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# Appeal Decision

Hearing held on 9 July 2013

Site visit made on 9 July 2013

**by J C Chase MCD Dip Arch RIBA MRTPI**

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

**Decision date: 8 August 2013**

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**Appeal Ref: APP/B1930/A/13/2192232**

**St Albans City Campus, St Peters Road, St Albans, Hertfordshire, AL1 3RX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Hightown Praetorian and Churches Housing Association Ltd against St Albans City & District Council.
  - The application Ref 5/2012/1023, is dated 7 May 2012.
  - The development proposed is the demolition of the existing teaching blocks and construction of three new blocks comprising 85 residential units with underground parking for 85 cars and surface parking for 13 cars.
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing teaching blocks and construction of three new blocks comprising 85 residential units with underground parking for 85 cars and surface parking for 13 cars at St Albans City Campus, St Peters Road, St Albans, Hertfordshire, AL1 3RX in accordance with the terms of the application, Ref 5/2012/1023, dated 7 May 2012, subject to the conditions in the schedule at the end of this decision.

## Main Issue

2. The Council indicate that they would have refused planning permission on two grounds related to the scale of the buildings and the effect on landscaping. Taking account of the evidence given before and during the Hearing it is clear that this is the principal point in dispute, giving rise to the main issue of whether the proposal would preserve or enhance the character or appearance of the Conservation Area and the setting of the wider campus redevelopment. Two further suggested reasons for refusal, concerning the provision of affordable housing and mitigation of the impact on local infrastructure, have been addressed by the submission of Unilateral Undertakings made in accordance with Section 106 of the Town and Country Planning Act 1990, which will be discussed further below.

## Reasons

3. The site is part of the former Oaklands College City Campus which was granted planning permission for residential redevelopment by the Secretary of State at an appeal in 2006 (APP/B1930/A/05/1177923). The majority of that scheme has now been implemented, including the retention and conversion of Listed

Buildings, but the appeal site remains in its original form, with a large, five storey curtain walled building, a former Victorian house which is locally listed as being of historic interest, and a low rise group of brick buildings. The planning permission allows the demolition of these structures and replacement with three residential blocks of 3.5 storeys (the nomenclature used throughout the appeal to indicate a four storey building with the upper floor inset) in a similar architectural style to the remainder of the campus development, providing 62 flats, with basement parking. The campus falls within the St Albans Conservation Area, the adjoining parts of which are mainly low rise development, of varying age, style and density.

4. The current proposal is three new blocks (12, 13 and 14) on the same footprint as those previously permitted, but with an additional storey, to provide 85 units, along with an enlarged basement to accommodate 85 cars. There would be an additional 13 visitors parking spaces at ground level, with a separate access, in an area previously intended for soft landscaping. In other respects, the development would be similar to the permitted scheme, with the same architectural treatment as the remainder of the campus. In addition, it was indicated at the hearing that the Council's Planning Committee has resolved to grant permission for an alternative proposal of 75 units (Ref 5/2013/0833), subject to completion of Unilateral Undertakings. The differences from the appeal scheme include the reduction of block 12 to 3.5 storeys, and a greater set-back of the top floors.
5. The 2006 planning permission (which will be referred to as scheme A in this decision) has been implemented and remains in force, so that the appellants would be able to proceed with that portion on the appeal site. The Council also accept that the recent resolution to grant permission for a 75 unit development (referred to as scheme B) is a substantial material consideration, and there is no indication that the obligations to which it is subject would be unduly onerous or unacceptable to the applicants. In these circumstances, both schemes represent realistic fall-back positions, and this appeal is therefore concerned with the effect of the differences between these proposals and appeal design.
6. The Council raise two main concerns about the impact of the enlarged scheme: that its scale would be out of keeping with the remainder of the Campus, especially as the site is at a higher elevation, and that there would be a detrimental effect on existing trees and the opportunity for replacement planting.
7. In recommending permission for scheme A, the inspector noted that the surrounding Conservation Area is not of consistent quality, and that the redevelopment of the campus would help to integrate the area. It was recognised that the existing five storey block on the appeal site is of poor appearance, and, whilst the locally listed building has merit, it is isolated from other similar development and largely concealed by vegetation. It was also apparent that the existing trees within the site and along the street frontage play an important part in creating the impression of urban parkland. There is no reason for this decision to come to a different conclusion on these points.
8. The question arises whether the additional height of the new buildings would be contrary to the integrated concept of the campus. Whilst there is variation in the form and size of the newly constructed and converted buildings on the campus site, they have a uniform design theme, and there is no clear hierarchy of buildings. Rather, there is the consistent appearance of detached blocks set

within open space, which flows between them and which connects the various courtyards and landscaped areas defined by the buildings.

9. There is a risk that the new blocks could upset the uniformity and balance of this approach by introducing a larger scale of development at one end of the estate, but there are reasons to consider that, in practice, the result would not be unduly detrimental. There is limited intervisibility between the appeal site and the remainder of the development, both as a result of the amount of mature vegetation on the south eastern part of the appeal site, and the location of the new blocks, which eliminate long vistas. Whilst the land rises towards the west, the slope is relatively gentle, and the distance between the buildings is sufficient to avoid the appearance of a sudden change of scale. The flank elevation of block 14 would be clearly apparent from the immediate areas to the east, but in other respects there would mainly be glimpses of the new buildings from the campus, which would not unduly interfere with its present character, and which, because of the introduction of a matching architectural style, would be significantly more compatible with that character than the existing buildings on the site. Those parts of blocks 12 and 14 closest to the remainder of the campus would be set into the site, some distance from the roads, to further diminish the impact of any change of scale when viewed from the surrounding area.
10. The southern elevation of block 13, whilst on the same alignment as Scheme A, would be closer to the Hatfield Road than the present building. However, in other respects it would be much less apparent and dominating in the area than the existing five storey block. It is certainly the case that the modifications in scheme B would further diminish its presence by setting the block back and reducing the size of the upper floor, but the alterations would be relatively minor, without a fundamental effect on the overall impact of the block. The new building would be at a sufficient distance from surrounding development, and partially screened by existing and new landscaping, so as to avoid an unduly overbearing effect on its surroundings.
11. Similar considerations apply to the effect of Block 14 on the St Peters Road frontage: the variation in bulk between the appeal proposal and Scheme B would not be of crucial importance, and there is existing vegetation in front of the building. The introduction of visitors' parking would remove an area which was intended to be soft landscaping in scheme A, but the new arrangement was adopted in response to public consultations, in order to diminish any overflow parking from the site, and there would be the potential for boundary landscaping to partially screen the hard surfaced area.
12. There is limited evidence that the additional storey would raise the buildings above the tree canopy. Rather, it is likely that they would become progressively more visible as the foliage reduces with height, but that portions would remain screened, with the overall effect of a softening of the urban appearance of the development. The buildings would occupy the same footprint as Scheme A and there is no clear indication that they would necessitate a significantly different level of tree removal. The basement would be more extensive, the most critical point being a sub-station adjacent to the western end of Block 14. However, this area appears to lie beneath the existing building, which diminishes the likelihood of significant root growth, and there would be the potential for the approval of further details of basement construction to protect the nearby trees.

13. The landscaping scheme submitted with the application indicates that the new planting would leave some open spaces around the perimeter of the site. This is not necessarily a detrimental feature, as some variation in the depth of vegetation would contribute to the informality of the setting, and glimpses of buildings from the road are a common feature of other parts of the campus. There is no substantial reason to exclude this landscaping scheme from the consideration of the proposal.
14. With respect to the heritage aspects, the wider campus scheme benefits the Conservation Area by removing unsightly development and providing a consistent design theme to help integrate the locality, which lacks a clear identity. The appeal development would continue this process. Two of the three existing buildings on the site are of poor appearance, as are the paved open areas, which would be replaced by development more in keeping with the remainder of the estate. The alterations over the permitted schemes are not so radical as to eliminate the justification for removing the third, locally listed building, the retention of which would not be compatible with the comprehensive nature of the redevelopment. The Council do not take issue with the effect of the proposals on the setting of the Listed Buildings within the campus to the east, and it is accepted in this decision that they are at a sufficient distance to ensure the preservation of their architectural and historic character.
15. Policies 69 and 70 of the District Local Plan Review (LP), adopted 1994, concern design and layout, including the need to integrate new development with the scale and character of its surroundings. Policy 85 recognises the need for a high standard of design in Conservation Areas, and Policy 74 refers to landscaping requirements. There is no indication that these objectives are incompatible with those of the National Planning Policy Framework (NPPF) which reinforces the need for good design, and the considerable weight to be given to the conservation of the historic environment.
16. For the reasons given above, the proposal would comply with the requirements of this local and national planning policy and, in terms of the main issue, it would preserve or enhance the character and appearance of the Conservation Area and the setting of the wider campus redevelopment.

### **Other Matters**

17. The NPPF encourages local authorities to boost the supply of housing, and the proposal would provide more units than schemes A or B, and would be on previously developed land, in a sustainable location accessible to the facilities and transport options of the town centre. In addition, the Unilateral Undertaking would secure 30 affordable dwellings (by comparison with 11 in scheme A and 26 in scheme B) to meet a recognised, unfulfilled need, and in compliance with LP Policy 7A. These are positive benefits which weigh in favour of allowing the scheme. The wording of this Undertaking is in similar terms to that indicated as being acceptable to the Council in respect of scheme B, and there are not substantial grounds to consider that any flexibility conferred by the definition of affordable housing would negate its benefits.
18. The obligations Unilateral Undertaking makes contributions towards a range of local services and facilities, to reflect the increased cost of their provision arising out of the demand from the occupants of the new development, in accordance with the objectives of LP Policy 143B. Reference is made to

*Planning Obligations Guidance – Toolkit for Hertfordshire, 2008*, which sets out a range of charges related to the scale and type of the development, and the County Council have submitted evidence concerning the specific needs arising out of the proposal. The appellants do not contest the requirements, and there is adequate reason to consider that the obligations are justified and may be taken into consideration as meeting the tests in Regulation 122 of the CIL Regulations. Whilst the District Council's concerns about the wording of the Undertaking are noted, there are adequate grounds to consider that the County Council have the powers necessary to enforce its provisions.

19. Amongst the matters raised by local residents is a particular concern about the use of the estate roads to gain access to the parking basement. However, the principle of this arrangement was established in the permitted design, and has been confirmed in the modified proposal (schemes A and B). The additional vehicles arising out of the appeal scheme would be a marginal increase, and there is no clear technical evidence to show that this increase would render the scheme unacceptable. Neither the Council nor the Highway Authority have raised an objection on this basis. With respect to the effect on the wider area, the appellants' highway report concludes that the additional traffic would be within the capacity of the road system, and there are no substantial grounds to reach a different conclusion.
20. The possibility of the development generating overflow parking would be ameliorated by the inclusion of visitors' spaces, which were not in the permitted scheme, and by the existing parking controls over surrounding streets. Amongst the other matters raised, concern is expressed about the impact of the development on residential amenity in existing property, particularly with respect to overlooking. However, the development would not be significantly more harmful in this respect than the permitted scheme, and there would be adequate separation from other housing to avoid any undue loss of privacy.

### **Conditions**

21. The Council's suggested conditions have been assessed in relation to the discussion at the hearing and the recommendations of Circular 11/95. In a number of instances the conditions have been combined to avoid duplication, and account is taken of the details included with the planning application which would avoid the necessity for further submissions. Conditions are needed to regulate the selection of external materials, window design, slab levels, landscaping (including its long term management), protection of retained trees (including excavation and services within the root zone), and the design of cycle and bin stores, for the benefit of the appearance of the development.
22. Restricted construction working hours and a construction management plan are necessary to maintain local amenity and, in the latter case, for the benefit of road safety and the appearance during construction. The car parking spaces should be provided to avoid any harm to road safety arising out of overflow parking, and surface water drainage details should be approved to avoid the risk of localised flooding. The site is previously developed land, and investigation of potential ground pollution is necessary for the benefit of public health. There is inadequate justification for the need for general foundation details outside the vicinity of existing trees, but control over impact piling is necessary to avoid harm to underground services. The drawings are specified for the avoidance of doubt and in the interests of proper planning.

## **Conclusions**

23. For the reasons given, the proposals maintain the character and appearance of the area and are compatible with the concept of the wider campus development and its relationship with the Conservation Area. The scheme would help to meet an acknowledged need for affordable housing, and is accessible to local facilities and services. It meets the relevant objectives of the Local Plan and of the NPPF, and is the sustainable form of development for which there is a presumption in favour. For these reasons the appeal is allowed.

*John Chase*

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: OC/12/SITE C then C/L01E, L10C, B12/30B, B12/31B, B13/32B, B13/33B, B13/34B, B13/35B, B13/36B, B14/37B, B14/38B, B14/39C, B14/40C, L20, L21, L22, L23, L25, L26; TPP/OCC then 010A, 010B, 010C, 020A except as modified by compliance with other conditions in this schedule.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 4) Notwithstanding the information shown on the application plans, the windows and doors (and their openings) and the balconies of the new buildings shall be constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- 5) The development shall be carried out in accordance with the ground floor slab levels shown on drawing No OC/12/SITE C/L01E.
- 6) No development shall take place until the following landscape details have been submitted to and approved in writing by the local planning authority: proposed finished levels and contours; means of enclosure; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicated lines manholes, supports etc); written specifications of cultivation and other operations associated with plant and grass establishment.
- 7) Hard and soft landscaping works shall be carried out in accordance with drawing No LP/OCC/020A and with the details approved under condition 6) prior to occupation of any dwelling or in accordance with an implementation programme that has first been approved in writing by the local planning authority.
- 8) A landscape management plan for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to first occupation of any phase of the development. The plan shall include long term design objectives, management responsibilities, maintenance schedules and provisions for the replacement of any tree or plant which is removed, uprooted or destroyed or dies. The landscape management plan shall be carried out as approved.
- 9) No development, including demolition, shall take place until all trees, shrubs and other natural features to be retained have been fully safeguarded in accordance with the details on the approved drawings and in the Arboricultural Report and Method Statement by David Clarke dated April 2012. The protection shall be retained throughout the course of construction.

- 10) No excavation or hard surface replacement within 1m of the root protection area of any tree to be retained shall be undertaken other than in accordance with full details of the method of excavation, the type of foundation, basement, underground service, sub-base or surface treatment proposed, the means of protection of tree roots and an arboricultural method statement, all of which shall have been first submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.
- 11) No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that 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.
- 12) An arboricultural consultant with qualifications recognised by the Arboricultural Association for professional membership grade shall be employed during the course of demolition and construction to supervise the protection of trees.
- 13) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for i) the parking of vehicles of site operatives and visitors, ii) loading and unloading of plant and materials, iii) storage of plant and materials used in constructing the development, iv) the erection and maintenance of security fencing, v) wheel washing facilities.
- 14) No dwelling in any building shall be occupied until the car parking spaces assigned to that building (in accordance with a parking assignment layout first submitted to and approved in writing by the local planning authority) have been constructed, surfaced and permanently marked out. The parking spaces shall thereafter be retained and kept available for the parking of vehicles.
- 15) No development shall take place until details of refuse and cycle stores have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the facilities thereafter retained for their intended use.
- 16) No dwelling in any building shall be occupied until the surface water drainage of that building and the associated hard surfaces has been carried out in accordance with details that have been first submitted to and approved in writing by the local planning authority.
- 17) No impact piling shall take place except in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 18) Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank or Public Holidays.



- 19) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority: i) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site; ii) a site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site, iii) The results of the site investigation and detailed risk assessment referred to in ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, and iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in iii) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.
- 20) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

## APPEARANCES

### FOR THE APPELLANTS:

Mr D Lane BSc, DipTP, MRTPI, FRSA	DLA Town Planning Ltd
Ms R Wakelin BA, BArch, RIBA	Wakelin Assoc. Architects
Ms T Hardy MA Arch	Wakelin Assoc. Architects
Mr D Clarke BSc Land Man, CMLI, M Arbor A	Arboricultural Consultant
Mr G Edkins	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr M Westwood BA, DipTP, MRTPI	Area Team Leader
Ms H Tether	Conservation Officer
Ms L Johnson BA, DipLA, CMLI, MAUD	Landscape Architect
Mr A Branch MSc	Arboricultural Officer

### INTERESTED PERSONS:

Mr D Lowthian	On behalf of the Residents' consultative committee
Mr M Dunckley	Local Resident

### DOCUMENTS

- 1 Section 106 Undertaking concerning planning obligations
- 2 Email correspondence between the appellants and Hertfordshire  
CC concerning clause 7.3 of the Undertaking
- 3 Drawing No OC/13/SITE C/C01
- 4 Two Undertakings, dated 12 July 2013, revised to take account of  
matters raised during the hearing