

**Town and County Planning Act 1990 (As Amended) - Section 78**

**Town and Country Planning (Inquiry Procedure) (England) Rules 2000**

**Appeal by Canton Limited against the refusal of St Albans City and District Council and Welwyn Hatfield Borough Council, as Local Planning Authorities, to grant outline planning permission for residential development of up to 100 dwellings, all matters reserved except access at Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath, Herts, AL4 0QQ**

**APPENDICES TO THE EVIDENCE OF PHILLIP E HUGHES MRTPI  
ON BEHALF OF ST ALBANS CITY & DISTRICT COUNCIL AND  
WELWYN HATFIELD BOROUGH COUNCIL  
(THE COUNCILS)**

**MARCH 2021**

**PLANNING INSPECTORATE REFS:      APP/B1930/W/20/3265925 (SADC)  
APP/C1950/W/20/3265926 (WHBC)**

**LOCAL PLANNING AUTHORITY REFS: 5/2020/1992/LSM (SADC)  
6/2020/2248/OUTLINE (WHBC)**

## **Contents**

### **Volume 2 - Appendices**

PH1	SADC Five Year Housing Supply	1 of 63
PH2	WHBC Five Year Housing Supply	15 of 63
PH3	Appeal decision APP/P0240/W/19/3239386	21 of 63
PH4	Extract from Manual for Streets	33 of 63
PH5	Extract from Planning for Walking	41 of 63
PH6	Extract from Guidelines for Providing Journeys on Foot	46 of 63
PH7	Statement of Ms Mitchell - the Setting of the Heritage Asset	53 of 63
PH8	Consolidated Proposals Map	59 of 63
PH9	Aerial Images	61 of 63

# PH1

**St Albans City and District Council**

**Housing Land Supply**

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**Spatial Planning and Design Team Leader, St Albans City and  
District Council**

**18 March 2021**

## 1. Introduction

1.1. The following statement has been prepared for St Albans City and District Council in relation Appeal Ref: APP/B1930/W/20/3265925 & 3265926: Land Off Bullens Green Lane, Colney Heath. Permission is sought for:

*“Residential development of up to 100 dwellings, including 45% affordable housing and 10% self build homes, together with all ancillary works”*

1.2. The statement sets out St Albans City and District Council Housing Land Supply. It provides a response to Emery Planning ‘Five Year Housing Land Supply Statement’ dated 19 August 2020 (**CD1.16**). It should be noted that both sides agree that St Albans City and District Council are unable to demonstrate a five year supply of deliverable housing land.

## 2. Housing Target

2.1. St Albans City and District Council Authority's Monitoring Report (AMR) 2020 (CD8.02) is the most up to date position on Housing Land Supply. It was published in December 2020 and covers the period from April 2019 to March 2020.

2.2. In the AMR at paragraph 3.8 and 3.9 it sets out two approaches to the housing target for the district. Paragraph 3.8 states:

***“Approach 1 - The Government’s consultation proposals within the ‘Technical consultation on updates to national planning policy and guidance method’ 15 published on 26 October 2018, sets out a standard methodology for the calculation of local housing need. The standard method for assessing local housing need is also set out in Planning Practice Guidance on ‘Housing and economic needs assessment’ 16, updated in July 2019. It involves applying a formula consisting of three steps. First, 2014 based household projection figures are used to calculate average annual household growth in the District over the ten year period from 2020 to 2030 (638 dwellings) as the set baseline. Second, the most recent District median workplace-based affordability ratio for 2019 (16.09) is applied as an adjustment to take account of affordability. Third, a cap of 40% above the projected annual average household growth for the District over the ten year period 2020-2030 in step one is applied to limit the level of any increase the authority faces. Using these inputs, the standard method gives an outcome for the District of an average of 893 new households / dwellings per annum.”***

2.3. Paragraph 3.9 states:

***“Approach 2 - The 2014 based household projection figures 17 were published by the Department for Communities and Local Government (DCLG) on 12 July 2016. They identify for the District a household projection, which can be taken as indicating local housing need of an annual average of 638 new households / dwellings per annum for the period 2020-2030.”***

2.4. Paragraph 3.10 states that:

*“The Council has not taken a decision on whether or not these or any other figures may more accurately represent “local housing need”, and wholly reserves its position on this point.”*

2.5. However, the South West Hertfordshire Local Housing Need Assessment, where St Albans City and District Council housing need is assessed, follows the Standard Method. Therefore, Approach 1 is used to measure St Albans City and District Council housing land supply. It should be noted that at the time of publication the Local Housing Need Assessment used the 2018 affordability ratio, whereas the AMR 2020 used the 2019 affordability ratio. However, the difference in ratios does not change the overall housing need requirement. Both ratios lead to a housing need requirement of 893 new households/ dwellings per annum.

2.6. In ‘Emery Planning – Five Year Housing Land Supply Statement’ on page 14 in Table 6.1 ‘Local housing need using the current standard method’ it states that St Albans City and District Council local housing need is 896. However, it should be noted that uses the 2019 standard method figure. The AMR 2020 uses the most up to date 2020 figure which is 893.

### 3. Housing Delivery Test

3.1. A 20% 'standard' buffer has been added to the standard method figure as required by the Housing Delivery Test. Paragraph 3.12 of the AMR states:

*“Results from the 2019 Housing Delivery Test for SACD (published in February 2020) indicated a HDT measurement of 63%. This result was calculated for the period 2016-17 to 2018-19, with 1,397 net homes delivered against the HDT housing requirement of 2,219 dwellings. As housing delivery for the District was below 85% of the Government’s new assessed housing requirement, at this time the 20% ‘standard’ buffer as set out in NPPF 2019 paragraph 73c has been applied to the Council’s 5 year housing land supply calculation.”*

3.2. The same conclusion was reached in In ‘Emery Planning – Five Year Housing Land Supply Statement’. A 20% buffer was applied, as set out in paragraph 3.12:

*“The 20% buffer will apply and both Councils will again have to prepare a Housing Delivery Action Plan within 6 months of the 2020 HDT results being published.”*

3.3. St Albans City and District Council consider that when the 20% buffer is added the total new households / dwellings per annum is 1,072 for the first five years of its housing land supply. The 1,072 figure is clearly set out in Table 2 ‘Housing Trajectory Data’ at row ‘PLAN - Emerging Local Housing Target/Requirement (893 Dwellings per Year + 20% Buffer for Years 1 to 5 of Plan Period)’ page 28 of the AMR.



#### **4. Identifying Realistic and Deliverable Housing Supply**

4.1. The sites that have been included in the AMR 2020 five year land, to the best of St Albans City and District Council knowledge, based on the evidence provided and collated, can be considered deliverable. Sites have been assessed against the NPPF they meet the NPPF Annex 2 'Glossary' definition of 'Deliverable' which states:

*"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

4.2. The sites included, to the best of St Albans City and District Council knowledge, meet the requirements in the PPG guidance 'what constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?' :

*"What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?*

*In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning*

*decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:*

- have outline planning permission for major development;*
- are allocated in a development plan;*
- have a grant of permission in principle; or*
- are identified on a brownfield register.*

*Such evidence, to demonstrate deliverability, may include:*

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- firm progress with site assessment work; or*
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

*Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.*

*Paragraph: 007 Reference ID: 68-007-20190722*

*Revision date: 22 July 2019”*

## 5. St Albans City and District Council Housing Land Supply

5.1. Paragraph 3.13 of the AMR 2020 states that:

*“The Council has updated its 5 year housing land supply schedule and considers that, at a baseline date of 1 April 2020 and including the relevant 20% buffer, there is approximately:*

*Approach 1 (5 year housing land supply): 2.4 years supply”*

5.2. It is clear that St Albans City and District Council does not currently have a five year land supply.

5.3. It is noted that the conclusion is different to ‘Emery Planning – Five Year Housing Land Supply Statement’. In paragraph 11.20 they state:

*“In summary, we have found the deliverable supply in St Albans to be 1,467 (i.e.  $2,021 - 17 - 11 - 33 - 493 = 1,467$ ). Against the local housing need and a 20% buffer, this equates to 1.36 years as summarised in the following table.”*

5.4. The above is based on an analysis of 2019 AMR, which has now been superseded by the AMR 2020.

### 5.5. Deliverability

5.6. Any sites that did not meet the NPPF and PPG definition of ‘deliverable’ that were included in the AMR 2019 were removed in the AMR 2020. All sites in the first five years of the Housing Trajectory have been assessed against the NPPF and are considered to be ‘deliverable’.

5.7. Table 1 below provides an update on the sites set out in Table 11.2 ‘Category b) sites in St Albans’ in the ‘Emery Planning – Five Year Housing Land Supply Statement’. The Appellant has not provided an update to this position since the publication of the 2020 AMR. As the update demonstrates, there is clear evidence that these sites are ‘deliverable’.

**Table 1: Update on sites listed in Table 11. 2 ‘Category b) sites in St Albans’ in the ‘Emery Planning – Five Year Housing Land Supply Statement’,**

Ref	Site Address	Status at 1 April 2019	Status in AMR 2020
A	Radio Nurseries and 54 Oaklands Lane	Outline permission	Approved  Submission of Reserved Matters (details of appearance, landscaping, layout and scale) following outline planning permission 5/2017/0634: Outline application (means of access) - Construction of 28 dwellings following demolition of existing buildings.
B	Former Westfield Allotment Site, Beeching Close	Outline permission	Reserved matters  Submission of Reserved Matters (appearance, landscaping, layout, scale) for outline permission 5/2018/0474 dated 30/10/2018 for Construction of 24 affordable dwellings consisting of 16 dwellings and 8 flats with associated access road, parking and landscaping
C	114 Ashley Road, St Albans	Application submitted	Granted full planning consent  Date: 12/04/2019 REF: 5/2018/2657
D	238 London Road, St Albans	Application submitted	Granted full planning consent  Date: 21/02/2020 REF: 5/2019/3008

Ref	Site Address	Status at 1 April 2019	Status in AMR 2020
E	Kennels, 1 Betts Cottages Little Revel End Lane	Application submitted	Granted full planning consent Date: 04/04/2019 REF: 5/2018/1655
F	Land between the River Lea and Palmerston Drive	Application submitted	Granted full planning consent Date: 24/04/2019 REF: 5/2018/1260
G	Mereden Court, St Albans	Application submitted	Granted full planning consent Date: 07/05/2019 REF: 5/2018/3132
H	22-24 Grove Road, Harpenden	Application submitted	Moved to outside the 5 year land supply
I	222 London Road, St Albans	Allocation	Not included
J	Unknown	Pre-applications	Removed

## 5.8. **Windfall**

5.9. The approach to windfall has been updated. The methodology is based upon an analysis of windfall delivery rates for years 2010/11 to 2019/20 for which the council has detailed records. It is based upon the advice and guidance in the NPPF and the PPG.

5.10. The NPPF Glossary on page 73 defines windfall as

*“sites not specifically identified in the development plan”.*

5.11. The NPPF in paragraph 70 sets out:

*“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply.”*

5.12. It goes on further to state that:

*“Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”*

5.13. The PPG section on Housing Supply and Delivery also provides further guidance on windfall. It notes the requirement to assess the permissions granted for windfall development by year and how this compares with the windfall allowance. This is required to be reported in Annual Position Statements of five-year land supply.

5.14. The methodology is based upon an analysis of windfall delivery rates for years 2010/11 to 2019/20 for which the council has detailed records. The methodology used for windfall is based upon a multi-stepped approach as follows:

- i. Provides a record of total housing completions and categorises windfalls based on the number of dwellings delivered during a whole economic cycle;
- ii. Examines the results over the study period 2010-2020;
- iii. Analyses the historic trends and whether there is sufficient evidence for the inclusion of a windfall allowance in the supply; and
- iv. finally based on the evidence provides a figure for anticipated housing delivery from windfall sites which takes into account future market trends, policy changes and assessment of whether there is likely to be an increase or decrease in windfall completions.

5.15. Detailed analysis underpinning the windfall is set out in **CD7.05** ‘PPC December 2020 – Emerging Draft Windfall Topic Paper’.

5.16. The conclusion of the PPC December 2020 – Emerging Draft Windfall Topic paper are as follows:

*“8.1 This evidence demonstrates that based on historic rates windfalls over the last 10 years have consistently provided the majority of housing provision across the district. The figures shows that 3,307 dwellings were built on windfall sites in the last 10 years, excluding development allowed on Green Field Green Belt. Windfall accounts for 84% of the overall net residential completions. This provides on average of 331 dwellings per annum on sites of all sizes. 65% of windfall has be provided on large sites, 12% on medium and 23% on small sites.*

*8.2 As required by the NPPF, there is clearly the required “compelling evidence” for a reasonable windfall allowance of 191 residential dwellings per annum to be included in the housing trajectory. However, following common practice and to avoid potential double counting, the windfall allowance will not be included in the first two years of the housing supply. delivery will continue to be reported in the Annual Monitoring Report, which is due to be published at end of the year.”*

## **6. Conclusion**

6.1. To conclude St Albans City and District Council does not have a 5 year land supply. The housing land supply is currently 2.4 years.

6.2. The land supply figure is based on the standard methodology, inclusion of sites that meet the definition of 'deliverable' and a robust approach to calculating windfall.



# PH2

## Briefing Note on Five Year Housing Land Supply

- 1.1 The National Planning Policy Framework (NPPF), paragraph 73, February 2019 states:  
*“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old”.*
- 1.2 As Welwyn Hatfield’s new Local Plan is still under examination and the most recent adopted housing requirement figure is more than five years old, the annual local housing need figure is used. This is calculated using the Standard Methodology, which takes national household growth projections (2014-based) over a ten-year period as a baseline, then applies an affordability adjustment using the median workplace-based affordability ratio. Any increase is capped at 40% of the projected household growth.
- 1.3 Any previous shortfall in housing delivery is considered to be taken into account through the affordability ratio used in the standard methodology calculation. This is confirmed in Planning Policy Guidance: Housing Supply and Delivery<sup>1</sup>.
- 1.4 At the point the planning application for the appeal site was determined, the latest five year housing land supply position was presented in Table 14 of the 2018/19 Annual Monitoring Report (AMR) at 2.34 years. The housing requirement against the local housing need was 867 dwellings per annum. The NPPF requires a 20% buffer to be added when an area has seen ‘significant under-delivery of housing over the previous three years’<sup>2</sup>. This is measured against the Housing Delivery Test, where delivery is below 85% of the housing requirement. As Welwyn Hatfield’s completions over the previous three years only met 71% of the requirement, a 20% buffer was applied to the requirement.
- 1.5 The five year supply of sites to 2023/24 (as set out in Appendix 2 of the 2018/19 AMR) was 2,357 dwellings. This includes planning permissions up until 30 September 2019. A windfall allowance of 133 dwellings was added to this supply to account for future planning permissions not yet known about - the calculation for the windfall allowance is detailed in the 2019 Housing and Economic Land Availability Assessment. An

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<sup>1</sup> Guidance: Housing Supply and Delivery, paragraph 031, 22 July 2019.

<sup>2</sup> National Planning Policy Framework, MHCLG, Paragraph 73, February 2019

allowance for non-implementation was also made to account for sites which are granted permission but do not get built. The historic rate of 3.0% was applied to sites in the supply which had not yet commenced construction, resulting in a deduction of 55 dwellings from the supply. The overall supply of 2,435 dwellings against a requirement of 5,250 resulted in a housing land supply of 2.34 years.

- 1.6 Welwyn Hatfield's five year housing land supply position has since been updated. The most recent position is set out in the Council's 2019/20 Annual Monitoring Report, which was presented to Cabinet Planning and Parking Panel on 14<sup>th</sup> January 2021 and subsequently published in February 2021. The 2019/20 housing requirement against the local housing need was 875 dwellings per annum and a 20% buffer was again applied as delivery was below 85% of the requirement. The Council's five year supply of sites to 2024/25 totals 2,706 dwellings (including an allowance for windfall and non-implementation), resulting in an overall housing land supply of 2.58 years.

### **Deliverability of the Supply**

- 1.7 The majority of sites included in the Council's five year housing land supply have detailed planning permission. In the NPPF definition of deliverable: *'sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until the permission expires...where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a Brownfield Land Register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site in five years.'*

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- 1.8 Sites which were included in the supply, which did not have detailed permission either had outline permission or were included on the Council's Brownfield Land Register. There were four sites included in the 2018/19 five year housing land supply position which did not have planning permission or only had outline permission, these sites are listed in the tables below. Note that in the appellant's Five Year Housing Land Supply Assessment, they argue that deductions should be made at two of these sites -

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<sup>3</sup> National Planning Policy Framework, MHCLG, Annex 2: Glossary, February 2019.

Highview (reduced by 17 dwellings) and Garages at Hollyfield (site of 13 dwellings removed):

Site	
Highview (Hilltop), SPD site, Hatfield	This site is the Council's own scheme and is included on the Brownfield Land Register. The site is also allocated in the Draft Local Plan. The five year land supply position presented in the 2018/19 AMR included 89 dwellings which were expected to come forward at this site within the five years (a further 57 dwellings were expected outside the five years in 2024/25). Planning permission was since granted in July 2020 (6/2019/1067/MAJ) and the site is now under construction. The updated five year land supply position presented in the 2019/20 AMR, included all 146 dwellings from this site, expected to deliver within the five years to 2024/25. Note that the construction method statement 6/2020/1814/COND includes a delivery schedule with the entire site completing by April 2024. The delivery estimates in the five year supply are slightly more cautious with the last dwellings completing in 2024/25. <u>It should be noted that there is a loss of 6 dwellings at this site which were not counted in the housing land supply figure (the net figure for this site is 140 dwellings). As the loss of the 6 dwellings will take place prior to completions, 6 dwellings should be removed from the five year housing land supply for this site.</u>
Garages at Hollyfield, Hatfield	This site is the Council's own scheme and is included on the Brownfield Land Register. The site is also allocated in the Draft Local Plan. It is a small urban site of 13 dwellings and considered to have 'realistic prospect' of delivering within five years.

In addition to the two sites listed above which were noted in the appellants Five Year Housing Land Supply Assessment, the following two sites which do not have detailed planning permission, however have outline permission were also included in the five year housing land supply:

Site	
Hyde Valley House, Welwyn Garden City	This site is included on the Council's Brownfield Land Register. It is also allocated in the Draft Local Plan. The site has outline planning permission which was granted in December 2019. Note the site includes the loss of 46 care home bedrooms, which were re-provided at another site. The figure included in the five year housing land supply for this site is a net loss (-14 dwellings).
85 Hardings, Welwyn Garden City	This site was granted outline permission (through appeal) in July 2017 and is included in the housing land supply within the Welwyn Garden City small sites figure (for a net gain of 1 dwelling). <u>However, as there is no known progress towards reserved matters deliverability is unclear and this site should be removed from the five year housing land supply.</u>

*Note that if these 7 dwellings (6 dwellings at High View and 1 dwelling at 85 Hardings) are removed from the supply, this has a minimal impact on the Council's five year housing land supply position (reducing it by 0.01 years to 2.33 years – 2018/19 position or 2.57- 2019/20 position).*

## Broadwater Road West SPD Site

- 1.9 The appellant argues that a deduction of 296 dwellings should be made to the number of dwellings included in the five year supply at this site.

- 1.10 The site has permission for 1,340 C3 dwellings plus 114 C2 dwellings under planning reference 6/2018/0171/MAJ, which was granted in February 2019. The NPPF definition of deliverable states that:

*“...all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)”.*<sup>4</sup>

- 1.11 The delivery timescales for this site were forecast based on information/conversations with the developer. Not all of the site is expected to come forward within the five years. In the 2018/19 AMR, 670 dwellings were included and expected to come forward at this site within the five year supply to 2023/24 (with the remaining dwellings expected outside the five years). In the 2019/20 AMR, 751 dwellings were included and expected to come forward at this site within the five year supply to 2024/25 (with the remaining dwellings expected outside the five years). Note that new applications 6/2021/0671/MAJ and 6/2021/0181/MAJ have now been submitted for this site. However, work has already commenced at the South side of the site under the previous permission 6/2018/0171/MAJ with the first 208 units now under construction. The delivery of these 208 units was expected in 2021/22 in the 2018/19 AMR however was pushed back by one year to 2022/23 in the 2019/20 AMR, to take account of any delay due to COVID-19.

- 1.12 As outlined in the Council's 2019/20 AMR, a dwelling number in excess of the 670 dwellings is expected to come forward at the site within the five years to 2024/25. The first 208 units are under construction with the remaining 462 expected to come forward before the end of 2023/24. The delivery is based on discussions with the site's developers. The Council does not agree with the deduction of 296 dwellings.

- 1.13 In the 2019/20 AMR there were eight sites included in the updated five year housing land supply position which did not have planning permission or only had outline permission, these sites are listed in the table below (some of which were also included in the 2018/19 AMR and already referred to in the tables above):

Site	
Link Drive, Hatfield	This site was found suitable in the Council's Housing & Economic Land Availability Assessment 2019 (HELAA 2019), which indicated a

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<sup>4</sup> National Planning Policy Framework, MHCLG, Annex 2: Glossary, July 2019

	deliverability timescale within 1-5 years. Planning permission has been granted subject to a S106 agreement for 80 dwellings. The site is considered to have 'realistic prospect' of delivering in five years. This site is also included on the Council's Brownfield Land Register.
29 Broadwater Road, Welwyn Garden City	This site was found suitable in the Council's HELAA 2019 for a capacity of 128 dwellings. The HELAA 2019 indicated a deliverability timescale within 1-5 years. This site had prior approval for 72 dwellings (6/2019/0108/PN11). A subsequent planning application for 128 dwellings has been granted subject to a S106 agreement (6/2019/3024/MAJ). The site is considered to have 'realistic prospect' of delivering in five years and 128 dwellings have been included in the five year land supply.
Norton Building, Bridge Road East, Welwyn Garden City	This site has prior approval for 59 dwellings (6/2019/0018/PN11). This site was subsequently found suitable in the Council's HELAA 2019 for a capacity of 122 dwellings. The HELAA 2019 indicated a deliverability timescale within 1-5 years. At the recent stage 9 Local Plan Hearing Sessions it was indicated that a planning application was close to being submitted.
1-9 Town Centre, Hatfield	This site is the Council's own scheme and is included on the Brownfield Land Register. It is also allocated in the Draft Local Plan. This site was granted planning permission (6/2019/2430/MAJ) in February 2021, at the point the housing land supply was calculated the site had permission granted subject to S106 agreement.
Land south-west of Filbert Close, Hatfield	This site has outline permission granted 6/2019/2162/OUTLINE in July 2020. The site is allocated in the Draft Local Plan.
Garages at Hollyfield, Hatfield	This site is the Council's own scheme and is included on the Brownfield Land Register. The site is also allocated in the Draft Local Plan. It is a small urban site of 13 dwellings and considered to have 'realistic prospect' of delivering within five years.
Hyde Valley House, Welwyn Garden City	This site is included on the Council's Brownfield Land Register. It is also allocated in the Draft Local Plan. The site has outline planning permission which was granted in December 2019. Note the site includes the loss of 46 care home bedrooms, which were re-provided at another site. The figure included in the five year housing land supply for this site is a net loss (-14 dwellings).
85 Hardings, Welwyn Garden City	This site was granted outline permission (through appeal) in July 2017 and is included in the housing land supply within the Welwyn Garden City small sites figure (for a net gain of 1 dwelling). <u>However, as there is no known progress towards reserved matters. This site should be removed from the five year housing land supply as deliverability is unclear.</u>

# **РНЗ**



## Appeal Decision

Hearing Held on 10 March 2020

Site visit made on 11 March 2020

**by K Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 April 2020**

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**Appeal Ref: APP/P0240/W/19/3239386**

**Land at Bower Lane, Eaton Bray LU6 1RB**

- 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 Settle Group and Taylor French Developments against the decision of Central Bedfordshire Council.
  - The application Ref CB/18/03308/OUT, dated 29 August 2018, was refused by notice dated 18 April 2019.
  - The development proposed is residential development of up to 120 dwellings with all matters reserved except access.
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### Decision

1. The appeal is dismissed.

### Preliminary and Procedural Matters

2. At the time of the Hearing and this Decision, the development plan for the area comprises saved policies of the South Bedfordshire Local Plan Review (2004) (the LPR), the Central Bedfordshire Mineral and Waste Local Plan (2014) and the Eaton Bray Neighbourhood Plan (October 2019) (the NP). Reference has been made to the emerging Central Bedfordshire Local Plan (the CBLP) which was submitted for examination in April 2019 and hearings held between May and July 2019. At the Hearing, I was advised that there remains further work for the Council to do following the interim findings of the Examining Inspectors, with further hearing sessions anticipated later in the year. Thus, it was common ground between the parties, and I concur, that the policies of the CBLP should attract no more than limited weight at this stage.
3. The application was made in outline, with all matters reserved except access. I have considered the appeal on that basis and regarded details of the site layout and landscaping as being for illustrative purposes only.
4. At the Hearing, a draft unilateral undertaking (UU) was submitted by the appellants which was subject to discussion. Given the need to obtain signatures from a number of parties, including one abroad, I allowed the appellants to submit the signed UU after the close of the Hearing. I consider this later.

### Main Issues

5. The appeal site lies within an area of Green Belt. There are no saved policies of the LPR relating to development in the Green Belt. Accordingly, the Council relies upon the National Planning Policy Framework (the Framework) wherein the Government attaches great importance to Green Belts. The Framework



states that the construction of new buildings within the Green Belt is inappropriate development, and the main parties agree that the proposal would constitute inappropriate development in this case. I have no reason to reach a different view, based on all I have seen and read.

6. Therefore, the remaining main issues are:

- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- The effect on the landscape character of the area, including the loss of best and most versatile agricultural land;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Effect on Openness of the Green Belt*

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
8. The appeal site is an undeveloped, agricultural field laid to grass with the exception of an area of orchard and internal hedgerows which divide the site into a number of smaller paddocks. In spatial terms, the development of up to 120 dwellings would add significant built form where there presently is none, in conflict with the fundamental aim of keeping land permanently open.
9. In visual terms, the site is open to clear views from Bower Lane, from the public footpath running alongside the eastern boundary, from the approach road into the village from the east (Harling Road), and from dwellings bordering the site on Yew Tree Close, Orchard Lane, Moor End Lane and Mill End Close. From each of these vantage points, the absence of development on the site is obvious and the development would be clearly seen. The land to the centre of the site also rises slightly above these surrounding points which would increase the visibility of dwellings. For these reasons, the proposal would result in a significant loss of openness.

### *Green Belt Purposes*

10. With respect to the purposes of the Green Belt listed at Paragraph 134 of the Framework, the Council cites conflict only with b) to prevent neighbouring towns merging into one another, and c) to assist in safeguarding the countryside from encroachment.
11. The appellants in evidence point to the Central Bedfordshire and Luton Green Belt Study (July 2017) wherein the appeal site forms part of parcel EB2 roughly surrounding the eastern side of Eaton Bray. The appellants quote the study as stating that "...smaller areas adjacent to Eaton Bray make a weaker contribution [to the Green Belt purpose of preventing towns merging]". However, that quote in fact refers to parcel EB1 to the west of Eaton Bray. The study identifies all of the land in parcel EB2 as making a strategic contribution to the purposes of Green Belt, 'moderate' in the case of the purpose of

preventing towns merging, and 'relatively strong' in terms of preventing encroachment into the countryside.

12. The appellants accepted at the Hearing that the development would be a form of encroachment, but consider this would be limited as the site forms a gap between built form, is well contained by existing, mature landscaping and is suitably related to the development boundary of the village, identified by the appellants as being the eastern boundary adjacent to the public footpath. However, I saw little to suggest the eastern boundary and adjacent public footpath form an established or recognisable edge to the settlement given development does not commence in earnest for some distance beyond it along Bower Lane.
13. Rather, I saw that the approach to Eaton Bray along Harling Road was through flat, open countryside, with the appeal site directly in front as one approaches Bower Lane. The site boundaries are relatively low hedgerows which enable views into the site where the absence of development within it is readily apparent. Moreover, on this approach, dwellings off Moor End are not visible due to the intervening vegetation and their position on lower ground, and there is little impression of the site being a limited parcel of land squeezed between visible built form. On the site itself, I found it to be open, natural and agricultural in character, similar in form and function to the fields to the east and connected to them physically and visually. As such, I am satisfied that the site forms part of the open countryside. The proposal would be a large, estate type development which would extend across a large part of the appeal site and in doing so would significantly harm the Green Belt purpose of safeguarding the countryside from encroachment.
14. With respect to the purpose of preventing neighbouring towns merging into one another, it is evident that Eaton Bray and Edlesborough are already physically connected by the continuous built form along Moor End. However, development on Bower Lane is intermittent and maintains a largely rural character along much of its length until continuous development begins on one side at Café Masala. Development of the site would significantly extend the urban built form, and the footprint of Eaton Bray, along Bower Lane and towards Moor End. I accept that the retention of the orchard and area of public open space would mean there would not be a complete merging of development, but the proposal would extend the degree to which the two settlements are connected and thus I find that there would be a moderate adverse impact in respect of this Green Belt purpose.

#### *Effect on Landscape Character*

15. The site is located within the National Character Area (NCA) 88 – Bedfordshire and Cambridgeshire Claylands. The appeal site and its surroundings exhibit a number of its key characteristics, including predominantly open, arable landscape, planned regular field boundaries and small villages and widely dispersed linear settlements giving a more rural feel. The Chilterns NCA 110 lies nearby featuring a prominent chalk escarpment from where panoramic views of the area surrounding the appeal site are possible.
16. At a local level, the site lies within the Eaton Bray Clay Vale Landscape Character Area 5A<sup>1</sup>, features of which include a large-scale low lying flat, open,

<sup>1</sup> Set out in the Central Bedfordshire Landscape Character Assessment (2015) (the LCA)

intensive agricultural landscape, predominantly arable, but with some pockets of pasture particularly near settlements; mixed field boundaries, occasional secondary woodland and smaller, contained villages including Eaton Bray.

17. Saved Policy BE8 of the LPR requires that any natural inbuilt features which are an attractive aspect of the site are protected and conserved; that proposals take full account of the need for, or opportunities to, enhance the reinforce the character and local distinctiveness of the area. The policy further requires the size, scale and overall appearance of the development to complement and harmonise with local surroundings particularly in terms of adjoining buildings spaces and longer views, and that the setting of the development is carefully considered including its impact on public views into, out of or over the site which should not be harmed by the development. Though of some age, this policy is consistent with the Framework in that it requires a balance to be struck between permitting development and the recognition of the intrinsic character and beauty of the countryside. I therefore accord significant weight to saved Policy BE8.
18. The site also forms part of a defined Local Gap under Policy EB8 of the recently adopted NP, the purpose of which is to prevent the visual coalescence of Eaton Bray with Edlesborough and to protect their character and rural setting. The policy requires development proposals to ensure the retention of the open character of the Local Gaps. This policy postdates the latest Framework and I afford it significant weight.
19. I have had regard to the appellants' Landscape Technical Note (LTN) which assesses the site as forming part of the village rather than open countryside, due to being markedly different in visual character to the local and national landscape character areas surrounding the site, and due to being 'sandwiched' between residential development and part of the already merged villages of Eaton Bray and Edlesborough. As I have already indicated, I do not agree with the appellants' conclusions in these respects. There is initially very sporadic development on Bower Lane which gradually increases in density as one enters the village. This makes for a gradual and organic transition from the open countryside, including the appeal site, to the built-up area of the village which contributes positively to the overall rural character of the area.
20. I acknowledge that the site is subject to the influence of the built development off Moor End and on Bower Lane, but given the fall in levels from Bower Lane to Moor End, and intervening vegetation, both clusters of development are not seen clearly together. Rather, I saw the site to form a continuous part of the wider countryside extending expansively to the east, with views from Bower Lane taking in the appeal site, the open countryside and the chalk escarpment beyond. Given this, I do not share the view of the appellants' LTN that the site is physically and visually separate from the wider rural agricultural landscape. Rather, it is representative of the landscape character, particularly as an area of pasture near a settlement, and is influenced strongly by the open, agricultural landscape to the east.
21. The indicative plans show a suburban style layout of estate roads and cul-de-sacs at relatively low density, with extensive areas of planting and open space. Whereas development on Bower Lane is no more than one property deep and tapers out on leaving the village, the development would extend several properties deep into the site and would create a broad, abrupt and harsh urban

edge which would be seen clearly from Bower Lane, Harling Road and from the public footpath. I acknowledge that the site would make use of the existing field boundaries and that proposed boundary buffer planting would, in time, create a softer edge to the development. However, the proposal would still be a significant and conspicuous extension of the built form into the open countryside where there presently is none, in conflict with the prevailing character of open agricultural land and small, contained villages.

22. I accept that in longer views, such as from the Dunstable Downs, the development would be seen in the context of the existing built up areas of Eaton Bray and Edlesborough. However, the scale of the development would erode the open and natural character of the site and would result in the loss of characteristic pastureland of the area. This loss would have a significant adverse effect on the experience of the site for surrounding residential receptors and recreational users of the public footpath whose outlook over undeveloped fields would be irrevocably changed. Even allowing for a sympathetic layout and mitigatory landscaping, the close visibility of the dwellings from all sides means that these receptors would experience a large, suburban form of development at close range which would be at odds with the rural surrounds. Even in the longer term, landscaping would be insufficient to mitigate the permanent change to the character of the site which would remain adverse for close visual receptors on Bower Lane, Harling Road, the public footpath and the dwellings off Moor End.
23. Furthermore, the development would require the removal of the roadside hedgerow along the length of the site boundary on Bower Lane to accommodate proposed widening and realignment of the carriageway, provision of traffic calming measures, and extend footways. Though the hedgerow may be replaced or translocated further into the site, it would require time to re-establish itself. More so, however, it would result in a more expansive road corridor, which together with the precise, engineered appearance of the proposed highway works, would result in Bower Lane becoming distinctly more urban in appearance, which would further conflict with the rural surroundings.
24. For these reasons, I find that the proposed residential development and highway works to Bower Lane would significantly harm the character and appearance of the area. Accordingly, there would be conflict with the aforementioned requirements of saved Policy BE8 of the LPR. Furthermore, the proposal would result in development of a defined Local Gap in conflict with Policy EB8 of the NP, and conflict with the Framework which seeks recognition of the intrinsic character and beauty of the countryside and that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

#### *Loss of Agricultural Land*

25. Some 85% of the site, or 6.4 hectares, is Grade 2 and 3a best and most versatile (BMV) agricultural land<sup>2</sup>. Though not all of this would be built upon, it would all be lost as workable land. The Framework requires recognition of the economic benefits of BMV land, with Footnote 53 referring to, but not defining, 'significant development of agricultural land'. In this case the overall amount of

<sup>2</sup> 7% Grade 2 and 78% Grade 3a, per the appellants' Updated Agricultural Land Classification and Soil Resources document (September 2019).

land lost, particularly the better quality land at Grade 2, would not be significant, whilst sizeable parts of the site would be retained for landscaping. Moreover, I am not aware that the loss of the land would result in an agricultural enterprise becoming unviable. Given these factors, I find that whilst the loss of BMV land would result in economic harm to the local economy, this would be limited in scale.

### ***Other considerations***

#### *Provision of Housing*

26. The Council indicates that it can demonstrate a five year supply of deliverable housing land, a position which is not challenged by the appellants. I have had regard to the appellants' references to the projected housing requirements and distribution of development within the emerging CBLP which seek to demonstrate the greater levels of housing which will be required in the Council's area, including addressing unmet need from Luton and the contribution expected of villages such as Eaton Bray. However, the main parties ultimately agreed at the Hearing that the weight to be attributed to the emerging plan at this stage is limited, in view of the extent of further work required of the Council by the examining Inspectors.
27. Thus, in light of the Council's five year housing position at the time of the Hearing, and the recent Housing Delivery Test results which shows delivery at 103% over the past three years, the proposed housing would not be essential to address a shortfall or past under delivery, but I accept that the proposal would still assist in meeting targets and should be afforded moderate weight.
28. In addition, the appellants propose that 50% of the dwellings would be affordable housing, in a 72%/28% split between social rented and shared ownership. This would considerably exceed the Council's requirement of 30% affordable housing provision set out in its Affordable Housing Guidance Note for Central Bedfordshire (South Area) (2018) (the AHGN). The AHGN indicates that it supersedes the requirements of saved Policy H4 of the LPR, which is accordingly out-of-date per Paragraph 213 of the Framework and is of limited weight. 15% of the overall dwellings would also be constructed to adaptable standards and made available initially to persons aged over 55, which would accord with the requirements of saved Policy H3 of the LPR that developments contribute to meeting the needs of the elderly. The appellants seek to secure these provisions through the submitted UU.
29. I heard from the Council that several large sites are under construction within several miles of the appeal site, at Houghton Regis and Leighton Linlade, where several thousand homes either have planning permission or have already started construction, with significant provision of affordable housing amongst them. Conversely, I heard from the appellants that no affordable housing has been provided in Eaton Bray for at least 20 years, and that there are considerable numbers of people on waiting lists for housing in the village. Ultimately, I have limited evidence to either verify the Council's figures for the other sites or to support the appellants' claims in these respects, and so these arguments are not determinative.
30. The Council's evidence does indicate, however, that affordable housing delivery has slightly exceeded the requirements from 2015/16 to 2018/19. Nonetheless, the Framework makes clear that the needs of groups with specific housing

requirements should be addressed. In light of this, the provision of up to 60 affordable home would a demonstrable benefit of the scheme addressing an identified need which should attract significant weight in the planning balance. The provision of adaptable housing is a further benefit, though given its scale, this would attract limited weight in favour of the proposal.

#### *Retention of Orchard/Provision of Open Space*

31. The existing historic orchard would be retained and preserved as part of the development, though this is already subject to a tree preservation order. An area of public open space would be created next to this which would add to the recreational facilities of the village. However, it was established at the Hearing that the orchard itself would not be publicly accessible, given the need to protect the trees and encourage biodiversity within it. I also heard concerns from interested parties in relation to potential adverse effects of indiscriminate parking on the narrow residential cul-de-sac of Moor End Lane by future users of the public open space and the health and safety implications of having a pond within the space. However, given the outline nature of the proposal, and the size of the appeal site, there appears to be reasonable scope to incorporate parking within the site if necessary. In terms of the pond, I have little tangible evidence to suggest this would pose any greater threat to health and safety than the ponds and lakes found in parks all across the country.
32. However, whilst the open space would be an undoubted benefit for prospective residents of the development, the rural surroundings of Eaton Bray, including the nearby Dunstable Downs, as well as the attractive open space and facilities of Edlesborough village green a short distance away already provide ample outdoor recreational opportunities for existing residents. As such, I find that the provision of public open space and retention of the orchard, whilst benefits of the scheme, would attract limited weight in favour of the proposal.

#### *Highway Improvements*

33. The appellants advance that the highway works proposed would provide significant improvements to a potentially substandard road along Bower Lane. However, the appellants' own transport statement (TS) found that the highway network serving the site generally operates safely. There is no substantive evidence that there is an existing problem with the operation of the highway along Bower Lane which would be resolved by the proposed works.
34. Rather, they would largely address the impact of the development itself. I was informed at the Hearing that the introduction of a curve in the road is in order to achieve sufficient sightlines for one of the proposed access points. The extension of footways on Bower Lane would be primarily for the use of prospective residents of the development and a limited benefit more widely, considering all of Bower Lane already benefits from a footpath on at least one side, albeit it is slightly substandard in width in places. I accept that the proposed roadside parking areas would help to address some existing issues with parked vehicles blocking one side of the road, but given that priority chicanes are also proposed, the situation of vehicles giving way to others would still exist.
35. I recognise that local residents have raised concerns over parking and congestion; however, the Council has not disputed the conclusions of the TA that the development's generation of an additional 1 vehicle movement every

1½ minutes at peak times would not be significant. I have no evidence to contradict this and thus I find that the development would not cause harmful levels of congestion or increase risk to highway safety. However, the benefits the proposed highway works would deliver in terms of highway safety and traffic flow would be insignificant, and would attract limited weight.

#### *Provision of Footpaths and cycle links*

36. The proposal includes provision of footpaths through the site, connecting to the existing public footpath to the eastern boundary, to Bower Lane and to Moor End Lane. As with the public open space, there would be value to prospective residents in enabling access to the wider public footpath network and through to Edlesborough, though such connectivity would be expected of any large housing scheme. For the wider public, I find there would be limited value in providing footpath links through the development, as for most people they would not provide a shorter or more direct route between Eaton Bray and Edlesborough compared to travelling along Moor End or taking the existing public footpath. As such, whilst a benefit, I afford the provision of footpaths and cycle links limited weight in favour of the scheme.

#### *Green Infrastructure and Biodiversity*

37. The appellants posit that there would be enhancements to green infrastructure, including to hedgerows, along with the planting in the public open space and landscape buffers to the boundaries of the site. The landscape buffers are proposed in large part to provide visual softening to the development, but I recognise that they would, in time, add to the extent of natural vegetation within the site. However, the extent of housing and significant removal and replacement of hedgerows proposed means that the green infrastructure would in large part be required as mitigation for the impacts of the development.
38. The appellants' Ecology Strategy also sets out a number of proposed measures intended to enhance the extent and quality of biodiversity on the site. Whilst I acknowledge the appellants' point that existing on-site habitats are currently unmanaged and are species poor in their composition, the proposal would in large part be required to offset the environmental impact of the proposed development, including removal or relocation of hedgerows.
39. In addition, it was raised at the Hearing that there would be pressure on any new biodiversity measures from human and domestic pet presence within areas of public open space and the wider site, though I have little evidence to substantiate the degree to which this would curtail the effectiveness of the proposed enhancements.
40. It is nevertheless a requirement of the Framework that developments minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Given this, and the degree to which the proposed measures would provide mitigation for impacts of the development, I afford green infrastructure and biodiversity enhancements limited weight in favour of the proposal.

#### *Sustainable Drainage*

41. The provision of sustainable drainage measures is a requirement of the Framework. The evidence before me does not indicate that the proposed measures, including the balancing pond, would do any more than mitigate for

the impacts of the development. I regard this as a neutral factor in the planning balance.

#### *Economic Benefits*

42. There would be economic benefits associated with the construction of the dwellings and from use of local services by future occupants, though given the limited number of village services, and the temporary nature of construction works, such benefits would attract limited weight in favour of the proposal.

#### *Effect on local services*

43. Interested parties at the Hearing raised issues of lack of capacity at local services including the doctor's surgery and school. I recognise these are genuine concerns for residents, and the Council acknowledges in its evidence that there are capacity issues at surgeries in Dunstable. Ultimately, it is not for a development to resolve existing problems but to suitably mitigate its own impacts. To this end, the Council has set out its requirements for financial contributions to address the impact of the development on local infrastructure, which the appellants have sought to address through the UU.
44. The signed UU makes provision for the delivery of the proposed affordable and adaptable housing in accordance with the Council's preferred ratios, and would secure financial contributions in relation to the provision of nursery, primary and secondary education, healthcare and upgrading the existing play area at Eaton Bray Recreation Ground. I am satisfied that each sought obligation meets the three tests set out in Paragraph 56 of the Framework for planning obligations. As a result, I have taken the completed UU into account; however, apart from the benefits of affordable and adaptable housing already identified, the other provisions are required to mitigate the impact of the development and are neutral considerations in the planning balance.

#### **Other Matters**

45. I have had regard to a number of Council and appeal decisions referred to me relating to proposed developments in Central Bedfordshire and/or within the Green Belt. I do not have full details of the evidence before the decision makers in these cases, but whilst I note some similarities in the nature of the other proposals, there are also differences in site circumstances, housing supply positions and policy contexts between these and the appeal now before me, particularly where they relate to another local authority area, which limits the weight I place upon them. Ultimately, the apportionment of weight to particular harms and benefits is a matter for the decision maker in each case, and accordingly I have considered this appeal on its own merits.
46. I have had regard to other concerns raised by interested parties both at the Hearing and in writing, beyond those I have already addressed. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues, and taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

#### **Planning Balance and Conclusion**

47. The proposal would amount to inappropriate development as set out in the Framework, which is, by definition, harmful to the Green Belt and should not be



approved except in very special circumstances. In addition, the proposal would lead to a significant loss of openness to the Green Belt. The Framework directs that substantial weight should be given to the harm to the Green Belt. There would also be significant harm to the landscape character of the area and limited harm from the loss of BMV agricultural land. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are *clearly* outweighed by other considerations (my emphasis).

48. As explained, I give weight ranging from little to significant to the other considerations advanced by the appellants and in the wider evidence, but I find that, cumulatively, these would not clearly outweigh the totality of harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
49. Notwithstanding the Council's five year housing land supply position, the Council accepts that saved Policy H4 of the LPR is a policy most important for the determination of the appeal<sup>3</sup>, and is out-of-date per the AHGN. In this scenario, Paragraph 11(d)(i) of the Framework indicates that planning permission should be granted unless application of policies in the Framework that protect areas or assets of particular importance provided clear reasons for refusing the development proposed. Green Belt is one such area or asset and, given my findings, the proposal would not amount to sustainable development and the presumption in favour does not therefore apply.
50. There would be general compliance with the thrust of saved Policy H4 given the extent of affordable housing to be provided, but this policy is of limited weight and given the conflict I have found with saved Policy BE8, and Policy EB8 of the NP, to which I afford significant weight, there would be conflict with the development plan taken as a whole. In addition, the Framework is an important material consideration which does not indicate that permission should be forthcoming other than in accordance with the development plan.
51. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*K Savage*

INSPECTOR

<sup>3</sup> Statement of Case, Para 4.3

## **APPEARANCES**

### For the Appellants:

Zach Simons	Barrister, instructed by the appellants
Duncan Mason	Optimus Consulting
Natasha Abbott	Optimus Consulting

### For the Local Planning Authority:

Philip Hughes MRTPI	Planning Consultant
Julia Scott CMLI	Landscape Officer

### Interested Parties:

Julia Brewer	Chairperson, Eaton Bray Parish Council
John English	Campaign to Protect Rural England (Bedfordshire)
Matt Geldart	On behalf of a local community group
Louise Follett	Pegasus Group on behalf of Willis Dawson Ltd
Philip Spicer	Ward Councillor, Central Bedfordshire Council
Dominique Lloyd	Local resident
Paul Atkins-Marr	Local resident
Mark Ellis	Local resident
Adrian Roberts	Local resident
Ross Bagni	Local resident
Mike Makin	Local resident
Mary Walsh	Local resident
John Wilkinson	Local resident
Frederick Baynes	Local resident
Richard Cooper	Local resident
Jean Marquis	Local resident
Peter Barraclough	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Updated draft copy of unilateral undertaking from appellants
2. Copy of appeal decision APP/N0220/A/89/114305, dated 20 October 1989

# PH4



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# Manual for Streets



# Status and application

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*Manual for Streets* (MfS) supersedes *Design Bulletin 32* and its companion guide *Places, Streets and Movement*, which are now withdrawn in England and Wales. It complements *Planning Policy Statement 3: Housing and Planning Policy Wales*. MfS comprises technical guidance and does not set out any new policy or legal requirements.

MfS focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. It is the responsibility of users of MfS to ensure that its application to the design of streets not specifically covered is appropriate.

MfS does not apply to the trunk road network. The design requirements for trunk roads are set out in the *Design Manual for Roads and Bridges* (DMRB).

MfS only applies formally in England and Wales.

The policy, legal and technical frameworks are generally the same in England and Wales, but where differences exist these are made clear.



Figure 4.6 Perimeter blocks enclosing a pleasant communal open space.



Figure 4.7 A highways-dominated layout with buildings that have a poor relationship to the road.

## 4.4 The walkable neighbourhood

4.4.1 Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13<sup>4</sup> states that walking offers the greatest potential to replace short car trips, particularly those under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents.

4.4.2 By creating linkages between new housing and local facilities and community infrastructure, the public transport network and established walking and cycling routes are fundamental to achieving more sustainable patterns of movement and to reducing people's reliance on the car. A masterplan (or scheme layout for smaller-scale developments) can help ensure that proposals are well integrated with existing facilities and places.

4.4.3 Density is also an important consideration in reducing people's reliance on the private car. PPS3<sup>5</sup> encourages a flexible approach to density, reflecting the desirability of using land efficiently, linked to the impacts of climate change. It sets a national minimum indicative density of 30 dwellings per hectare. Residential densities should be planned to take advantage of a proximity to activities, or to good public transport linking those activities. *Better Places to Live: By Design*<sup>6</sup> advises that a certain

critical mass of development is needed to justify a regular bus service, at frequent intervals, which is sufficient to provide a real alternative to the car.

## 4.5 Layout considerations

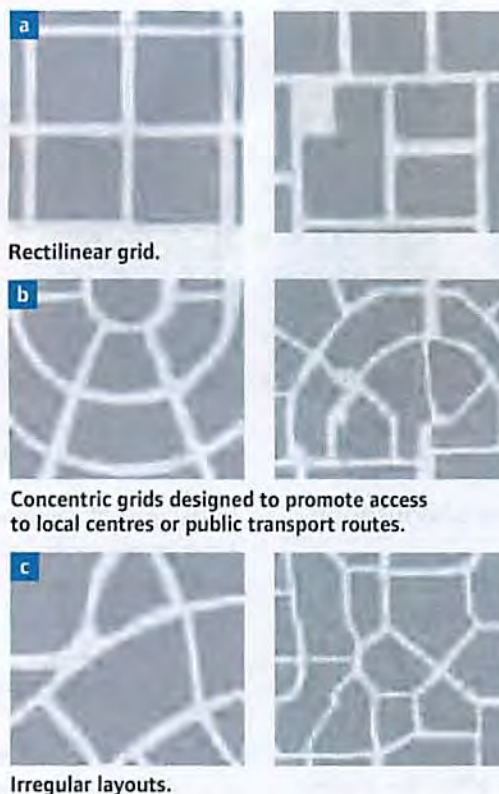
4.5.1 Streets are the focus of movement in a neighbourhood. Pedestrians and cyclists should generally share streets with motor vehicles. There will be situations where it is appropriate to include routes for pedestrians and cyclists segregated from motor traffic, but they should be short, well overlooked and relatively wide to avoid any sense of confinement. It is difficult to design an underpass or alleyway which satisfies the requirement that pedestrians or cyclists will feel safe using them at all times.

4.5.2 The principle of integrated access and movement means that the perimeter block is usually an effective structure for residential neighbourhoods. A block structure works in terms of providing direct, convenient, populated and overlooked routes. In addition, it makes efficient use of land, offers opportunities for enclosed private or communal gardens, and is a tried and tested way of creating quality places (Figs 4.6 and 4.7).

4.5.3 Several disadvantages have become apparent with housing developments built in the last 40 years which departed from traditional arrangements. Many have layouts that make orientation difficult, create left-over or ill-defined spaces, and have too many blank walls or façades. They can also be inconvenient for pedestrians, cyclists and bus users.

4 DETR (2001) *Policy Planning Guidance 13: Transport*. London: TSO.  
5 DTLR and CABE (2001) *Better Places to Live: By Design. A Companion Guide to PPG3*. London: Thomas Telford Ltd.  
6 Communities and Local Government (2006) *Planning Policy Statement 3: Housing*. London: TSO.





Rectilinear grid.



Concentric grids designed to promote access to local centres or public transport routes.



Irregular layouts.

Figure 4.8 Variations on the block structure.

4.5.4 Within a block structure, the designer has more freedom to create innovative layouts. The layouts in Fig. 4.8, and variations on them (such as a 'broken grid' with the occasional cul-de-sac), are recommended when planning residential and mixed-use neighbourhoods.

### Geometric choices and street pattern

4.5.5 Straight streets are efficient in the use of land. They maximise connections between places and can better serve the needs of pedestrians who prefer direct routes. However, long, straight streets can also lead to higher speeds. Short and curved or irregular streets contribute to variety and a sense of place, and may also be appropriate where there are topographical or other site constraints, or where there is a need to introduce some variation for the sake of interest. However, layouts that use excessive or gratuitous curves should be avoided, as they are less efficient and make access for pedestrians and cyclists more difficult.

4.5.6 Geometric choices and street pattern should be based on a thorough understanding of context.



Figure 4.9 A good example of a pedestrian/cycle route at Poundbury, Dorchester. It is short, direct and with good surveillance.

4.5.7 Cul-de-sacs may be required because of topography, boundary or other constraints. Cul-de-sacs can also be useful in keeping motor-traffic levels low in a particular area, but any through connections for pedestrians and cyclists should be well overlooked with active frontages. Cul-de-sacs can also provide the best solution for developing awkward sites where through routes are not practical (Fig. 4.9). Caution must, however, be exercised when planning for cul-de-sacs, as they may concentrate traffic impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles.

## 4.6 Crime prevention

4.6.1 The layout of a residential area can have a significant impact on crime against property (homes and cars) and pedestrians. Section 17 of the Crime and Disorder Act 1998,<sup>7</sup> requires local authorities to exercise their function with due regard to the likely effect on crime and disorder. To ensure that crime prevention considerations are taken into account in the design of layouts, it is important to consult police architectural liaison officers and crime prevention officers, as advised in *Safer Places*.<sup>8</sup>

4.6.2 To ensure that crime prevention is properly taken into account, it is important that the way in which permeability is provided is given careful consideration. High permeability is conducive to walking and cycling, but can lead to problems of anti-social behaviour if it is only achieved by providing routes that are poorly overlooked, such as rear alleyways.

<sup>7</sup> Crime and Disorder Act 1998. London: TSO.

<sup>8</sup> ODPM and Home Office (2004) *Safer Places: The Planning System and Crime Prevention*. London: Thomas Telford Ltd.



4.6.3 *Safer Places* highlights the following principles for reducing the likelihood of crime in residential areas (*Wales*: also refer to Technical Advice Note (TAN) 12<sup>9</sup>):

- the desire for connectivity should not compromise the ability of householders to exert ownership over private or communal 'defensible space';
- access to the rear of dwellings from public spaces, including alleys, should be avoided – a block layout, with gardens in the middle, is a good way of ensuring this;
- cars, cyclists and pedestrians should be kept together if the route is over any significant length – there should be a presumption against routes serving only pedestrians and/or cyclists away from the road unless they are wide, open, short and overlooked;
- routes should lead directly to where people want to go;
- all routes should be necessary, serving a defined function;
- cars are less prone to damage or theft if parked in-curtilage (but see Chapter 8). If cars cannot be parked in-curtilage, they should ideally be parked on the street in view of the home. Where parking courts are used, they should be small and have natural surveillance;
- layouts should be designed with regard to existing levels of crime in an area; and
- layouts should provide natural surveillance by ensuring streets are overlooked and well used (Fig. 4.10).

<sup>9</sup> Welsh Assembly Government (2002). *Technical Advice Note 12: Design*. Cardiff: NAFW. Chapter 5, Design Issues.



Figure 4.10 Active frontage to all streets and to neighbouring open space should be an aim in all developments. Blank walls can be avoided, even on the return at junctions, with specially designed house types.



## Chapter aims

- Promote inclusive design.
- Set out the various requirements of street users.
- Summarise the requirements for various types of motor vehicle.

## 6.1 Introduction

6.1.1 Street design should be inclusive. Inclusive design means providing for all people regardless of age or ability. There is a general duty for public authorities to promote equality under the Disability Discrimination Act 2005.<sup>1</sup> There is also a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disabled people play a full part in benefiting from, and shaping, an inclusive built environment.

6.1.2 Poor design can exacerbate the problems of disabled people – good design can minimise them. Consultation with representatives of various user-groups, in particular disabled people, is important for informing the design of streets. Local access officers can also assist here.

6.1.3 Designers should refer to *Inclusive Mobility*,<sup>2</sup> *The Principles of Inclusive Design*<sup>3</sup> and *Guidance on the Use of Tactile Paving Surfaces* (1999)<sup>4</sup> in order to ensure that their designs are inclusive.

6.1.4 If any aspect of a street unavoidably prevents its use by particular user groups, it is important that a suitable alternative is provided. For example, a safe cycling route to school may be inappropriate for experienced cyclist commuters, while a cycle route for commuters in the same transport corridor may be unsafe for use by children. Providing one as an alternative to the other overcomes these problems and ensures that the overall design is inclusive.

6.1.5 This approach is useful as it allows for the provision of a specialised facility where there is considerable demand for it without disadvantaging user groups unable to benefit from it.

## 6.2 Requirements for pedestrians and cyclists

6.2.1 When designing for pedestrians or cyclists, some requirements are common to both:

- routes should form a coherent network linking trip origins and key destinations, and they should be at a scale appropriate to the users;
- in general, networks should allow people to go where they want, unimpeded by street furniture, footway parking and other obstructions or barriers;
- infrastructure must not only be safe but also be perceived to be safe – this applies to both traffic safety and crime; and
- aesthetics, noise reduction and integration with surrounding areas are important – the environment should be attractive, interesting and free from graffiti and litter, etc.

## 6.3 Pedestrians

6.3.1 The propensity to walk is influenced not only by distance, but also by the quality of the walking experience. A 20-minute walk alongside a busy highway can seem endless, yet in a rich and stimulating street, such as in a town centre, it can pass without noticing. Residential areas can offer a pleasant walking experience if good quality landscaping, gardens or interesting architecture are present. Sightlines and visibility towards destinations or intermediate points are important for pedestrian way-finding and personal security, and they can help people with cognitive impairment.

6.3.2 Pedestrians may be walking with purpose or engaging in other activities such as play, socialising, shopping or just sitting. For the purposes of this manual, pedestrians include wheelchair users and people pushing wheeled equipment such as prams.

6.3.3 As pedestrians include people of all ages, sizes and abilities, the design of streets needs to satisfy a wide range of requirements. A street design which accommodates the needs of children and disabled people is likely to suit most, if not all, user types.

6.3.4 Not all disability relates to difficulties with mobility. People with sensory or cognitive impairment are often less obviously disabled,

<sup>1</sup> Disability Discrimination Act 2005. London: TSO.

<sup>2</sup> Department for Transport (2002) *Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. London: Department for Transport.

<sup>3</sup> CABI (2006) *The Principles of Inclusive Design (They include you)*. London: CABI.

<sup>4</sup> DETR (1999) *Guidance on the Use of Tactile Paving Surfaces*. London: TSO.



Figure 6.1 West End of London 1884 – the block dimensions are of a scale that encourages walking.

so it is important to ensure that their needs are not overlooked. Legible design, i.e. design which makes it easier for people to work out where they are and where they are going, is especially helpful to disabled people. Not only does it minimise the length of journeys by avoiding wrong turns, for some it may make journeys possible to accomplish in the first place.

6.3.5 The layout of our towns and cities has historically suited pedestrian movement (Fig. 6.1).

6.3.6 Walkable neighbourhoods should be on an appropriate scale, as advised in Chapter 4. Pedestrian routes need to be direct and match desire lines as closely as possible. Permeable networks help minimise walking distances.

6.3.7 Pedestrian networks need to connect with one another. Where these networks are separated by heavily-trafficked roads, appropriate surface level crossings should be provided where practicable. Footbridges and subways should be avoided unless local topography or other conditions make them necessary. The level changes and increased

distances involved are inconvenient, and they can be difficult for disabled people to use. Subways, in particular, can also raise concerns over personal security – if they are unavoidable, designers should aim to make them as short as possible, wide and well lit.

6.3.8 The specific conditions in a street will determine what form of crossing is most relevant. All crossings should be provided with tactile paving. Further advice on the assessment and design of pedestrian crossings is contained in Local Transport Notes 1/95<sup>5</sup> and 2/95<sup>6</sup> and the *Puffin Good Practice Guide*.<sup>7</sup>

6.3.9 Surface level crossings can be of a number of types, as outlined below:

- Uncontrolled crossings – these can be created by dropping kerbs at intervals along a link. As with other types of crossing, these should be matched to the pedestrian desire lines. If the crossing pattern is fairly random and there is an appreciable amount of pedestrian activity, a minimum frequency of 100 m is recommended.<sup>8</sup> Dropped kerbs should

5 Department for Transport (1995) *The Assessment of Pedestrian Crossings*. Local Transport Note 1/95. London: TSO.

6 Department for Transport (1995) *The Design of Pedestrian Crossings*. Local Transport Note 2/95. London: TSO.

7 County Surveyors' Society/Department for Transport (2006) *Puffin Good Practice Guide* available to download from [www.dft.gov.uk](http://www.dft.gov.uk) or [www.cssnet.org.uk](http://www.cssnet.org.uk).

8 Department for Transport (2005) *Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. London: Department for Transport.

# PH5

## Planning for Walking



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## Contents

### 1. Introduction

### 2. Walking characteristics, behaviour and trends

- 2.1 How much do people walk?
- 2.2 Why do people walk?
- 2.3 Variations by age and gender
- 2.4 Many find it difficult to walk

### 3. Benefits of walking

- 3.1 Health
- 3.2 Economic benefits
- 3.3 Relieving public transport
- 3.4 Walking improves air quality

### 4. Current conditions and challenges

- 4.1 Problems faced by pedestrians
- 4.2 Road safety and fear of traffic
- 4.3 Street crime
- 4.4 Barriers to movement, including main roads, railways and canals

### 5. Legal and regulatory context for walking

- 5.1 Definitions
- 5.2 Rights of pedestrians
- 5.3 Highways Act 1980
- 5.4 Disability discrimination
- 5.5 Active Travel (Wales) Act 2013

### 6. Developing strategies and plans for walking

- 6.1 Delivering walking schemes
- 6.2 Pedestrian networks
- 6.3 Land use planning for pedestrians
- 6.4 Pedestrian catchments
- 6.5 Improving pedestrian safety
- 6.6 Giving pedestrians priority
- 6.7 Developing more balanced streets
- 6.8 Transport terminals
- 6.9 Wayfinding

### 7. Promoting walking

### 8. Looking to the future

- 8.1 Sustainability
- 8.2 Residential densities
- 8.3 Planning for more elderly and elderly disabled pedestrians
- 8.4 Rising concern about health and physical exercise
- 8.5 Section 106 Agreements and Community Infrastructure Levy: Funds for street improvements
- 8.6 Streets as spaces for multiple activities rather than just corridors for movement
- 8.7 Navigation on foot by smart phones and other digital aids
- 8.8 Autonomous vehicles

### 9. References

### 10. Bibliography





Footpath linking culs-de-sac

Culs-de-sac need special attention, as the deterrent to walking they and gated communities pose should be recognised and, if possible, eliminated. Wherever possible, culs-de-sac should be linked by footpaths (ways for walkers not alongside roads) to provide through routes for walkers and cyclists despite being dead ends for motor vehicles. They should provide direct pedestrian paths to bus stops and neighbourhood centres. These through routes will not be used unless people are aware of them, so they should be made clearly visible and signed.

Pedestrian routes should be plotted on local maps to check permeability. Figure 14 shows an example from Manual for Streets (DfT, 2007).

An analysis of movement within an existing settlement will help identify any changes required for it to mesh with a new development. It could also influence movement patterns required within the new development. For new developments, an understanding of how an existing area functions in terms of movement and place enables the proposed points of connection and linkage to be identified, both within and from the site, so that important desire lines are achieved. This process will help ensure that a new development enhances the

existing movement framework of an area rather than disrupting or severing it. Mapping footpaths as well as streets displays the full range of routes and ensures that parts of an area are not isolated.

### The importance of following desire lines

Networks of routes for pedestrians should be based on the understanding that pedestrians prefer the shortest, most direct paths between their origins and their destinations. Road crossings should be safe both objectively and as perceived by pedestrians. They should not require pedestrians to divert from direct routes or cause excessive delays. Footways and footpaths should link main trip generators as directly as possible. Pedestrians prefer to see places to which they are heading, and although gentle curves will generally be followed, sharp changes in direction will not. Walkers can only be deflected from shortcuts if these are blocked, which is undesirable and often requires guardrail or other street clutter.

Most walking trips begin at home, but most town-centre trips begin and end at public buildings or transport interchanges. Locating building entrances well is important for the convenience of pedestrians and public transport passengers. Front doors should be close to and face streets, bus stops and other walking routes. Car parks should generally be placed behind buildings and no nearer the front door than the local walking route or public transport stop ("Planning for Public Transport in Developments" IHT, 2000b).

Changes in level should be avoided where possible, but when one is inevitable, the needs of those with

disabilities must be considered. Bridges, high-level walkways and subways should be avoided, unless they relate naturally to the main entrances of nearby buildings. Subways and footbridges are usually unpopular as they generally require people to deviate from their desire line and can feel threatening and unsafe. There is a move in recent years to remove them and replace them with at-grade crossings.

### 6.3 Land use planning for pedestrians

Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of "walkable neighbourhoods," with a typical catchment of around 800 m or 10 minutes' walk (see 6.4 below).

The DETR publication Encouraging walking (DETR, 2000) says:

*Land use planning is the most important long term solution to both our strategic and practical transport needs. Integrated planning reduces the need for travel and makes jobs and services more easily accessible to all. We cannot emphasise enough the importance of this aim for planners. We need to change the way we plan and put greater emphasis on enabling access by walking, as well as cycling and public transport.*

Achieving this change will necessitate following all the points about attractive routes already made in these guidelines. When these routes are mapped, it will become clear whether they are comprehensive and penetrate to all parts of the settlement.

## Network Planning

The role of pedestrian network planning for utility trips in built-up areas is generally not to provide new walking routes per se, but to improve the existing network in order to encourage people to make more short trips on foot.

The question of where to focus investment is critical, and so this guidance outlines processes for identifying which parts of the pedestrian network should be prioritised for improvement, based around three possible approaches.

- A) Walking trip attractors;
- B) Funnel routes associated with land-form barriers; and
- C) Footway maintenance classification.

A process map for the recommended methodology, including the three approaches, is shown in Figure 5.1.

Design Guidance Active Travel (Wales) Act 2013 (Welsh Government 2014) section 5.1

Figure 5.1: Recommended Process for Network Planning for Walking

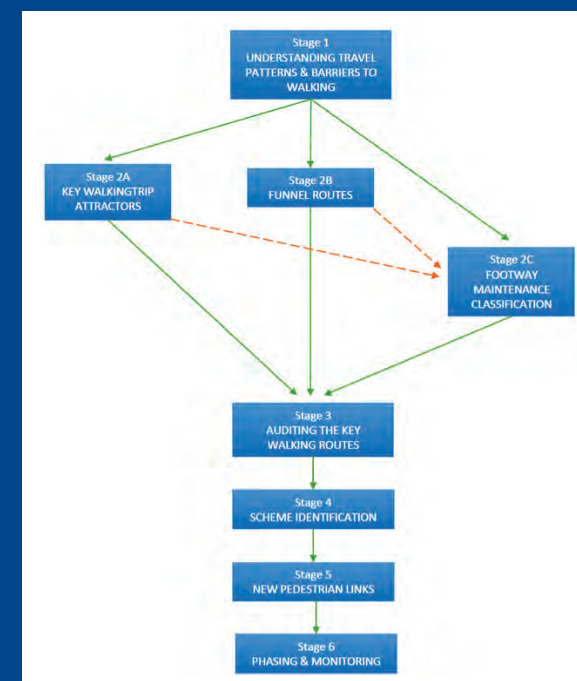
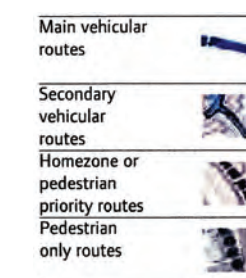


Figure 13: Proposed movement for the redevelopment of RAF Halton (from Manual for Streets, DfT, 2007)







Photograph: Derek Palmer

#### Front entrances should face streets and bus stops

Planners need, above all, to see them from the viewpoint of pedestrians, understanding their requirements and limitations.

Additions to towns, be they renewal areas or new suburbs, will be isolated if adjoining roads, footways and bus routes are not extended into and across them. Traffic on these roads should not deter pedestrians. Major roads can be designed as boulevards fronted by shops and parking. Minor roads should be subjected, as appropriate, to traffic calming or 20-mph limits.

The roads for new suburbs must be complemented by networks of pedestrian routes, consisting of footways (pavements running alongside roads), footpaths (which do not follow roads) and crossings. Maps of such networks should be made at an early stage of design to reveal the presence or absence of walkability. They should show bus stops, local shops and health centres to ensure that the network provides direct routes between them and as many houses as possible. Where there are breaks in the network due, for example, to culs-de-sac, additional footpath links should be inserted.

The National Planning Policy Framework states (Para. 35. Page 10) (DCLG, 2012)

*Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:*

- **accommodate the efficient delivery of goods and supplies;**
- **give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;**
- **create safe and secure layouts which minimise**

**conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.**

#### 6.4 Pedestrian catchments

Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas:

##### *Traditional compact town layouts*

*Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design.*

The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.

#### 6.5 Improving pedestrian safety

An OECD (2001) report on road safety recommends that whenever infrastructure is created or improved, highway authorities should "endeavour above all to create a safe environment for pedestrians," and that "this concern [should] underlie any land-use planning." This is the "putting pedestrians first rule," and it reflects a recognition that if, in highway works, people on foot are not considered first, they will end up being put last.

A more recent report (Mathieson et al., 2013) on the mobility and safety of older road users has, as one of the principal recommendations, the following:

*Pedestrians – strong stakeholder views have been expressed about the inappropriate and inconsiderate use of footways and pedestrian areas by cyclists, parked vehicles and mobility scooters. There is a need for enforcement and encouragement for other users to consider the needs of older pedestrians who are fearful of being involved in an accident. Footways of appropriate width and adequately maintained for the older user must be considered in design and maintenance regimes.*

In general, the fundamental requirements are to separate pedestrians from vehicle traffic and to limit vehicle speed. Separation can be in space, by providing separate areas for pedestrians and vehicles, or in time, by the use of traffic signals. The exception is that pedestrians and vehicles can share space in areas where traffic speeds are very low—see the paragraphs below on shared space in Section 6.7.

Infrastructure to improve pedestrian safety includes:

- **Adequate footway and footpath widths**
- **Kerb line build-outs to minimise the time taken to cross carriageways and slow traffic**
- **Preventing parked vehicles blocking footways through better enforcement or physical means**
- **Good pedestrian access to public transport**
- **More crossings which provide effective pedestrian priority**
- **Fully protected pedestrian phases at traffic signals**
- **Median pedestrian refuges**
- **20-mph speed limits**



Photograph: Living Streets

#### Pavement parking



#### Bollards to prevent pavement parking

#### 6.6 Giving pedestrians priority

Since Britain's first pedestrian town centre streets in Southend, Salisbury and Norwich in the 1960s, the provision of traffic-free or pedestrian priority areas in town centres has become widespread. Providing priority for pedestrians comes in various forms.

##### *Pedestrianised streets*

Pedestrianised streets are characterised by the exclusion of motor vehicles. This exclusion can be full time or service vehicles may be allowed to enter early in the morning and during late afternoons or evenings. Visitors' cars may be given access to evening activities, or to hotels. The road surface can be flush as in a fully pedestrian space, or an area for vehicles can be indicated by low kerbs, a change of surface or bollards. Whatever the surface and access arrangements, it is necessary to provide access routes for emergency vehicles.

##### *Pedestrian precincts*

Traffic-free shopping streets with or without linking arcades: open air, as in Leeds, or enclosed as in Eldon Square, Newcastle upon Tyne.

##### *Pedestrian priority streets and areas*

Pedestrian priority streets are those where only a few vehicles, such as buses, cycles or cars with blue badges, are allowed to enter, usually at low speeds. An early scheme in Oxford was monitored by TRRL, and

# **RH6**



GUIDELINES FOR

# PROVIDING FOR JOURNEYS ON FOOT

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# CONTENTS

# PAGE No

## MESSAGE FROM THE PRESIDENT

INSIDE FRONT COVER

## EXECUTIVE SUMMARY

5

## WHO SHOULD READ WHAT?

7

### 1. INTRODUCTION

9

About the Guidelines

9

The Importance of Walking

11

Benefits of Walking

16

Staffing and Professional Training

18

References

19

### 2. THE POLICY AND PLANNING FRAMEWORK

21

National Policies

21

Land-Use Planning

26

Transport Plans

34

Other Plans

37

References

39

### 3. PLANNING FOR PEDESTRIANS

41

Barriers to Walking

41

Getting Started

42

Public Consultation and Involvement

44

New Development

45

Existing Pedestrian Routes

50

Assessing the Walking Environment – Pedestrian Reviews

52

Planning Pedestrian Priority

56

School Travel Plans

60

References

61

### 4. DESIGN PRINCIPLES

63

The "Design" Pedestrian

63

Functional Criteria for Good Design

65

Urban Design

65

Integration with Other Modes

66

Pedestrian-Friendly Approach

68

Hierarchy of Measures

69

Pedestrian Audit

71

References

71

<b>5. DESIGN DETAILS</b>	<b>73</b>
Footway Design	73
Ramps and Steps	74
General Footway Features	77
Pedestrian Crossing Facilities	80
Surface Treatments	89
Surface Drainage	92
Trees and Landscaping	92
Street Furniture	93
Street Lighting	96
References	97
<b>6. FOOTWAY MAINTENANCE</b>	<b>99</b>
Importance of Maintenance	99
Footway Hierarchy and Inspection Frequencies	100
Footway Defects and Response Times	101
Prioritisation of Planned Work Identified by Inspections	105
Routine Maintenance Work	106
Footway Repair	108
Winter Maintenance	109
Utilities Work – NRSWA	110
Personal Injury Accidents	110
How to Make a Complaint and Obtain Advice	113
References	115
<b>7. PROMOTING WALKING</b>	<b>117</b>
The Principles of Marketing	117
The Elements of Marketing	120
Walking and Schools	125
Walking and Shopping	128
Walking and Work	129
Walking for Pleasure	132
References	133
<b>8. APPRAISAL AND MONITORING</b>	<b>135</b>
The Need for Appraisal and Monitoring	135
Appraisal of Strategies and Schemes	136
Monitoring Schemes	139
Monitoring Walking	140
References	148
<b>APPENDICES</b>	
A Scotland, Wales and Northern Ireland	149
B Pedestrian Review Form	154
C Local Highway Authority Checklist	156
D Example of an Assessment Framework	159
<b>GLOSSARY OF TERMS AND ABBREVIATIONS</b>	<b>163</b>
<b>ACKNOWLEDGEMENTS</b>	
<b>INSIDE BACK COVER</b>	

# EXECUTIVE SUMMARY

*Guidelines for Providing for Journeys on Foot* is a technical document intended to support the UK Government's recent publication *Encouraging walking: advice to local authorities*. It advises on planning for and providing for pedestrians, maintaining the pedestrian infrastructure and promoting walking. It is aimed at practitioners in local authorities, consultancies and elsewhere who have the task of implementing these measures.

Planners, engineers and others have been providing for pedestrians for a very long time and there is a great deal of existing technical advice. However, seeing walking as a valued travel mode in its own right, and taking a strategic approach to encouraging it, is relatively new. These Guidelines are intended to provide an overview, highlighting key aspects of existing guidance, but without duplicating it unnecessarily. They are illustrated with examples of problems faced by pedestrians and good practice solutions. New or "rediscovered" information and tools are put forward, including those for planning for pedestrians, pedestrian audit and review, marketing walking, local authority pedestrian charters and monitoring levels of walking activity. Other key sources of advice are referenced.

The Guidelines encourage local authorities to take an integrated approach to walking issues. This involves not only the traditional schemes, such as pedestrianisation and crossings, but also more fundamental approaches, such as reducing traffic speeds and reallocating road space, as outlined in the UK Transport White Paper *A New Deal for Transport: Better for Everyone*.

Most towns and large villages in the UK have reasonably comprehensive networks of footways and footpaths. Surveys of public opinion regularly show that clean, safe and well-maintained pavements are high on the list of pedestrians' demands. The Guidelines therefore emphasise the importance of footway maintenance and cleansing, improving personal security and tackling illegal use of the footway. They also provide marketing advice for promoting walking, from transport, health and leisure perspectives.

The vast majority of pedestrian journeys are short – less than one mile. Proximity and good access to local facilities therefore largely determine the viability of walking. These Guidelines summarise planning policy guidance and show how the land use planning system can be used to influence the location of development and accessibility on foot.

Many improvements to the pedestrian infrastructure will be made within the framework of Local Transport Plans. The Guidelines provide advice on how to plan and design for pedestrians, in urban and rural areas. Technical advice on footway widths and surfaces, pedestrian crossings and pedestrian-friendly traffic calming is summarised. Techniques for auditing and reviewing pedestrian conditions are also included. With greater investment in pedestrian facilities, appraisal and monitoring become increasingly important. The Guidelines provide advice on these issues, including how walking can be monitored at local level.

## Types of pedestrians

**3.27.** The types of pedestrian using the route will need to be considered at the planning stage, as this will have implication for layout and design. Significant use by shoppers, tourists, young children, the visually impaired, people using wheelchairs, and other groups with particular needs should be identified where possible. This can usually be worked out from the main land uses and the location.

## Transportation Planning Models

**3.28.** There are various tools available to transportation planners to assist with planning or modifying highway networks for motor vehicles (eg, IHT, 1997, Chapter 8). Models for pedestrian movement are less common. Pedestrian modelling techniques have been developed for those locations where there are large numbers of pedestrians and where virtually all journeys are on foot, for example in large public squares or within passenger terminals. However, they are less well developed for multi-modal situations covering large areas, such as a new settlement or existing town. In these instances conventional origin and destination forecasting techniques/survey results can be used to determine desire lines but modal split assumptions may have to be made on assignment. These assumptions should also take account of the implications of new policies and schemes that will change the current situation.

**3.29.** The absence of specific pedestrian models for planning new developments is not necessarily a major problem. Most pedestrian networks are planned without models. Observation and experience are probably more important. It is also worth remembering that models can be expensive to construct and are not always sufficiently accurate.

## Acceptable walking distances

**3.30.** Approximately 80% of walk journeys and walk stages in urban areas are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). This differs little by age or sex and has remained constant since 1975/76. However, this varies according to location. Average walking distances are longest in Inner London. The main factors that influence both walking distance and walking time in a city or town centre appear to be the size of the city or town itself, the shape and the quality of the pedestrianised area, the type of shops and number of activities carried out. An average walking speed of approximately 1.4 m/s can be assumed, which equates to approximately 400m in five minutes or three miles per hour. The situation of people with mobility difficulties must be kept in mind in applying any specific figures.

**3.31.** "Acceptable" walking distances will obviously vary between individuals and circumstances. Acceptable walking distances will depend on various factors including:

- An individual's fitness and physical ability
- Encumbrances, eg shopping, pushchair
- Availability, cost and convenience of alternatives transport modes
- Time savings
- Journey purpose
- Personal motivation
- General deterrents to walking.

**3.32.** Table 3.2 contains suggested acceptable walking distances, for pedestrians without a mobility impairment for some common facilities. These may be used for planning and evaluation purposes. (See also Table 4.2.)

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

**3.33.** Planning Policy Guidance Note 6 states that the acceptable distance from a supermarket car park to the town centre is about 200–300m (DOE, 1996). Further sources of information on acceptable walking distances are provide by IHT (1997 and 1999) and DETR (1998).

**3.34.** For shopping, Carley and Donaldsons (1996) advise that that “acceptable” walking distances depend on the quality of the shops, the size of the shopping centre and the length of stay of the shopper. Specifically, they state that parking time governs the distance walked from parking. See Table 3.3) Higher quality and larger centres generate longer acceptable walking distances with up to 1250m of walking journey to 100,000m<sup>2</sup> of floor space.

Table 3.3: Acceptable walking distances for car-borne shoppers.

Parking time (hours)	Acceptable walking distance (metres)
30 mins	100
1	200
2	400
4	800
8	1000

*Source: Carley and Donaldsons (1997)*

## Individual Sites/Redevelopment

**3.35.** For smaller areas and individual new developments or redevelopment, usually within an existing urban area, origin /destination surveys and network planning may not be appropriate. It will be important to identify the anticipated desire lines, crossing locations, volume and type of pedestrian activity. The practicality and attractiveness of walking depend not only on the general location but also on the access details. The most important considerations are likely to be:

- the ease of pedestrian access to the site
- the orientation and location of buildings within the site
- the access arrangements within the site
- the architectural style of the development (car or pedestrian oriented).

**3.36.** Additional walking distances or gradients, can be crucial in determining whether a development is pedestrian friendly. Layouts that require pedestrians to walk through car parks or to follow indirect footpaths should be avoided as far as possible. These are issues that should be addressed jointly by planners and engineers involved in development control.

**3.37.** If the development is sufficiently large to warrant a Transport Impact Assessment, the local authority should ensure that this thoroughly addresses the issues of pedestrian access, both to the site and within it. Some guidance is provided in IHT *Guidelines for Providing for Public Transport in Developments* (IHT, 1999). Further Guidelines on Transport Assessments are expected from DETR.

# PH7

### Heritage note

1. I am Ruth Mitchell, I hold a MA (hons) in Architecture from the University of Edinburgh and a MA in Conservation Studies (Historic Buildings) from the University of York. I have held the post of Design and Conservation Officer at St Albans City and District Council for 3 years.
2. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting. Similarly, Policy 86 of the St Albans District Local Plan 1994 requires the Council to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest which it possesses. Policy D1 the Welwyn Hatfield District Plan 2005 requires a high quality of design.
3. Chapter 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to conserving and enhancing the historic environment. It notes in paragraph 189 that *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'*
4. Paragraph 193 goes on to say *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).'*
5. As set out in paragraph 10.23 of the Statement of Common Ground, both parties agree that the harm to the significance of the designated heritage asset would be less than substantial and therefore paragraph 196 of the NPPF applies.
6. 68 Roestock Lane, sometimes referred to as Balvicar Cottage, is a grade II listed timber framed building dating to the late C17. The building was formerly 2 cottages, and internally retains extensive exposed timber framing and a substantial chimney stack. The appeal site lies adjacent to 68 Roestock Lane and is considered to form part of the setting of the listed building.
7. The wider context of the listed building has changed piecemeal over the course of the C20. The demolition of the nearby two large farmsteads, the creation of the pumping station and the adjacent housing have all altered the listed buildings relationship with its context. The application site, however, has altered very little and retains the same footpaths and road boundaries which are visible in the 1879-80 OS County Series map.

### The appellant's assessment

8. The appellant's assessment set out in the submitted Archaeology and Heritage Assessment of listed building's setting, and the subsequent impact assessment, is quite limited. The statement concludes that the 'immediate' setting of the listed building, its garden, and the 'openness' of the directly adjacent land are the only parts which readily contribute to its significance.



9. However the assessment does not address the historic context and association of the listed building to the surrounding agricultural landscape, and relies, at least in part, on the existing deciduous plant screening. The site visit undertaken for the Appellant's Archaeology and Heritage Assessment was conducted in June. During the winter months the boundary between the listed building and the site is significantly less screened and consequently more open, due in part to no solid boundary treatment. It is noted that none of the views were taken during the winter months. There does not appear to be a full consideration of how seasonal changes would affect the views to and from the site.
10. In respect of the impact of the proposed development, as defined by the submitted parameters plan, the appellant states that this would be at the lowest end of the less than substantial spectrum. This assessment appears to be based on the principle that locating the proposed housing away from the land which is immediately adjacent to the listed building will maintain the openness of the buildings setting. The appellant's Archaeology and Heritage Assessment does not consider the loss of the rural character of the site.
11. However, even when considering the appellants limited assessment of significance (the listed building's garden and the 'openness' of the directly adjacent land are the only parts which readily contribute to its significance), this 'openness' is then permanently confined to a green surrounded by proposed built form, terminating long range views.

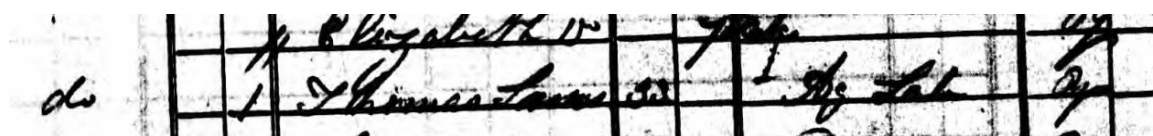
Reason for refusal and my assessment of the listed building's setting, its contribution to the listed building's significance & the impact of the proposal

12. In consultation to the submitted application, the design and conservation consultation response raised concern that the submitted Archaeology and Heritage Assessment was insufficient. Specifically, concern was raised that the assessment did not: address the historic agricultural context of the listed building or the proposed change in the character of the site, relied on deciduous tree screening and 'openness', and did not consider views from the listed building itself. Additionally, during the application concern was raised that the parameter plan did not include building heights, which has now been addressed through the subsequent height parameter plan.
13. To expand on the points raised in the initial response, there is evidence of the relationship between the listed building and the surrounding agricultural land and this is a key consideration of how the setting of the listed building contributes to its significance and consequently the impact of the proposals on the significance of the listed building.
14. Historically Roestock, and the other nearby villages and hamlets including Colney Heath and Sleapshyde were predominantly agricultural. The vast majority of the population in these areas were involved in the agricultural industry as farmers, agricultural labourers or associated farm cottage industries, such as making straw plait and hats. Consequently the listed building is most likely to have housed inhabitants who were linked to working the surrounding agricultural land.
15. Given the status of the cottages, it is unsurprising that there is little historic documentary evidence which specifically relates to them, particularly prior to the C19. Generally within the wider area (around 1 mile from the site), there is a relatively large number of surviving agricultural buildings which date to the C17, a similar period to the construction

of 68 Roestock Lane. Unfortunately the closest farmsteads to 68 Roestock Lane, Roundhouse Farm and Roestock Farm, were been demolished during the C20.

16. There are seven other farms identified in the 1879 OS map, within approximately 1 mile of the cottages. Of these, two, Downs Farm & Redhall Farm, have both been demolished in the late C20. Of the remaining farms, Colney Heath Farm is the closest and consists of a farmhouse and adjoining barn which are late C17 and a separate C18 barn<sup>1</sup>. Sleepshyde Farm, lies a little over half a mile to the north and has a C16 farmhouse, with two large barns and a granary dating to the C17<sup>2</sup>. Roehyde Farm is to the north east and has a late C16 to C17 farmhouse and a separate C18 barn<sup>3</sup>. Courser's farm which has mostly been redeveloped also retains a barn dating to the late C17 to early C18<sup>4</sup>.
17. Given the number of nearby farms, and the date of their buildings, agriculture is the most predominant industry within the Roestock area during the late C17 when 68 Roestock Lane was constructed. The construction of these agricultural buildings in this period it is evident that this was an important and thriving industry in the area.
18. The appellant has not provided any evidence that, historically, the occupiers of the listed building were anomalous and worked in other industries, or that the listed building was designed as such. The submitted Archaeology and Heritage Assessment states in the C19 the same land owner owned both of the cottages which form the listed building, and the land to the south-east including land which forms the appeal site. Therefore the association between the listed building and the adjacent agricultural land is unlikely to be the little to no extent contended by the appellant.

Moreover, as set out in the Appellant's Archaeology and Heritage Assessment, paragraphs 5.6 to 5.9, the Tithe Map of 1839 lists the tenants of the cottages, which now form 68 Roestock Lane, as Thomas Sams and Joseph Baldwin Gapp. In the 1841 census records for Roestock, Thomas Sams is recorded in Roestock and is listed an agricultural labourer<sup>5</sup>. The combination of the census record and the tithe map would therefore appear to evidence that the occupiers of 68 Roestock lane worked the surrounding agricultural land. The full page of the 1841 census record is located in Appendix A below.



**Figure 1. Extract of 1841 census entry for Thomas Sams, 33, Agricultural labourer (Ag Lab)**

<sup>1</sup> Colney Heath Farmhouse and Attached Barn and Barn on North Side of Farmyard at Colney Heath Farm list entries available at: <https://historicengland.org.uk/listing/the-list/list-entry/1103019> and <https://historicengland.org.uk/listing/the-list/list-entry/1103020>

<sup>2</sup> Sleepshyde Farmhouse, Range of Two Barns and Adjoining Stable and Granary list entries available at: <https://historicengland.org.uk/listing/the-list/list-entry/1347209> , <https://historicengland.org.uk/listing/the-list/list-entry/1102985> and <https://historicengland.org.uk/listing/the-list/list-entry/1347210>

<sup>3</sup> Roehyde Farmhouse and Barn And Stable Adjoining at Roehyde Farm list entries, available at: <https://historicengland.org.uk/listing/the-list/list-entry/1347186> and <https://historicengland.org.uk/listing/the-list/list-entry/1103016>

<sup>4</sup> Barn About 60 Metres North West of Coursers Farm House list entry, available at : <https://historicengland.org.uk/listing/the-list/list-entry/1175132>

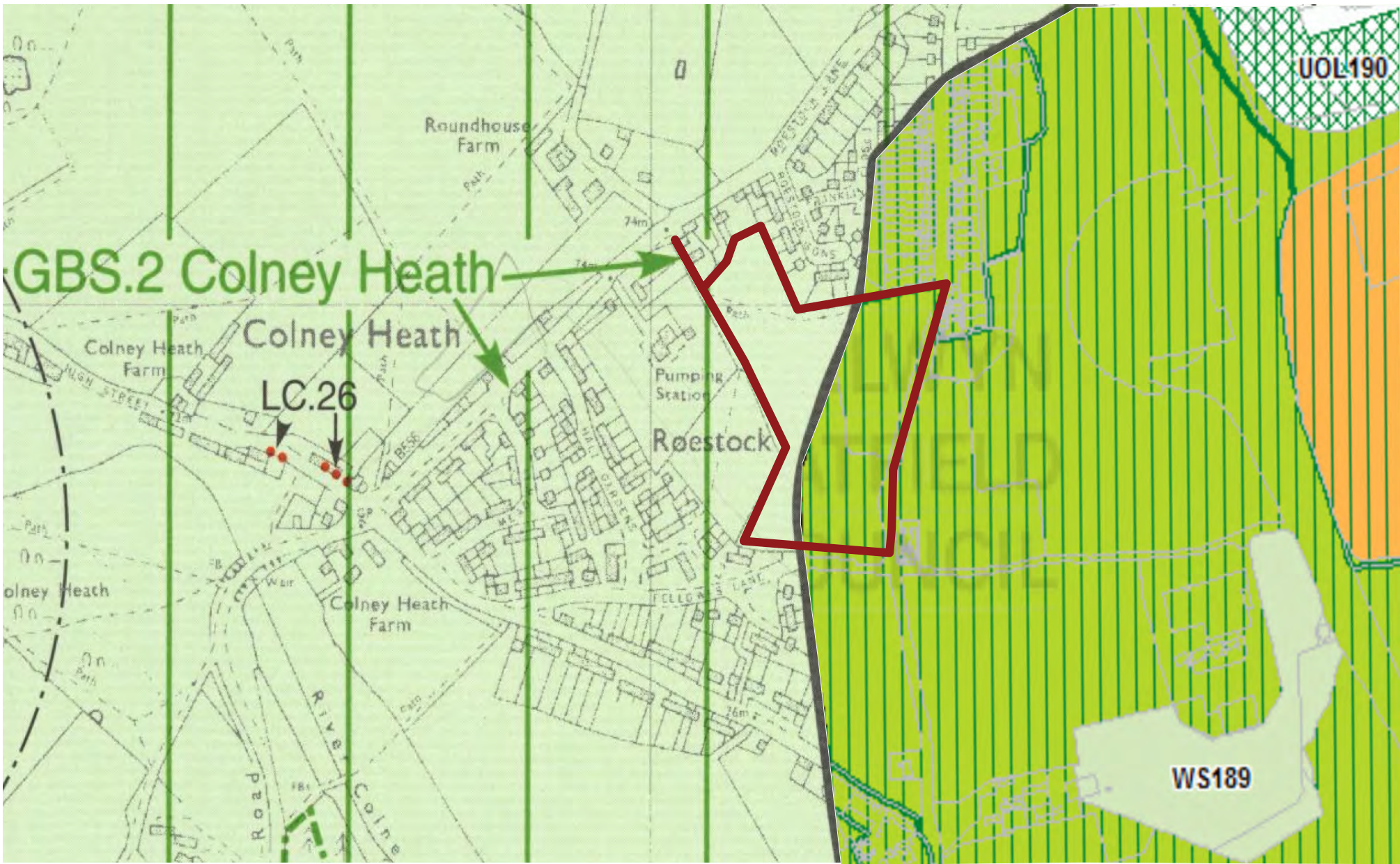
<sup>5</sup> National Archives, North Mimms 1841 Census, Document reference: HO 107/442/1

20. The census records for 1841 do not record a Joseph Baldwin Gapp in Roestock, nor any other Baldwins or Gapps, and this may indicate a change of occupier between the 1839 Tithe Map and the 1841 census. Since exact addresses were not recorded in the 1841 census enumeration books, without any other documentary evidence to identify an occupier, the occupation of the other cottage's tenant cannot be defined further. However when looking at the rest of the 1841 census records for Roestock, apart from one exception, all of the noted occupations are agricultural labourers or plait workers.
21. Accordingly, the LPAs contend that the listed building has an association with the surrounding agricultural land as part of its historic context. The listed building was likely historically occupied by people who worked the agricultural land. Additionally, the site retains its rural character and the agricultural use of the land has not altered since at least the late C19. It is the only remaining agricultural land which lies adjacent to the listed building. The appeal site also allows views to and from the listed building and allows the listed building to have uninterrupted longer range views towards the south-east. These aspects of the site are considered to contribute to the significance of the listed building and allow a greater appreciation of this significance as the last remnant of its historic context.
22. When considering the above assessment of the site and how it contributes to the significance of the listed building, the impact of the development would be higher than the level put forward by the appellant. Though this would still be within the less than substantial spectrum, the level of harm would be low to moderate.
23. The submission of a height parameter plan is welcomed and has clarified some of the previous concerns. However it is noted that it is still unclear what the definition of 'landmark buildings' is or how they would be designed to be landmarks.
24. Though the illustrative master plan has set the built form away from the listed building, the adjacent land is proposed to be a green, with a SUDs feature. Though indicative, the masterplan shows proposed attenuation basins appear to show the formalisation of the footpath and surrounding land. Instead of a rural, agricultural landscape, the open space would be an engineered and suburban space.
25. The indicative masterplan, its density and height, would likely result in the urbanisation of the site. The listed building would no longer lie on the edge of an agricultural field and would instead be enclosed in suburban development. The proposed development area would also block the longer range views out from the listed buildings, particularly to the agricultural land to the south-east of the site.
26. Though the listed building itself would be unaltered by the proposed development, it would no longer be able to be appreciated in its historic, agricultural context. The proposal would result in the permanent erosion of the rural nature of the site and the loss of its agricultural use. Accordingly the level of harm to the significance of the designated heritage asset would be considered as low to moderate, through development in its setting.
27. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The balancing exercise should take into account paragraph 193 of the NPPF which requires great weight to be given to the heritage asset's conservation.

Reference:-	HO 107 / 442 / 1	DATE OF BIRTH
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# PH8





MERGED LOCAL PLAN EXTRACTS  
ST ALBANS DISTRICT COUNCIL / WELWYN HATFIELD BOROUGH COUNCIL



## PROPOSED DEVELOPMENT SITE

# PH9



# Bullens Green Lane





# Bullens Green Lane

