

Town and County Planning Act 1990 (As Amended) –
Section 78 Town and Country Planning (Inquiry Procedure) (England) Rules 2000

Appeal by Mr R Martin against the refusal of St Albans City and District Council, as Local Planning Authority, to grant Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure

At

Land Between Caravan Site And, Watling Street, Park Street, St Albans

STATEMENT OF CASE OF ST ALBANS CITY AND DISTRICT COUNCIL

June 2024

Planning Inspectorate Ref: APP/B1930/W/24/3343986

Local Planning Authority Ref: 5/2022/0267

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1. Site and Surroundings

- 1.1. The application site consists of a broadly triangular parcel of land, extending to around 4.5 hectares, located to the west of Watling Street and to the north of Old Orchard. The site is mainly adjacent to residential properties to the east and south, whilst open fields mainly lie to the west of the site beyond existing trees. Watling Street Caravan Park and an electricity substation lie beyond the north eastern boundary of the site, whilst a petrol station is opposite the site's north western most point. The site principally slopes down from Watling Street towards the fields west of the application site. The site is currently used for agricultural purposes and is sited within the Metropolitan Green Belt.

2. Planning History

2.1. At the application site, the following application comprises relevant planning history:

2.2. 5/1977/0676 – Agricultural Dwelling (outline). Refused on 25/11/1977 for the following reason:

“The site is within the Metropolitan Green Belt as defined in the approved County Development Plan and as similarly identified in Hertfordshire 1981 Planning Objectives and Policies, where it is the policy of the District Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes or unless there is some quite outstanding reason why permission should be granted. It is considered that no such need has been proved. Furthermore, the proposed development does not comply with Policy 2 of submitted County Structure Plan Written Statement which states that it is the District Planning Authority’s policy to retain a Green Belt extending over the whole of the County wherein there is a general presumption against development which will only be accepted, whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned”

2.3. The following application was adjacent to the application site:

5/2014/0316 - Land Off Of, Old Orchard, Park Street, St Albans - Outline Application (all matters reserved) - Erection of 10 detached dwellings – Refused on 08/05/2014 for the following reasons:

The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is inappropriate development in the Metropolitan Green Belt and would be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt. This is contrary to the provisions of the National Planning Policy Framework (March 2012) and Policy 1 (Metropolitan Green Belt) and Policy 2 (Settlement Strategy) of the St Albans District Local Plan Review 1994. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances are apparent in this case.

By reason of the loss of hedgerow and trees, and the lack of scope for substantial planting along the rear boundary of the site, the proposal would fail to respect its setting in the Metropolitan

Green Belt and Watling Chase Community Forest, or existing landscape assets. The proposal is therefore contrary to the National Planning Policy Framework, March 2012, and Policy 1 (Metropolitan Green Belt) and Policy 74 (Landscaping and Tree Preservation) of the St Albans District Local Plan Review 1994.

In the absence of a completed and signed S106 legal agreement to provide for leisure and open space provision, sustainable transport measures, primary education, secondary education, nursery education, childcare, youth, libraries and fire hydrants, the infrastructure needs of the development would not be met and the impact of the proposal would not be mitigated. The proposal is therefore contrary to

the National Planning Policy Framework, March 2012, and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.

Appeal subsequently dismissed (APP/B1930/A/14/2228339) on 28/01/2015.

2.4. There have also been a number of other major applications within the District, referred to in both the officer committee report and the statement of common ground. These include:

- i. 5/2021/3194 – Land North of Chiswell Green Lane – Refused and allowed at appeal (App/B1930/W/22/3312277):

Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions.

It is understood leave has been granted to judicially review this decision.

- ii. 5/2022/0927 – Land South of Chiswell Green Lane - Refused and allowed at appeal (App/B1930/W/22/3313110):

Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements.

It is understood leave has been granted to judicially review this decision.

- iii. 5/2020/1992 – Roundhouse Farm, Bullens Green Lane - Refused and allowed at appeal (App/B1930/W/20/3265925):

The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access).

- iv. 5/2021/0423 – Land to Rear of 112-156B Harpenden Road - Approved

Residential development of up to 150 dwellings together with all associated works

- v. 5/2020/3022 – Land To Rear Of Burston Garden Centre - Refused and allowed at appeal (App/B1930/W/21/3279463)

Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.

- vi. 5/2021/2730 – Land off Orchard Drive - Approved

Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works.

- vii. 5/2022/2557 – Land North of Boissy Close, Heath Lane – Approved

Outline application (access sought) - Construction of up to 40 dwellings (including 3 self-build homes) with car and cycle parking, landscaping and associated works.

- viii. 5/2023/0983/LSM – Copsewood Lye Lane, Bricket Wood – Resolution to grant planning permission

Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works.

- ix. 5/2022/1988 – Land to the Rear of 42-100 Tollgate Road and 42 Tollgate Road – Refused and dismissed at appeal (App/B1930/W/23/3323099)

Outline application for the demolition of the existing house and stables and the erection of up to 150 dwellings, including affordable and custom-build properties, together with all ancillary works (all matters reserved except access).

3. Planning Policy

3.1. National Planning Policy Framework

3.2. St Albans District Local Plan Review 1994:

POLICY 1 Metropolitan Green Belt POLICY 2 Settlement Strategy

POLICY 8 Affordable Housing in the Metropolitan Green Belt

POLICY 34 Highways Consideration in Development Control

POLICY 35 Highway Improvements in Association with Development

POLICY 39 Parking Standards, General Requirements POLICY 40 Residential Development Parking Standards

POLICY 69 General Design and Layout

POLICY 70 Design and Layout of New Housing

POLICY 74 Landscaping and Tree Preservation

POLICY 84 Flooding and River Catchment Management

POLICY 84A Drainage Infrastructure

POLICY 97 Existing Footpaths, Bridleways and Cycleways

POLICY 102 Loss of Agricultural Land

POLICY 106 Nature Conservation

POLICY 143A Watling Chase Community Forest

POLICY 143B Implementation

3.3. Supplementary planning Guidance/Documents

Design Advice Leaflet No 1 – Design and Layout of New Housing

Affordable Housing SPG 2004

Revised Parking Policies and Standards January 2002

3.4. St Stephen Parish Neighbourhood Plan 2022:

POLICY S1 Location of development

POLICY S2 Housing Mix

POLICY S3 Character of Development

POLICY S4 Non-designated Heritage Assets

POLICY S5 Design of Development

POLICY S6 Minimising the Environmental Impact of Development

POLICY S7 Protecting Natural Habitats and Species

POLICY S10 Green Infrastructure and Development

POLICY S11 Improvements to Key Local Junctions And Pinch Points

POLICY S12 Off-street Car Parking

POLICY S13 Bus services and Community Transport

POLICY S14 Provision for Walking, Cycling and Horse-Riding

POLICY S17 Leisure Facilities for Children and Teenagers

POLICY S24 Broadband Communications

- 3.5. The Council has recently consulted on a Regulation 18 draft of a new Local Plan for the District. The application site is included as an allocated site (L2) within the draft emerging Local Plan. At this time, however, it is considered that only limited weight at most could be afforded to the content of the draft emerging Local Plan.

4. The Council's Case

4.1. The reason for refusal on this application is:

The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt (harm in principle) and other harm to coalescence which is not clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns, lack of social housing and a failure to demonstrate that the proposal would not exceed the capacity within the highway network. The proposal is therefore contrary to the National Planning Policy Framework 2023 and Policy 1 and 8 of the St Albans District Local Plan Review 1994.

4.2. The Council has resolved not to defend this appeal.

5. Other Considerations/ Other Matters

Section 106 Agreement

- 5.1. The appellant has provided a Unilateral Undertaking, which at present appears to cover the contributions/obligations that were being sought during the determination of the planning application. On this basis, the Council has no objections to the Section 106 Agreement.
- 5.2. However, the Council will need to review its position should new information, evidence or circumstances arise during the appeal process which would affect the contributions or obligations proposed by the appellant.

Conditions

- 5.3. Appended to this document as Appendix One are suggested conditions for the application, which have been taken from the Officer Committee Report from January 2024 on the planning application.

Other Requirements

- 5.4. The start letter for this appeal requires details to be set out within this Statement when and where appeal documents can be inspected.
- 5.5. Documents will be available to view online at <https://www.stalbans.gov.uk>. Alternatively, they can be viewed in person at Civic Centre, St Peter's Street, St Albans, Hertfordshire, AL1 3JE, England between 0845 and 1700 Monday to Thursday and 0845 and 1630 on Fridays (excluding public holidays).

APPENDIX ONE – SUGGESTED CONDITIONS

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

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

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

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

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 82-01 C, PP-01 F, 5153233-ATK-GEN-PRKST-DR-C-000001 Rev P1.6.

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

5. Details shall be submitted as part of an application seeking approval of scale at reserved matters stage showing existing land levels and proposed slab levels for each proposed dwelling/building.

REASON So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 69 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

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

REASON To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994 and Policy S2 of the St Stephen Parish Neighbourhood Plan.

7. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of initial trial trenching followed if required by 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. This must be carried out by a professional archaeological consultant or organisation in accordance with the agreed written scheme of investigation.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

8. Following the completion of the fieldwork and if needed the post-excavation assessment in Condition 7, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 7. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

9. As part of applications seeking approval of landscaping and layout at reserved matters stage, detailed planting plans shall be submitted in relation to additional tree planting along the western site boundary.

REASON So that the landscape and visual impact of the development is acceptable. To ensure that adequate tree planting can be provided on the application site, which can effectively mitigate the visual harm arising from the development, and create a stronger defensible edge to the application site. So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 74 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

10. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which have been shown to be retained. These trees shall be protected during the implementation of the development in accordance with the recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

REASON To protect existing trees during the course of 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.

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

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

12. A Construction and Environment Management Plan (CEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1. The CEMP will need to formalise the proposals set out within the Preliminary Ecological Appraisal in respect of the practicalities of undertaking any works in the context of safeguarding biodiversity. A site walkover survey should also be provided as part of the CEMP.

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

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1 and include:

- a) A description of the objectives;
- b) Details of habitats retained and created;
- c) Maintenance of habitat/feature creation measures in the long term (30 years) and those responsible for implementation, delivery and management;
- d) Lighting strategy (detailing how the ecological impact of light pollution will be minimised);
- e) Details of monitoring and potential mechanism for remedial measures to ensure habitat expectations are met.
- f) Details (type and location) of integrated bat boxes and bird (swift) boxes to be included in the proposal;
- g) Details of hedgehog highways between gardens;
- h) Details of reptile hibernacula or other ecological features proposed within the site;
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured;

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens, unless specifically required in any of the criteria listed above.

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

14. 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, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

15. 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.5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 - located within the Transport Assessment dated 14 January 2022). 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 To ensure satisfactory access into the site and avoid the carriage of extraneous material or

surface water onto the highway in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

16. (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 has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- o A toucan or tiger parallel crossing to the north of the proposed site access junction;

- o Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;

- o Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and

- o Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) No dwellings within the scheme hereby permitted shall be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details; unless an alternative timeframe has been otherwise agreed in writing with the Local Planning Authority.

REASON 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 Policies 34 and 35 of the St Albans District Local Plan Review 1994.

17. No works shall commence until detailed design drawings and a scheme outlining timescales for delivery are submitted and approved in writing by the Local Planning Authority that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

The accesses stated above must be completed and available for use in accordance with the approved design details and the scheme outlining timescales for delivery.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

18. 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 scheme shall also outline a timescale for delivery of the aforementioned requirements. Development shall thereafter proceed in accordance with the approved scheme, and the cycle parking provision shall be retained in perpetuity for this purpose.

REASON To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 34 and 39 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

19. No development shall commence until vehicle swept path movements plans are provided for the following:

a. a large car accessing all car parking spaces allotted to both housing and visitor parking bays;

b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 14); and

c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

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

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

carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

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

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

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

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

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

REASON Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the

ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. To meet the aims of the National Planning Policy Framework.

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

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

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

REASON To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply. To meet the aims of the National Planning Policy Framework.

24. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and ground gas 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.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

25. The results of the site investigation and the detailed risk assessment referred to in Condition 24, shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

26. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 25 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The

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

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

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

- a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.
- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.
- c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).
- d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.
- f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any

soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.

g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.

h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.

i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.

j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.

k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

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

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

29. 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, aircraft, railways, industry, construction etc. on the proposed development. The noise assessment shall be submitted to and approved in writing prior to the first occupation of the dwellings hereby permitted.

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:

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 L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,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 In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

30. The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

31. No development shall take place, other than works relating to access, until a submission has been made to the Local Planning Authority and is approved in writing, which demonstrates that either:

- a) the development hereby permitted can be served by a superfast broadband (fibre-optic) connection alongside confirmation that such a connection will be provided; or,
- b) such a connection would not be either possible, practical or economically viable.

In the event of b) being demonstrated, sufficient and suitable ducting should be provided within the site and to the properties hereby permitted to facilitate ease of installation at a future date on an open access basis. Confirmation that such ducting will be provided within the scheme should be given when discharging this condition.

REASON So as to meet the requirements of Policy S24 of the St Stephen Parish Neighbourhood Plan 2022.