

Examination of the St Albans City and District Local Plan Matters, Issues and Questions for Stage 1

Statement on behalf of Convene Construction Ltd

Representor ID – 39855

Submission no. 220/221

Potential Employment Allocation

Land at former Butterfly World, Miriam Lane, St Albans, AL2 3NY

Matter 3 – Issue 1 – Inspectors' Question 2

DLA Ref: 19/505

April 2025

Introduction

1. This statement is submitted on behalf of Convene Construction, the current operator of the Former Butterfly World, Miriam Lane, St Albans, AL2 3NY ('the Site'). Representations have been made to Regulation 18 and Regulation 19 draft Local Plan Consultations, promoting the allocation of the Site for employment purposes, and specifically for outdoor storage and related uses.
2. This would reflect the current unlawful use of the Site by around 15 different businesses, comprising car recovery and storage; car sales; removals and storage; construction plant storage and scaffolding yards. These uses are the subject of enforcement notice appeals. The appeals were dismissed on 16th September 2024, but were the subject of a successful legal challenge, such that they now await redetermination. The proposed allocation would provide an opportunity to regularise the existing use of the Site.
3. This statement provides a response to the Inspector's question 2 raised under Matter 3 (Green Belt) and Issue 1 (Principle of Green Belt Release).

Matter 3: Issue 1 Principle of Green Belt Release

4. The Inspectors ask at **Question 2**: *'In response to the Inspectors' Initial Questions, the Council refers to the application of buffers around settlements to help determine which sites to allocate. Is this approach justified, effective and consistent with national planning policy?'*
5. In the first instance, it is noted that the Matters, Issues and Questions paper for Stage 1 does not raise any issues with regard to strategic employment issues but rather is focused solely on housing delivery. It is appreciated that these issues may be considered later in the process, such that there will be further opportunities to make representations. Nevertheless, on the basis that this paper seeks responses in relation to the Council's approach to the proposed changes to Green Belt boundaries, it is considered appropriate to make representations at this stage.
6. It is considered that the Stage 2 Green Belt Review (GBR) of June 2023, should have given greater consideration to the potential redevelopment of previously developed land (PDL) such as the Site, on the basis that NPPF paragraph 147 requires that PDL within the Green Belt should be considered first in the event that it is deemed necessary to release Green Belt land.
7. The Inspectors initial questions to the Council (ED28, question 9) sought to explore how the Council had given first consideration to PDL in the Green Belt. The Council's response (ED32) explained the lengths the Council has gone to find PDL within settlements and we would agree that the search has been extensive. However, the Council's response is somewhat thinner when it comes to PDL in the Green Belt. Paragraph 8.6 explains that three PDL sites in the Green Belt have been identified. However, there appears to be no systematic approach to identifying PDL in the Green Belt. Neither the Council's site selection process nor the GBR appear to have treated PDL sites any differently from non-PDL sites.
8. The GBR included the Site within Sub Area SA-138. The Sub Area has an area of 27.45ha and the GBR estimated that around 10% thereof comprised PDL. The Assessment however failed to consider the Site of nearly 11ha in isolation, despite the fact that a 2005 planning permission for the erection of a building for the exhibition of butterflies and plants in association with the adjacent Gardens of the Rose Site to the west (LPA Ref: 5/2003/1343) was implemented in 2008, with the attraction opening in 2009, before closing at the end of 2015.
9. The approved buildings had a floorspace of nearly 10,000m², to include a rainforest biome with a diameter of 100m and a maximum height of some 23m, which whilst set into the existing slope by 8m, would still extend to 15m above ground level. The foundations for the biome were constructed at a cost of around £6 million, but to date it has not been completed

due to funding issues with a number of now expired temporary permissions granted for the provision of short-term alternative ancillary visitor accommodation. In addition, a total of 405 car parking spaces and a 12-space coach park were approved in the northern section of the site adjacent to the Chiswell Green Lane frontage, extending southwards adjacent to the eastern boundary. A new access was provided from Noke Lane to the south, via Miriam Lane, with that from Chiswell Green Lane, comprising the emergency site access. The car parking areas and access have been constructed. Despite this, the GBR failed to consider the potential for the redevelopment of the Site.

10. In addition, it is noted that the GBR concluded that Sub Area SA-138 *'performs weakly against NPPF purposes but makes an important contribution to the wider Green Belt'*. With regard to its contribution to the wider Green Belt, the GBR commented as follows:

"In combination with other sub-areas in the wider cluster in which the sub-area is located (SA-134, SA-135, SA-136, SA-137, SA-139, SA-140), the removal of the sub-area is likely to impact on the performance of the wider Green Belt, as it would constitute irregular and disproportionate sprawl of the built-up area; as well as substantially reducing the gap between Chiswell Green and Bricket Wood and eroding the strategic gap between St Albans and Watford. In addition, it would result in the creation of a 'island' of Green Belt to the west of Chiswell Green."

11. As noted elsewhere, it is considered that as a parcel of PDL the Site could have been allocated for redevelopment in isolation, without any amendment to Green Belt boundaries, however, the above conclusions of the GBR are accepted in relation to SA-138 as a whole. Notwithstanding this, since the GBR was published in June 2023, there has been a material change in circumstances. The land immediately to the east of the Site (identified in the GBR as SA-139) and that to the north (SA-140) are predominantly open. Both areas were the subject of proposals for residential development which were both allowed on appeal on 22nd March 2024, with the potential to deliver up to 721 dwellings as follows:

Appeal A - Land south of Chiswell Green Lane (PINS Ref: APP/B1930/W/22/3110391)

Outline permission was granted for the erection of up 391 dwellings, the provision of land for a new 2-form entry primary school, open space provision and associated landscaping on the adjacent parcel of land to the east of the Appeal Site on the southern side of Chiswell Green Lane. It is noted that this parcel land was identified in the withdrawn Local Plan 2020-36 Publication draft (2018) as the West of Chiswell Green Broad Location, to deliver - inter alia - at least 365 dwellings; recreation space and public open space; a site for and appropriate contributions towards a 2 form entry primary school; and Transport network (including walking and cycling links) and public transport services upgrades/improvements.

Appeal B - Land to the north of Chiswell Green Lane (PINS Ref: APP/B1930/W/22/3312277)

Outline permission was granted for the demolition of existing buildings and the construction

of up to 330 discounted affordable homes for key workers, including military personnel, the creation of open space and the construction of new accesses and highway works.

12. With reference to the aerial image included as Appendix A, these 2 developments will wrap around the northern and eastern sides of the Site, and once developed will result in a material change to the character of the locality and the Site's immediate setting, effectively extending the spread of the settlement of Chiswell Green southwards and westwards beyond the Site. Accordingly, in both longer and shorter views, the Site will be read against / with /or screened by expansive areas of residential development and would **not** result in the creation of an '*island*' of open Green Belt land.
13. Accordingly, notwithstanding that the GBR should have given proper consideration to the redevelopment of the Site as required by the NPPF, the Site's subsequently changing context now provides even greater justification for its redevelopment.
14. In this context the Site could be allocated for employment purposes under Policy SP5 of the draft plan on the following basis:
 - a. The existing unlawful use of the Site for open storage / distribution uses by multiple operators could be rationalised and reorganised to better utilise the previously developed parts thereof, retaining those uses which would result in a more modest impact on the visual openness and amenities of the MGB.
 - b. The allocation of the Site on this basis would deliver clear benefits as it would:
 - utilise a well related brownfield site, particularly in the light of the recently allowed appeal proposal to the north and east;
 - afford excellent access to the M25 and M1 motorways, precluding the need for commercial vehicles to travel through St Albans; and
 - meet a self-evident demand in the light of a significant reduction in the number of comparable sites in recent years and the limited potential for new sites to come forward in a District largely constrained by the Green Belt, with a chronic undersupply of housing land.
 - c. The proposal would be consistent with Policy SP5 as this does not allocate any comparable open storage areas, such that it would add to the range of employment sites proposed, whilst as a parcel of PDL it would not be necessary to amend the Green Belt boundary.

Appendix A – Aerial View of the Site and approved residential developments



DLA | Heritage

DLA | Strategic

DLA | Commercial

DLA | Residential

DLA | Leisure

DLA | *Solutions*