



Appeal Decision

Site Visit made on 18 May 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/B1930/W/21/3267870

Land adjacent (south) Winslo House, Radlett Road, St Albans, AL2 2EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sarah Gratte against the decision of St Albans City Council.
 - The application Ref 5/20/1667, dated 7 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is described as "Outline planning permission, with all matters reserved (save for site access), for the erection of 9 dwellings".
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 9 dwellings at land adjacent (south) Winslo House, Radlett Road, St Albans, AL2 2EN in accordance with the terms of the application, Ref 5/2020/1667, dated 7 August 2020, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. This appeal seeks outline planning permission, with all matters reserved except for access. I have determined the appeal accordingly, treating the submitted plans as illustrative on all other matters.
3. The Council's emerging Local Plan has been withdrawn on the advice of the examining Inspectors. Its policies are therefore accorded no weight in the determination of this appeal.

Main Issues

4. The site is in the Green Belt. The main issue is therefore whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

5. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than for certain exceptions.
6. These exceptions include the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development, and limited infilling in villages.
7. Policy 1 of the St Albans District Local Plan Review 1994 (the LP) states that within the Green Belt permission will only be granted for a specified range of

developments. This range is narrower than the exceptions identified in the Framework and the LP predates the Framework. Accordingly, I have given greater weight to the Framework in determining whether the appeal proposal is inappropriate development.

8. The site is previously developed land, comprising stables and other buildings together with an extensive area of hardstanding. The openness of the Green Belt has both a spatial and a visual component, and both must be considered in determining whether a proposed development would have a greater impact than the existing.
9. The submitted plans indicate that the individual houses would be taller than the existing buildings on the site and that the footprint of the proposed buildings would extend beyond that of the existing buildings. However, the final scale of the buildings would be a reserved matter and the submitted plans indicate that the overall extent of developed area within the site would be substantially reduced. I am therefore satisfied that the scale of development for which permission is sought could be delivered without either a greater spatial or visual impact on the openness of the Green Belt than the existing development.
10. Therefore, while the development would not accord with any of the exceptions identified in Policy 1 of the LP, it would not be inappropriate development in accordance with the Framework. There is accordingly no need to consider further whether the development would amount to limited infilling.

Conditions

11. I have had regard to the conditions suggested by the Council. Where necessary, I have amended the suggested wording in accordance with national planning practice guidance.
12. I have imposed conditions relating to the securing of reserved matters approval and specifying the approved plans for the sake of certainty.
13. A condition requiring approval of the external materials of construction is necessary to ensure an appropriate appearance to the development. I have not imposed the suggested condition relating to the removal of permitted development rights, as there is no evidence to suggest that the removal of freedoms to carry out small scale domestic alterations meets the tests of reasonableness or necessity in this instance.
14. Details of both soft and hard landscaping within the site will need to be approved under the reserved matters, while details of the access have been approved under this appeal. Separate conditions relating to these matters are therefore not required in this instance.
15. Considering the importance of trees and hedgerows to the wider landscape area I have imposed conditions requiring their protection and retention on site unless their removal is justified by the final approved development.
16. Given that the site has been in use for non-residential purposes, it is necessary to impose conditions relating to the investigation and potentially the remediation of contaminated land and to control surface water drainage to ensure that the development is fit for human habitation, and to protect groundwater.

17. As the site is next to a main road and close to the M25, a condition ensuring that appropriate sound insulation measures are included in the construction of the homes is justified.

Conclusion

18. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of 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 takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1723/SP10 and 1732/SP12 insofar as the latter relates to the site access.
- 5) No development shall take place 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.
- 6) In this condition "retained tree" means an existing tree which is to be retained in accordance with approved plan and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the 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, without the written approval of the Local Planning Authority. 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;
 - c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations set out in BS 5837 (2005) and the approved plans and particulars before demolition or any equipment, machinery or materials are brought on to 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 in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- 7) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as

is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

- 8) 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:
- a) The requirements of the Local Planning Authority for site investigations have been fully established; and
 - b) The extent and methodology have been agreed in writing with the Local Planning Authority.

The results of the site investigation and the detailed risk assessment shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It shall include a verification plan. 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.

A verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the Local Planning Authority prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

- 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 Planning Authority for prior approval in writing.
- 10) 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.
- 11) 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 remediation measures identified in the approved 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.

- 12) Prior to the commencement of development, details of a Surface Water Drainage Scheme shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The development shall thereafter be carried out in accordance with the approved details.
- 13) 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 and construction on the proposed development. Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

The units hereby approved shall not be occupied unless details of noise and vibration levels within a selection of the most affected units/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. The selection of the most affected premises shall be made by a competent person.

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.