
Appeal Decision

Site visit made on 23 May 2017

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2017

Appeal Ref: APP/B1930/W/17/3167390
Townsend Drive, St Albans AL3 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Beechcroft Developments Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/16/2888, dated 22 September 2016, was refused by notice dated 5 January 2017.
 - The development proposed is demolition of existing buildings and the creation of 45 retirement units for people aged 55 and over.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and the creation of 45 retirement units for people aged 55 and over at Townsend Drive, St Albans AL3 5AB in accordance with the terms of the application, Ref 5/16/2888, dated 22 September 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Following an appeal decision made in January 2017¹ the Council have confirmed that they no longer wish to contest the appeal. I have taken this into account in my decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety as a result of the proposed parking provision.

Reasons

4. In January 2017 the Inspector found a similar scheme for 48 residential units and 64 parking spaces would not generate a parking requirement greater than planned subject to the imposition of an age restricted planning condition which was subsequently imposed. As such the Inspector in January 2017 found there would be no need for residents to indiscriminately park within the development and 'nuisance' park on verges and open spaces elsewhere and accordingly, the proposal would comply with saved Policies 39 and 40 of the St Albans District Local Plan Review (1994) (LPR) and the Council's Revised Parking Policies Supplementary Planning Guidance (2002) (SPG).

¹ Appeal Reference APP/B1930/W/16/3159662

5. The scheme before me is very similar to the proposal which formed the subject of the January 2017 appeal decision except for it is for 45 residential units and the provision of 70 parking spaces.
6. Since January 2017 there have been no changes to the development plan and my attention has not been drawn to any developments nearby which impact on parking or highway safety in the area in any way. I therefore attach significant weight to the January 2017 appeal decision and the fall-back position provided by the approved scheme.
7. Thus, given the scheme before me is for less dwellings and includes more parking spaces than another scheme approved for the same site, it follows that in accordance with the Inspectors finding in January 2017 and for the same reasons I find the proposed development would not have any harmful effects on highway safety as a result of the proposed parking provision. For these reasons the proposed development would accord with saved Policies 39 and 40 of the LPR and the SPG.

Planning Obligation

8. A planning obligation has been submitted with the appeal. This would ensure the provision of affordable units in accordance with the requirements of the development plan taking account of vacant building credit (VBC). This is agreed between the main parties and I find no reason to question the application of the VBC and with the application of such the scheme would accord with the requirements of Policy 7A of the LPR and the St Albans Supplementary Planning Guidance –Affordable Housing (2004).
9. Furthermore, the submitted obligation also includes contributions towards specific identified projects relating to parks and open space, leisure and culture, libraries, highways and fire hydrant provision. These contributions are supported by detailed information on how they would be spent and were all considered by the Inspector in the January 2017 appeal decision, who found they would meet the tests in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). I agree and as such I have taken the affordable housing and the other contributions into account in my decision.

Other Matters

10. I have noted the other concerns raised by residents living nearby. However, all of those matters were considered in detail in the January 2017 appeal decision and given the fall-back position of the approved scheme and that the appeal proposal is very similar I have not reconsidered these matters in detail in this decision.

Conditions

11. In accordance with the reasons given for imposing conditions on the January 2017 decision the conditions I have imposed are identical to those imposed on the January 2017 decision except where I have adjusted them to reflect the specific details of the appeal scheme.
12. I have imposed the conditions for the same reasons given in the January 2017 decision.

Conclusion

13. For the reasons set out above, having had regard to all other matters raised, the proposed development would accord with the development plan and therefore the appeal is allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and specifications: Topographic Survey Drawing No 31383T-01B; Location Plan Drawing No 102 Rev A; Block A Ground & First Floor Plan Drawing No 110 Rev J; Block A Second Floor Drawing No 111 Rev J; Block B Basement Plan Drawing No 112 Rev D, Block B Ground and First Floor Plan Drawing No 113 Rev F, Block B Second and Third Floor Plan Drawing No 114 Rev E; Block C&D Ground and First Floors Drawing No 115 Rev B; Block C&D Second Floor Plan Drawing No 116 Rev B; Block A Elevations Drawing No 130 Rev D; Elevations Block B Drawing No 131 Rev B; Elevations Block C&D 1 Drawing No 132 Rev B; Elevations Blocks C&D Drawing 2 No 133 Rev C; Townsend Drive Sections Drawing No 134 Rev C; Block B Sections Drawing No 135 Rev B; Bin Store Plans & Elevations Drawing No 136 Rev B; Blocks A;C;D Sections Drawing No 137 Rev B; Townsend Drive Elevation Drawing No 138; Roof Site Plan Drawing No 161 Rev L; Ground Floor Site Plan Drawing No 162 Rev G; First Floor Site Plan Drawing No 163 Rev G; Second Floor Site Plan with Third Floor Block B inset Drawing No 164 Rev G; Basement Site Plan Drawing No 165 Rev G; Tree Plan Drawing No 170 Rev G; Traffic Plan Drawing No 171 Rev K; Refuse Strategy Drawing No 172 Rev F and Fire Plan Drawing No 173 Rev G.
- 3) No development shall take place above ground level until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) proposed finished levels and contours;
 - ii) means of enclosure;
 - iii) car parking layouts;
 - iv) other vehicles and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or storage units, signs and lighting);
 - vii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, manholes, supports as relevant);
 - viii) retained historic or other landscape features and proposals for restoration, where relevant;
 - ix) existing trees to be retained;
 - x) existing hedgerows to be retained;

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Details of the soft landscape works under Condition 4 shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) construction vehicle numbers, type and routing;
 - ii) traffic management requirements;
 - iii) construction and storage compounds (including areas designated for vehicle parking);
 - iv) details of wheel washing facilities and their siting within the site;
 - v) frequency and method of cleaning site entrances, site tracks and adjacent highway;
 - vi) timing of construction activities and vehicle movements (to avoid school pick up/drop off times);
 - vii) provision of on-site parking prior to the commencement of construction activities;
 - viii) post construction restoration/reinstatement of the site, working areas and temporary access to the public highway.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and :
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;

v) the provision to be made for archive deposition of the analysis and records of the site investigation;

vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 9) The development hereby permitted shall be carried out in accordance with the Phase 1 Habitat Survey prepared by Arbtech dated 10 November 2014 and Bat Presence/Likely – Absence Survey prepared by Arbtech dated 13 July 2015 and the following mitigation measures detailed within these reports:

(a) the planting of traditional fruit trees;

(b) the erection of bird boxes;

(c) the erection of bat boxes.

No development above ground level shall take place until detailed specifications of the ecological mitigation measures have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

- 10) No development shall take place until a detailed surface water drainage scheme for the site based on the Flood Risk Assessment Issue 5 dated 19 January 2016 and associated sustainable drainage principles, and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

(a) detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs:

(b) detailed surface water run-off and volume calculations for 1:100 year (+30% Climate Change (CC)) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC).

The scheme shall demonstrate that the surface water run-off generated up to and including 1 in 100 year + CC critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development is occupied.

- 11) No development shall take place until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the approved details. In particular, no part of the development hereby permitted shall be occupied and no foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy have been completed.
- 12) No development shall take place until the following mitigation measures have been fully implemented in accordance with the timing/phasing arrangements as set out in the Flood Risk Assessment Issue 5 dated 19 January 2016 and drainage strategy (to be approved under condition 11)

and in accordance with such details as may be otherwise approved in writing by the local planning authority:

(a) attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;

(b) limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding offsite;

(c) implementation of SuDS measures as shown on the Surface Water Drainage Layout drawing dated June 2015 titled Appendix I within the Flood Risk Assessment Issue 5 dated 19 January 2016.

- 13) No development shall take place until all access improvement works as shown on drawing number TR8141111/02 (Glanville February 2016) and 172 Rev E have been constructed and completed in accordance with the approved details, including the creation of a footway link between the site and the public highway footway network and the widening to a minimum width of 4.1m of the private access to the site at its junction with Townsend Drive.
- 14) No residential unit shall be occupied until vehicle parking spaces have been laid out within the site in accordance with drawing nos. 162 Rev F and 165 Rev F for 64 cars to be parked. These spaces shall have measurements of not less than 2.5m by 5m. The spaces shall thereafter be kept available at all times for the parking of vehicles.
- 15) Demolition or construction works shall take place only between hours of 0730 and 1800 Monday to Friday, 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 16) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The measures shall detail how this unsuspected contamination shall be dealt with and a verification report for all the remediation works shall be submitted to the local planning authority for written approval. Work shall only commence upon written approval from the Council.
- 17) The residential units hereby permitted shall be occupied by persons aged 55 years or over; persons living as part of a single household with such a person or persons; persons who were living in the unit as part of a single household with such a person or persons who have since died.
- 18) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of any building for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (tree work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and the tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.

- 19) All the trees and hedges shown on the approved landscaping plan as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 20) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 21) Notwithstanding the provisions 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), no fences, gates or walls shall be erected within or on the boundaries of the site.

END OF SCHEDULE