application(s) for reserved matters approval as required by Condition 1.
8. Notwithstanding the submitted 'Arboricultural Impact Assessment' – SJA air 23287-01 (by SJA trees, June 2023), 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.
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 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.
10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed or with the written consent of the LPA. 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 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.
11. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 23149-MA-XX-DR-C-001 P01 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The works will be carried out by way of agreement under Section 278 of the Highways Act, 1980, and shall include having basal growth removed and crown lifted to give a clearance of 2m from ground level for the two trees east of the site identified in the road safety audit submitted by the applicant. Section 278 works shall also include accessibility works identified in the applicant's WCHAR as follows:
  - Route 1 – site to bus stops "Install dropped kerbs missing from the Ragged Hall Lane crossing between the northern footway and footpath leading to Watford Road to the southbound bus stop."
  - Route 2 - Site to Chiswell Green. "Install tactile paving"
  - Route 3 – Site to Doctors surgery. "Improvements to the dropped kerb crossing at the doctors surgery access with widening and tactile paving."
  - Route 4 – Site to primary school. "Widening the path at this corner to follow the desire line."

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

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

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

13. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 23149-MA-XX-DR-C-001 P01. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

15. No development, or any specified phase of the development shall commence until a detailed Construction Management Plan (CMP) 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 CMP. The Construction Management Plan shall include the following:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;



- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

16. Prior to or in conjunction with the submission of any Reserved Matters application for a particular phase of the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system incorporating source control measures and ensuring that all surface water is infiltrated at the worst infiltration rate recorded for the corresponding critical storm shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information (drawings and calculations) about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. The updated information shall utilise a CV value of 1 and a suitable safety factor as stated in the Ciria SuDS Manual to ensure the attenuation is sized sufficiently for the critical design storm. This shall also include the following information:

- Demonstrate that there is no discharge from the site and that the worst-case infiltration rate as demonstrated within the FRA are utilised for the corresponding critical storms.
- Demonstrate that the proposed surface water drainage system does not surcharge in the 100% AEP (1 in 1 year) critical storm duration, flood in the 3.33% AEP (1 in 30 year) plus climate change critical storm duration or the 1% AEP (1 in 100 year) critical storm duration.
- Demonstrate that any flooding that occurs when taking into account climate change for the 1% AEP (1 in 100 year) critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes.

17. Development shall not commence until details and a method statement for any required interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

18. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority, ensuring the integrity of the permeant SuDS drainage features throughout the construction of the development and prevention of any silt or debris from leaving the site through the drainage system. The scheme shall subsequently be carried out in accordance with the approved details.

19. The development, or any specified phase of the development hereby approved shall not be occupied until details of the maintenance and management of the development, or any specified phase of the development relating to the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- a. a timetable for its implementation.
  - b. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
  - c. Details of the Flow path conveyance and mitigation measures and maintenance requirements
  - d. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

20. Prior to first occupation of the development a detailed verification report, (appended with substantiating evidence demonstrating that the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme for that phase and flow path conveyance and mitigation features), shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a full set of "as built" drawings together with photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.
21. No above ground works of the development, or any specified phase of the development shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes for specified phases at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
22. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological evaluation and open area excavation followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority and Historic England. This must be carried out by a professional archaeological organisation in accordance with the agreed Written Scheme of Investigation.

23. Following the completion of the fieldwork and the post-excavation assessment in Condition 22, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 22. 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.
24. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).
25. Prior to commencement of the development, or specified phase of the development hereby permitted, a noise assessment shall be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings within specified phases(s) of the development to establish the potential impact of noise from road traffic etc. on the proposed development.

Sound insulation measures shall 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.

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:

<b>Activity</b>	<b>Location</b>	<b>0700 to 2300</b>	<b>2300 to 0700</b>
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 L<sub>Amax,f</sub> for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L<sub>Amax,f</sub> to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

26. Prior to commencement of above ground works of the development or specified phase of the development details of any external lighting proposed within specified phases(s) in connection with the development, including a light spillage plan, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

27. Other than works of site clearance works down to ground level, and including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:
- i. a survey of the extent, scale and nature of contamination; and
  - ii. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
28. The results of the site investigations set out in condition 27 and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain 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 are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The options appraisal and remediation strategy shall be approved in writing by the Local Planning Authority prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.
29. Before any dwelling is occupied, verification report(s) demonstrating completion of the works set out in the remediation strategy (set out in condition 28) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The reports shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy 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.
30. 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.

31. Open space shall be provided on site in accordance with the approved parameter plans. No development shall commence until details of all play spaces within specified phases have been 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 play space 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
32. No development or specified phased development shall take place until a Site Waste Management Plan for the site, or phase been submitted to and approved in writing by the Local Planning Authority in consultation with the Waste Planning Authority. The SWMP shall aim to reduce the amount of waste being produced on site and shall contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.
33. Prior to, or in conjunction with the submission of the first reserved matters application, a phasing/sequence plan of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**End of Schedule of Conditions**