CITY & DISTRICT OF ST ALBANS

DELEGATED PLANNING APPLICATION

Reference No: 5/19/0223

Valid Date: 31/01/2019

End of Stat Period Date: 27/03/2019

Case Officer: Andrew Wright

Report Written Date: 16/04/2019

Applicant: Mr Rees DB Rees Builders Ltd

Proposal: Construction of three, three bedroom terraced houses with associated parking and landscaping, alterations to existing access from highway

Site Address: Land Between 2 And 16 Radlett Road Frogmore St Albans

Ward: PARK STREET

Parish: ST STEPHEN

Constraints:

Parish
Metropolitan Green Belt
Flood Plain Zone 3
Flood Plain Zone 2
Area of Special Control for Adverts

BACKGROUND

Site / Surroundings:
The application site is of c.1,490m² in area located to the west side of Radlett Road, Frogmore, north of the corner junction with Hyde Lane. Directly to the south lie 3no. recently constructed detached houses granted planning permission in 5/2016/2602 which are not yet occupied. To the west (rear) lies the River Ver and a man-made lake, with the rear part of the site lying at a lower level within Flood Zone 3 and front part (where the houses are proposed) within Flood Zone 1. To the north lies No. 2 Radlett Road, a detached property with large detached garage near to the shared boundary; the shared boundary consisting of a line of mature trees. To the Radlett Road front (east) boundary there are boundary trees and hedge vegetation. The site lies entirely within the Metropolitan Green Belt.

Proposal:
Construction of three, three bedroom terraced houses with associated parking and landscaping, alterations to existing access from highway. The new terrace would be c.21m wide x 9m deep, located in line with the 3 newly constructed houses to the south side. There would be 8 parking spaces to the front including 2 in a double garage (6m x 6m footprint), retention of front and north side boundary landscaping, new landscaping to south boundary, and rear gardens would slope down to an 8m buffer zone (required by EA) adjacent to the river.

Relevant Planning History:

Application site:
5/2017/0564 - Outline application (access and layout) - Detached five bedroom house with double garage – Withdrawn

Adjacent site to south:
5/2016/2602 - Demolition of existing dwelling and buildings and erection of three detached dwellings with associated landscaping, parking and new access (amendment to planning permission 5/2015/3187 dated 17/02/2016) – Conditional Permission – 28/10/2016

5/2015/3187 - Demolition of existing dwelling and buildings and erection of three detached dwellings with associated landscaping, parking and new access – Conditional Permission – 17/02/2016

Other sites within the District mentioned in the Report:
Land Between Garden Cottage And Rosalia, Annables Lane, Kinsbourne Green, Harpenden - 5/2015/1292 - Outline application - (all matters reserved)- Three, five bedroom dwellings (resubmission following withdrawal of 5/2014/3373) – Deemed Refusal – Dismissed at Appeal

Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge - 5/2015/0476 - Outline application (means of access sort) for five detached dwellings – Refused and Dismissed at Appeal

**PLANNING POLICY**

National Planning Policy Framework 2019

St. Albans District Local Plan Review 1994:

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**REPRESENTATIONS**

**Publicity:**

**Site and Press Notice:** 13/02/2019  
**Expires:** 13/03/2019

**Notifications:**

The owner/occupier of Nos. 1, 2, 3, 5, 7 and 9 Radlett Road and No. 3 Hyde Lane were notified 12/02/2019.

One representation had been received at the time this report was written, from No. 2 Radlett Road, objecting on the following grounds:

- This is an already overdeveloped site, formerly of 1 house
- Green Belt site and should be kept open
- Bought current house knowing that there was green land all around
- More attractive if left at just the 3 houses already constructed
- Disruption during building works

**Town / Parish Council:**

St Stephen Parish Council – No Objection

**Consultations:**

**Environmental Compliance**

No objection subject to Condition(s) in relation to piling works and land contamination

**Hertfordshire Highways**

No Objections subject to Condition in relation to access width and Informatives

**Herts Ecology**

No Objection subject to Informative(s) in relation to coppicing of the river side willow
DISCUSSION

Main Issues:

The main issues with this application for planning permission are:

- Whether the proposal represents ‘inappropriate development’ in the Green Belt
- Housing land supply
- Impact on neighbour’s amenities
- Living conditions for future occupiers
- Trees and Landscape
- Ecology
- Highways and Parking
- Other Matters
- Planning Balance

Whether the proposal represents ‘inappropriate development’ in the Green Belt

The site is within the Metropolitan Green Belt. The NPPF 2019 (paras 143 and 144) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; that substantial weight should be given to any harm to the Green Belt; and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policy 1 of the Local Plan broadly concurs with the aims of the NPPF in this regard, and weight should be attributed to this Local Plan policy also.

Paragraph 145 of the NPPF sets out that new buildings in the Green Belt should be regarded as inappropriate, apart from a number of listed exceptions including the following of relevance:
  e) limited infilling in villages; and
  g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  – not have a greater impact on the openness of the Green Belt than the existing development; or
  – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In relation to exception g) above, the Glossary to the NPPF includes a definition of previously developed land (PDL) as follows:

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

The application site was indicated as being under the same ownership as the adjacent recently developed site in the application submission for the adjacent development; albeit it was outside the ‘red line’ application site and indicated to be ‘paddock’ on the approved plans, which
included boundary treatment between the 2 sites. It is clear from a site visit that the current application site is not currently used for a specific purpose, but would be fenced in accordance with approved plans for the adjacent development. Therefore, even if historically the site was within the curtilage of No. 16 Radlett Road and planning permission 5/2016/2602 was considered appropriate Green Belt development due to it complying with the PDL exception, the implementation of planning permission 5/2016/2602, which includes replacing No. 16 Radlett Road with 3 houses plus boundary treatment, it is considered that the site would fail to qualify as PDL as set out in the NPPF definition.

It therefore falls to be determined whether the scheme represents ‘limited infilling in villages’, in accordance with NPPF para 145 exception e).

Whether the development represents limited infilling in villages
It is acknowledged that, taking account of the wording of exception e) and the findings of previous appeal decisions, it is useful and necessary to consider the following in determining whether the development represents limited infilling in villages:

- Whether the site is located in a village
- If so, is it infill development?
- If so, is the development limited?

Whether the site is located in a village
The Local Plan 1994 Proposals Map Sheet 4 indicates that the ribbon development either side of Radlett Road to the south lies within ‘Green Belt Settlement GBS.6 Radlett Road Frogmore’, but does not indicate a boundary to that development. Furthermore, Figure 4 (Settlement Strategy) of the 1994 Local Plan provides an indicative map of the boundary of the Green Belt Settlement, but due to lack of detail it is not definitive in relation to the application site. The policies map accompanying the emerging Local Plan does seek to define the extent of areas for the purposes of applying draft policy L5 (Small Scale Development in Green Belt Settlements), and excludes the current application site; but it is understood that this was drawn prior to construction of the 3 houses to the south side. Furthermore it is acknowledged that although it has been submitted for examination, only limited weight is apportioned to its contents at this time.

In any case, appeal cases have demonstrated that the extent of the village is a matter of judgement based largely on the physical evidence on the ground.

In this case, there are the 3 recently constructed detached houses to the south and detached property No. 2 Radlett Road to the north, with garage structure near the shared boundary; row of terraced properties opposite the site; denser ‘ribbon’ development either side of Radlett Road located south of the aforementioned neighbouring development, but open land either side of Radlett Road located north of the aforementioned neighbouring development.

It is considered that the ‘village’ (for these purposes) of Frogmore extends in a ribbon development along both sides of Radlett Road, and given the current site context, it is considered that the principle determination should be as to whether the ‘village’ extends to the northern boundary of the newly constructed row of 3 houses, or whether it should be to the northern boundary of No. 2 Radlett Road.

In this regard, it is noted that there is currently open space of 90m north of No. 2 to the relatively clear boundary of the ‘Park Street’ settlement at Minster Court, and this open space is on both sides of Radlett Road representing a clear visual break in built form. The application site, however is c.28m wide and there is built form to both sides and opposite. Furthermore, when travelling north along Radlett Road there are clear views of the terrace opposite (No’s 1-11) and No. 2, when adjacent to the application site. Travelling south, No. 2 is the first house visible after turning a corner immediately upon / before entering Frogmore, and more dense development (including the terrace opposite) becomes apparent at the same time.

Consequently it is considered that, given the specific current site context in this case, the application site can be considered to be within a village for these purposes.

A useful appeal decision within the District, in relation to 3 houses at ‘Land Between Garden Cottage And Rosalia, Annables Lane, Kinsbourne Green, Harpenden’ (Ref: 5/2015/1292) was
on a comparable 'potentially edge of village' site; albeit it was for 3 detached houses and the appeal was dismissed. In that case the Inspector examined the density and pattern of development to either side of the site to determine the extent of the village ‘on the ground’, and although in that case it was found that the site was outside the village, the same principles have been applied in the current assessment.

If so, is it infill development?
It is acknowledged that as neither local nor national planning policy defines what constitutes infilling, it has been regarded as being the infilling of a small gap within an otherwise built-up frontage or group of houses. Furthermore, in another appeal decision within the District (Re: 5/2015/0476 - Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge – for 5 dwellings) the Inspector noted (para 12): ‘I consider that to be considered infill development a proposal would generally need to be located in a gap between buildings or an otherwise developed frontage and should substantially fill or close the gap.’

In this case the new terrace would continue the building line set by the recently constructed detached properties directly to the south, with the large detached garage and main property located to the north side. It would leave c.6.5m to the nearmost of the new detached dwellings (similar to the gaps between the recently constructed dwellings) and there would be c.10m gap left between the proposed double garage and that of No. 2. Furthermore the terrace would be of similar height to the houses either side, and the proposed double garage would be of comparable scale to that of No. 2. As such, it is considered that the new terrace plus garage would be located in a gap between buildings, and would substantially fill or close the gap, and the proposed development would represent infill development.

If so, is the development limited?
There is no planning policy definition of ‘limited’ in relation to infill development, and an assessment must be made on the ground. In this regard it is noted that the proposed properties would be of comparable height and depth to the properties to the south side, with width of each of the terraced properties comparable to that of the terraced properties on the opposite side of Radlett Road (c.6.5m - 7m width). Furthermore, the curtilage of the site is slightly smaller than that of the previous curtilage of the site to the south at No. 2, and than that of No. 2 to the north.

In this case, the development is considered to be ‘limited’ and in keeping with the scale and pattern of development in the vicinity.

Given the above, it is considered that the proposed scheme would represent ‘limited infilling in a village’ and therefore falls within the exception to inappropriate development in the Green Belt found in NPPF para 145 e). There is therefore no requirement to demonstrate ‘very special circumstances’, although the development must prove acceptable in relation to other material planning considerations. It is also reasonable and necessary to withdraw permitted development rights for enlargements and outbuildings to maintain the openness of the Green Belt in this location.

Housing Land Supply

With the revocation of the East of England Plan there is no definitive Development Plan housing target/requirement for the District. It is accepted that there is now a vacuum in the Development Plan in this regard. In a Court of Appeal Decision regarding Sewell Park, St Albans, on 12 December 2013 (Hunston), the judges have set out in the absence of a Development Plan figure the decision taker must use "the most up-to-date figures" (para 12) for "full objectively assessed needs" (para 26) on which to base 5 year land supply calculations.

The NPPF (2019) sets out at paragraph 73:

_Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies36, or against their local housing need where the strategic policies are more than five years old37. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

... c) 20% where there has been significant under delivery of housing over the
previous three years, to improve the prospect of achieving the planned supply.

37 Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

39 From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

The Government’s ‘standard method’ for Local Housing Need identifies for the District an average of 902 new homes per annum. The ‘Housing Delivery Test’ results were published on 19 February 2019. This sets out that a 20% ‘buffer’ is to be applied.

The Council has updated its 5 year land supply schedule and considers that, at a baseline date of 1 April 2018, there is approximately, including the relevant 20% buffer:

2.2 years supply

Therefore, the Council cannot demonstrate a 5 year housing land supply as set out in the NPPF 2019. Significant positive weight is given in the planning balance to the contribution that the 3 units of additional housing would make towards meeting the unmet need, in line with the relevant paragraphs of the NPPF.

Rural Siting

It is noted that paragraph 79 of the NPPF sets out that planning decisions should generally avoid the development of isolated homes in the countryside (unless one or more of a list of circumstances apply). In this case, given the proximity of other residential properties, and that it is considered to fall within a ‘village’ for the purposes of Green Belt assessment, (as set out above), it is not considered that the proposed development would represent isolated homes in the countryside.

Impact on neighbour’s amenities

The only nearby residential properties likely to be directly impacted by the development are the newly constructed property to the south (yet to be occupied), and No. 2 Radlett Road to the north. The new property to the south is located some 6.5m away from the proposed block, the front and rear of these adjacent buildings would be roughly in line and would not breach an angle of 45° line of site from any main window. Furthermore, subject to a condition to obscure glaze secondary upper floor side windows (bathroom and secondary bedroom windows only) there would be no adverse overlooking caused.

In relation to No. 2, a more significant gap of at least 10m would be retained, along with the extensive boundary treatment, and subject to a condition to obscure glaze secondary upper floor side windows (bathroom and secondary bedroom windows only to this side as well) there would be no adverse overlooking caused.

The proposed dwellings would also be positioned a sufficient distance from other neighbouring properties to ensure no harm to their residential amenities.

Given the above, the proposed development would not result in any significant loss of residential and visual amenity to the occupiers of neighbouring properties from loss of light or overlooking, and would not be visually overbearing. The scheme is considered to be acceptable in this regard, in line with the relevant planning policy.

Impact on the amenities of future occupiers

The submitted plans indicate that each of the created houses would benefit from main rooms of a reasonable size, and with front and rear facing main windows providing adequate degrees of lighting and outlook, such as to provide for a good standard of amenity for future occupiers. In addition, the private rear gardens (at least 150m² for each of the 3-bed houses) would provide for useable amenity space in excess of the Council’s minimum standards (80m² for a 3-bed
property). Furthermore, the siting of the terrace block would be an adequate distance from the significant trees / landscaping to the north side and front boundaries, sufficient to mitigate any potential concerns in relation to shading of main rooms.

It is noted that there is one first floor side facing window on the nearest newly constructed house (Plot C), which has the potential to cause overlooking into the southernmost of the terraced properties herein proposed. However, this window would serve a bathroom and is therefore likely to be obscurely glazed, there would be vegetation on the shared boundary which would screen views to some degree. Furthermore it is located c.8.3m from the shared boundary which, although below the Local Plan policy guideline of 13.5m, is still considered to represent a reasonable separation distance from this bathroom window. As such, it is not considered that an unacceptable degree of overlooking would result in this case, causing harm of such severity as to warrant a refusal of planning permission for this reason.

Given the above, the scheme is considered to be acceptable in relation to the amenities of future occupiers, in line with the relevant planning policy.

Trees and Landscape

Within the Green Belt landscaping is normally required to screen developments and help integrate them into the surrounding landscape. The submitted proposed Landscape Plan provides details of the layout of the landscape following development, retaining landscaping to these boundaries, which is acceptable in principle.

It is noted that the approved plans for the 3 new houses to the south in planning permission 5/2016/2602 (Condition 2) included a Tree Protection Plan (LP/16RRFH/010 B) and a Landscape Plan (TPP/16RRFH/010 B), and that Condition 4 required that the tree protection measures, methods, planting and landscaping shall be carried out in accordance with the details set out on the aforementioned drawings. These approved plans include significant new native hedge and tree planting to the mutual boundary, and tree protection fencing for trees, to the front and rear boundaries but not on the side boundary between that site and the current application site. As such, and given that the site is not within a conservation area and the trees in question were not covered by a Tree Preservation Order (TPO) the removal of the trees between the 2 sites appears to be lawful. In addition, the proposed tree protection measures and landscaping presented in the current application do not conflict with those previously approved (including indicatively showing the approved landscaping to be planted on the adjacent site). As such, there is no objection to the removal of the trees dividing the 2 sites, but it is considered important to ensure adequate tree protection and landscaping on the site, as shown on the updated Landscape Plan and Tree Protection Plans (equivalent of the aforementioned plans for the adjacent site).

If retaining the existing boundary landscaping to the side and frontage, the proposed double garage and bin storage areas would be well screened from the streetscene, and the visual impact of the new terrace block would also be suitably softened.

Planning permission 5/2016/2602 for the adjacent site included in condition 4:

‘The tree protection measures, methods, planting and landscaping shall be carried out in accordance with the details set out on drawings LP/16RRFH/020 B received 27/10/2016 and TPP/16RRFH/010 B’

Given the above discussion, it is considered necessary to add a similar condition relating to the equivalent plans for this site, plus implementation prior to occupation, so as to ensure that existing trees are protected and to ensure satisfactory landscape treatment of the site in the interests of visual amenity.

Ecology

The application site is near to a public footpath that follows the banks of the river Ver, but located on the opposite side of the river channel. Across from the site beyond the river is the Frogmore Gravel Pit Local Wildlife Site (LWS). It is also close to the Quarry at Former Radlett Local Aerodrome Wildlife Site (LWS). Water vole is recorded in the area as well as Small Heath
butterfly a species of Principal Importance under the NERC Act 2006. The LWS are unlikely to be affected by the development.

The area between 2 and 16 originally consisted of an area of grassland bounded by hedges on 2 sides with scrub and trees along part of the river edge. A third hedge; formally forming the boundary of no 16, is shown on aerial photos to now have been removed. More recent imagery indicates this area has been subject to clearance and disturbance and is now largely bare or rough ground. This has degraded the river corridor locally, one of the area’s most important ecological assets. However, Hertfordshire Ecology advise that following discussion with the agents, it was determined that no ecological surveys were necessary in this instance.

The plans include drawings of the proposed elevation showing the inclusion of 3 Shwegler 2Fr bat tubes into the construction. The accompanying landscape plans detail a wildflower strip along the bank of the river and small areas of native species shrub at the front of the development. The front and side hedges are being retained, though as the side hedge is composed of non-native Cypress it is of restricted ecological value. There are also suggestions within the plan to consider coppicing of the collapsed willow along the river bank which should be followed. Without this, the wildflower strip cannot be easily created or maintained, whilst the coppicing will help to prolong the life of the willows. These are useful and proportional ecological enhancements.

However, concern is raised in relation to the management required to maintain these habitats as there is no information as to whom the obligation falls to undertake any of the work, and the habitats created may not survive if not managed appropriately.

Given the above, it is recommended to secure by condition the delivery of the aforementioned ecological enhancements, along with provision of a management plan.

Highways and Parking

Radlett Road is designated as a principle ‘A’ road and acts as a main distributor in the road hierarchy and is subject to a speed limit of 30mph and highway maintainable at public expense. The local highway authority (LHA) advise that there have been no recorded accidents in the near vicinity in a 5 year rolling period. In relation to provision for sufficient visibility for this type of junction in this location; the site is within a 30mph speed limit, and the submitted plans show a proposed access with bell mouth, effectively increasing the existing highway access into the site. The LHA advise that, with a speed limit of 30mph on Radlett Road a bell mouth access is excessive, and that the vehicle access should be of a width that supports a two way flow of traffic which is typically a min. of 4.1m in width as a shared surface with pedestrians, to allow better access from the highway. Given the above concerns, although there is no objection from the LHA, a condition is added requiring further details of the highway access, including details of any shared surface, to be provided prior to occupation.

In relation to parking provision, there would be a total of 8no. spaces to serve 3no. 3Pbed properties. Each space would measure 2.4m x 4.8m and 6m turning space would be left in front of each space, and they are considered to represent useable spaces. The Local Plan requirement of 2 allocated spaces is met, but the additional 0.5 ‘unallocated’ spaces per dwelling (ie 1.5 spaces in total) are not shown on the proposed site plans.

It is noted that the Local Plan Revised Parking Policies and Standards 2004 and the NPPF 2019 allow for reduction in parking requirements in relatively sustainable locations where parking demand may in practice be reduced. In this case, the site is located on Radlett Road, c.200 metres from bus stops to both the south and north within Frogmore and Park Street respectively, and there are some amenities within walking distance in both settlements. As a result, on balance it is considered that the proposed parking provision is acceptable in this instance.

Other matters

The Council’s Environmental Compliance officer has returned no objection subject to Conditions in relation to land contamination. Given the potential for contamination at the site, it is considered necessary for such conditions to be added. In addition the recommended condition
in relation to piling is also considered necessary and reasonable, given the proximity of
neighbouring residential properties.

The Hertfordshire Fire and Rescue Service have requested fire hydrant provision, and it is
considered necessary for a condition to be added requiring a scheme of such provision.

An Informative is added drawing attention to the advice of the Hertfordshire Constabulary in
relation to potential crime prevention measures.

An Informative is added drawing attention to the advice of the Environment Agency in relation to
potential need for Flood Risk Permit(s).

Planning Balance

Taking the above discussion into account, the proposal represents appropriate Green Belt
development, and it is not necessary to demonstrate very special circumstances. Significant
positive weight is given to the provision of 3 housing units, and limited negative weight is given
to the impact on the landscaped character and appearance of the site and area. Other impacts
discussed above are, subject to conditions in relation to highway access, land contamination
and obscurely glazing upper floor side windows, assessed to be acceptable. Given the above,
and taking into account the presumption in favour of sustainable development, the proposed
development of the site for housing is acceptable, subject to a suite of planning conditions.

Comment on Town / Parish Council / District Councillor / Concern(s):
The material planning considerations are addressed above. Matters raised in relation to
disruption caused during construction would not be considered material planning
considerations. Potential impacts in this regard are controlled in environmental legislation, and
an informative drawing attention to the Control of Pollution Act is added in this regard.

REASONS FOR GRANT/REFUSAL

To include justification for recommendation and relevant development plan policies
The proposed development represents appropriate Green Belt development, and it would
provide housing units to meet an identified need in the District. Subject to conditions, the impact
on the Green Belt and character and appearance of the site and the surrounding area would be
acceptable. There would be no adverse impact on the amenities of the occupiers of
neighbouring properties, and living conditions for future occupiers would be acceptable. The
proposed level of car parking is acceptable and, subject to conditions, access arrangements are
acceptable. The proposal is in accordance with the aims of Policies 1, 2, 5, 34, 39, 40, 69, 70,
72, 74, 84 and 106 of the St. Albans District Local Plan Review 1994 and the National Planning

HUMAN RIGHTS CONSIDERATIONS
The following recommendation is made having regard to the above and also to the content of
the Human Rights Act 1998

RECOMMENDATION: Conditional Permission Decision Code: A1

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from
the date of this permission.
   To comply with the requirements of Section 91 of the Town and Country Planning Act
1990.

2. The development hereby permitted shall be carried out in accordance with the following
approved plans: RLR/19/PL/L25, RLR/19/PL/L01, RLR/19/PL/L10, RLR/19/PL/L20,
RLR/19/PL/LP01, RLR/19/PL/L21, RLR/19/PL/L02, 16RRFH/030C and 16RRFH/040C received
30/01/2019.
   For the avoidance of doubt and in the interests of proper planning.
3. No works to construct the external surfaces of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

4. The tree protection measures, methods, planting and landscaping shall be carried out in accordance with the details set out on drawings 16RRFH/030C and 16RRFH/040C received 30/01/2019. The tree protection measures shall be in place prior to any works commencing. All hard and soft landscape works, including landscaping works alongside the south west side boundary of the current application site, shown on the plans hereby approved shall be carried out in accordance with the approved details. These works shall be carried out prior to the occupation of any part of the development hereby approved.

To ensure that existing trees are protected and to ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

5. The ecological enhancements shown on the plans hereby approved shall have been constructed / planted (as appropriate) prior to occupation of any of the development hereby approved. These ecological enhancements comprise: the Shwegler bat tubes; creation of wildflower strip along the bank of the river; small areas of native species shrub at the front of the development; and coppicing of the collapsed willow along the river bank. These ecological enhancements shall be managed in accordance with a management plan which shall have been submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development hereby approved.

In order to secure the ecological enhancements shown in the plans. To comply with Policy 106 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

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

(i) The requirements of the Local Planning Authority for site investigations have been fully established; and

(ii) The extent and methodology have been agreed in writing with the Local Planning Authority. Copies of the interpretative report on the completed site investigation shall be submitted to the Local Planning Authority without delay on completion.

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

7. The results of the site investigation and the detailed risk assessment referred to in the previous condition 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 Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.

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

8. A verification report demonstrating completion of the works set out in the remediation strategy in the previous condition and the effectiveness of the remediation shall be submitted in writing and approved by the Local Planning Authority. 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.

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

9. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the Local Planning Authority. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing.

On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

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

10. 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.

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

11. Details of the amended highway access point, including details of any shared surface, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works to the amended highway access point. The highway access shall be a minimum width of 4.1 metres in accordance with the Hertfordshire County Council residential access construction specification. Works shall proceed in accordance with the details so approved, and the approved amended highway access point and shared surface shall be completed prior to occupation of any of the development hereby approved.

To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity. In the interests of the safety and convenience of the pavement user. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

12. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as an ancillary to the development.

Such that adequate parking provision is made to meet the needs of the development both now and in the future. To comply with Policy 40 of the St. Albans District Local Plan Review 1994.

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

To allow the Local Planning Authority to retain control of the development in the interests of residential amenity, to protect the character of the area, to protect Green Belt openness and to comply with Policies 1, 69 and 70 of the St. Albans District Local Plan Review 1994.

14. Details of the proposed finished floor levels and slab levels of all buildings, and the existing and finished ground levels of land within the application site and on adjacent land including the River Ver, shall be submitted to and approved in writing by the Local Planning Authority.
Authority before any work commences. Works shall proceed in accordance with the details so approved.

To ensure that construction is carried out at a suitable level having regard to the character and appearance of the development, Green Belt, streetscene, and the amenities of neighbouring occupiers. To comply with Policies 1 and 69 of the St. Albans District Local Plan Review 1994.

15. If piling is considered the most appropriate method of foundation construction, prior to commencement of piling works, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

In the interests of the amenities of residents of neighbouring properties. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

16. None of the properties hereby permitted shall be occupied until fire hydrant(s) have been provided in accordance with a scheme for hydrant provision which has been previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by paragraph 12.33 of the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document.

To mitigate the impacts of the proposed development on emergency service provision, and to comply with Policy 70 of the St. Albans District Local Plan Review 1994 and he National Planning Policy Framework 2019.

17. The window(s) to be created in the upper floor side elevations of the dwellings hereby approved shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

18. Prior to occupation of any of the development hereby approved 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.

To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity. In the interests of the safety and convenience of the pavement user. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Informative(s):

1. This determination was based on the following drawings and information:
RLR/19/PL/L25, RLR/19/PL/L01, RLR/19/PL/L10, RLR/19/PL/L20, RLR/19/PL/LP01, RLR/19/PL/L21, RLR/19/PL/L02, 16RRFH/030C, 16RRFH/040C, RLR/19/PL/L05, Cover Letter / Statement, Desk Study Report Ref: M41729/RE005 Rev A, Arboricultural Report received 30/01/2019; Planning Note March 2019 received 27/03/2019; Desk Study Report Ref: M41729/RE001 Rev A, Ground Investigation Report Ref: M41729/RE002, Options Appraisal and Remediation Strategy Report Ref: M41729/RE003, Geotechnical Report Ref: M41729/RE004 received 29/03/2019.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

3. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal
action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

4. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

5. Noise Insulation - Conversion:

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

6. Internal ambient noise levels for dwellings:

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

7. Dust:

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

8. Bonfires:

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

9. Ecology:

Any coppicing of the river side willow should take place when the trees are dormant between October and the end of February and outside of the nesting bird season (March to August inclusive) in order to protect breeding birds, their nests, eggs and young.

10. Flood Risk Permit:

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

11. Please the following advice from the Principal Crime Prevention Design Advisor:

The side gates on plots 1 and 3 should be brought forward to the building line to deny a recess where someone could hide whilst attacking the gate. The gates should be fitted with a locking mechanism that allows for locking from either side. A small amount of light should be available to the front entrance areas in the form of a wall mounted dusk to dawn luminaires. I am particularly impressed with the dedicated storage area for the 'Wheelie-bins'. This design allows for safe storage and access whilst not giving any indication as to the occupation of the homes. Bins brought out on collection day, but left out after collection, can be used as an indication that the house is empty until the occupant returns home later.
12. Road Deposits:

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx

13. Obstruction of public highway land:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

14. Construction standards for new vehicle access:

Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant’s behalf. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer: Andrew Wright
Section 65 Parties: Hertfordshire Highways
County Hall Pegs Lane Hertford Hertfordshire

Author: Andrew Wright
Date: 16/04/2019