Marlborough House, 18 Upper Marlborough Road, AL1 3UT

Hearing Statement – Matter 2





REPORT CONTROL

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1. INTRODUCTION

- 1.1 This Hearing Statement ('Statement') has been prepared by Boyer on behalf of our client, Telereal Trillium Group ('TTG'), in relation to the Examination in Public of the Draft St Albans Local Plan Regulation 19 Publication Version (September 2024) ('Draft Local Plan').
- 1.2 These representations refer to Marlborough House, 18 Upper Marlborough Road, St Albans, AL1 3UT ('the Site').
- 1.3 This Statement does not seek to rehearse the documents submitted on behalf of TTG as part of the Regulation 19 Stage consultation to St Albans City and District Council ('SACDC').
- 1.4 This Statement responds to Matter 2 (Housing Growth and Spatial Strategy), in particular questions 1, 7, and 8.



2. RESPONSE TO MATTER 2 – HOUSING GROWTH AND SPATIAL STRATEGY

Q1: What were the reasons for discounting sites at the initial assessment stage? Was this done on a consistent and transparent basis?

- 2.1 Neither the Draft Local Plan nor the associated evidence base clearly set out the methodology which was used to identify and subsequently assess brownfield sites, and therefore TTG does not consider that the initial site assessment was undertaken on a consistent and transparent basis.
- 2.2 It is understood that the Council undertook a Call for Sites exercise between January and March 2021 and also prepared an Urban Capacity Study ('UCS'), both of which were used to inform the preparation of the Housing and Economic Land Availability Assessment ('HELAA') 2021/22. The HELAA was then used to identify and assess those potential sites for allocation.
- 2.3 The Council's Site Selection Methodology, Outcomes and Site Allocations Report to Committee (September 2024) sets out the methodology used to assess potential sites for the Regulation 19 Draft Local Plan. However, whilst the methodology used to assess sites submitted to the Call for Sites exercise is presented within the HELAA, neither the Draft Local Plan nor the associated evidence base present sufficient detail to understand the methodology undertaken by SACDC to identify additional brownfield sites as part of the UCS, or the subsequent assessment of these sites.
- 2.4 The Proforma Methodology Paper (September 2024) states that the UCS was prepared on the basis of SACDC undertaking their own study to identify potential sites on brownfield land. The brownfield sites were identified through a desktop review of maps, aerial photographs and online street photography and in some cases site visits. Sources of sites that were assessed included under-utilised sites such as garage blocks and car parks, vacant and derelict land and buildings, and public sector land.
- 2.5 A further category of sites on Previously Developed Land were those put forward through the Call for Sites that were within the urban areas of the District.
- 2.6 The Draft UCS was published in January 2022 and set out that SACDC included sites with higher densities in areas located close to town centres and transport links where density uplift can be considered, including St Albans City Centre as a catchment area. However, the only sites identified within the Draft UCS were those which SACDC recommended to progress, and therefore it is unclear which, if any, other sites had been considered and discounted by the Council as part of the Draft UCS.
- 2.7 Whilst paragraph 5.11 of the Draft UCS states that any sites which are within allocated employment land were excluded from the UCS, it is unclear if any other exclusions were made. In the absence of any clear or transparent criteria for the selection of brownfield sites for assessment in the Draft UCS, beyond the exclusion of allocated employment sites, it is unclear why sites such as TTG's site at Marlborough House, which is not currently an allocated



employment site within the District Local Plan Review 1994 and which had been promoted to SACDC at Regulation 18, were not included in the Draft UCS. The Council have not provide sufficient detail to ascertain why this, and any other sites, were excluded from the initial assessment stage.

- 2.8 It is therefore contended that the Council have failed to disclose which sites were discounted from the initial assessment, and the reasons for their exclusion. In failing to provide a consistent and transparent approach to the initial identification of brownfield sites, it is contended that the Council have failed to assess all available sites, including Marlborough House which represents a vacant brownfield site which should have been identified and assessed transparently through the UCS.
- 2.9 Overall, the Draft Local Plan and the associated evidence base fails to demonstrate that SACDC have identified and assessed all available brownfield sites in a consistent and transparent manner. This suggests that the Council have not identified all potential brownfield sites, and therefore the allocation of sites within the Draft Local Plan is not justified. The Draft Local Plan is consequently unsound.

Q7: Following the completion of the proformas, how did the Council decide which sites to allocate?

- 2.10 The Council completed site proformas in order to recommend sites to progress to allocation within the Draft Local Plan. However, the methodology used by SACDC to assess these sites and decide which sites would be allocated within the Draft Local Plan is unclear.
- 2.11 The Local Plan Evidence Site Selection Methodology, Outcomes and Site Allocations (September 2024) document sets out that the initial draft Site Selection process led directly to the allocations included within the Regulation 18 version of the Draft Local Plan. The document further states that the updated and finalised site selection process leads directly to the Regulation 19 allocations.
- 2.12 The site selection undertaken is set out in Proformas which have been used to assess each identified site, with each proforma listing those sites which were either recommended for site allocation or discounted. The proformas have been published alongside the Methodology Paper and are dated 2024. However, the Proformas appended to this document are not dated and the Evidence Base does not provide detail to understand when the updated and finalised Site Selection process was undertaken and how these additional sites were identified and assessed.
- 2.13 Whilst the Proformas provide a score for a number of potential constraints and a criteria based assessment total is provided based on whether the constraint is 'weak', 'medium', or 'strong', insufficient detail has been presented to understand how this scoring system has been used to feed into this assessment, and how this has factored into SACDC's recommendation in relation to the site's progression to allocation.
- 2.14 In the absence of a clear and transparent approach to the selection of those sites to be allocated within the Draft Local Plan, it remains unclear whether the Council has considered



all alternative options. Coupled with the concerns (as previously expressed) with regards to the initial identification of brownfield sites, it is contended that the site allocations within the Draft Local Plan are unjustified and therefore the Draft Local Plan is unsound.

Q8: Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

- 2.15 TTG contend that SACDC have failed to identify all available brownfield sites through the Site Selection process, and that this represents a fundamental flaw in the preparation of the Draft Local Plan, not least given the heavy reliance on the allocation of Green Belt sites in order to meet the housing need.
- 2.16 Although the Council have suggested that they adopted a 'no stone left unturned' approach to identifying brownfield sites, the site selection process adopted by the Council is neither consistent nor transparent, with differing approaches to both the initial identification of sites and the subsequent assessment and selection of those sites for inclusion in the Draft Local Plan.
- 2.17 The Proforma Methodology Paper (September 2024) states that the purpose of the HELAA was to consider a wide range of potential options for the future supply of housing land by assessing sites with future development potential. However, as previously expressed, TTG do not consider that the initial site selection process that informed the HELAA was sufficiently robust, and as a result it is contended that deliverable and available brownfield sites were excluded from the Site Selection process.
- 2.18 In addition to those sites that were submitted as part of the 'Call for Sites' exercise in 2021, the Proforma Methodology Paper (September 2024) sets out that the UCS was prepared on the basis of SACDC undertaking their own study to identify additional potential brownfield sites. SACDC state that the UCS was completed through a desktop review of maps, aerial photographs and online street photography and in some cases site visits. Those sources of sites identified in the UCS included under-utilised sites such as garage blocks and car parks, vacant and derelict land and buildings, and public sector land.
- 2.19 The Urban Capacity Sites Recommended to Progress Proforma (2024) includes reference to Council owned car park sites, including Car Park to Rear of 32-34 Upper Marlborough Road (Urban Capacity Study Ref: UCS-SA-HD-013) and the nearby Civic Close Car Park (Urban Capacity Study Ref: UCS-SA-HD-008). These sites are not identified as being submitted to the HELAA within Annex 1: Map of All Sites in 2021 and were not submitted to the Call for Sites exercise, however they are included within the Urban Capacity Study (January 2022). This suggests that additional sites were considered for allocation outside of the HELAA prepared in 2021 before inclusion within the Urban Capacity Study in January 2022, however this process has not been clearly presented or explained within the Local Plan Evidence Base.
- 2.20 The Draft UCS, which was published in January 2022, set out that SACDC included additional brownfield sites with higher densities in those areas located close to town centres and transport links where density uplift can be considered, including St Albans City Centre. However,



SACDC acknowledge that the UCS did not identify all available brownfield sites. Indeed, paragraph 5.11 of the Draft UCS states that any sites which were within allocated employment land were excluded. It is unclear whether any other exclusions were applied, however on the basis of the blanket exclusion of any employment land it is contended that the UCS, and subsequent HELAA, failed to consider available and deliverable brownfield sites (such as Marlborough House).

- 2.21 The Urban Capacity Study was used to inform the HELAA therefore this suggests that the Study was updated by the Council following the preparation of the HELAA, however the evidence base does not explain this. In the absence of any evidence of those sites that were discounted from the UCS, or the methodology used to undertake this assessment, this exercise cannot be considered consistent or transparent.
- 2.22 Marlborough House represents a vacant, deliverable, and available brownfield site within St Albans City Centre. Marlborough House is not currently allocated as an employment site within the adopted Local Plan, and was subject to a Full Planning Application was submitted for the residential redevelopment of Marlborough House on 27th November 2023. Officers recommended this application for approval at Planning Committee. Whilst Members voted to refuse permission on 25th November 2024 on the basis of design and heritage grounds, the principle of residential development was supported by Officers and as such, SACDC were aware of the Site and should have sought to assess the Site for the allocation of housing. However, it remains unclear why Marlborough House was not identified within the UCS.
- 2.23 The Draft Local Plan evidence base does not provide the necessary detail to understand if Marlborough House was identified by the Council during the preparation of the Urban Capacity Study in 2021, nor if Marlborough House had been subsequently considered following the submission of Representations, prior to the publication of the Site Proformas in 2024.
- 2.24 Marlborough House was submitted to both the Regulation 18 and 19 consultations promoting the site for residential development, however this Site was not allocated despite comprising an unconstrained and deliverable brownfield site within St Albans City Centre. The Council have not made clear how they assessed this Site and why they instead chose to allocate alternate sites located within the Green Belt.
- 2.25 Within SACDC's response to the Inspector's initial questions on the Draft Local Plan Examination (Ref: SADC/ED32) the Council sets out the process by which they searched for brownfield land during the site selection process. SACDC state that they proactively contacted relevant landowners in 2022, 2023, and 2024 to enquire as to the landowner's interest in bringing their site forward for development. This led to the allocation of 54 sites in the Plan, delivering 860 residential units. The Council provide site UC2 as an example of this Civic Close Car Park Bricket Road, St Albans, with a proposed indicative use of 57 residential units.
- 2.26 However, the details of this exercise are unclear, particularly as TTG were not contacted by SACDC as part of this process, and therefore this exercise is considered to be insufficient. As a result, it is contended that SACDC failed to identify all available brownfield sites and therefore the Council have failed to apply a 'no stone unturned' approach to search for appropriate sites

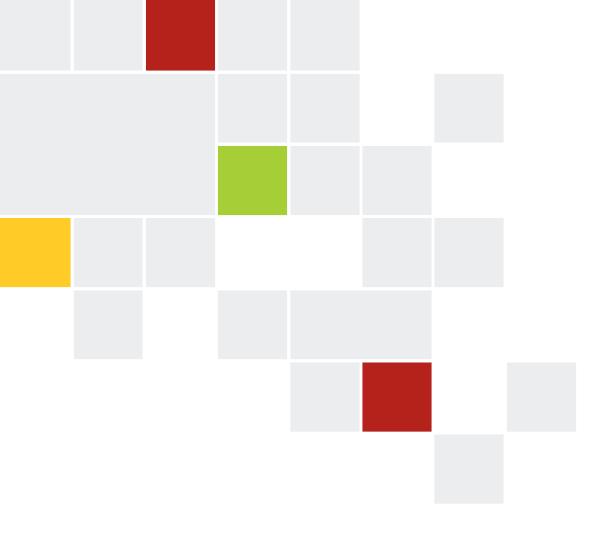


on brownfield land. This represents a fundamental flaw in the Council's preparation of the emerging Local Plan, particularly given that housing need and housing land supply is such an acute challenge for SACDC to address. On this basis, the Council have failed to identify all potential brownfield sites for housing, and therefore the site selection process is not sufficiently robust.



3. CONCLUSION

- 3.1 In summary, TTG contends that the site selection process undertaken by SACDC for the Draft Local Plan has not been carried out in a consistent, transparent, or robust manner.
- 3.2 The Local Plan Evidence Base does not provide clear and transparent detail in relation to the initial identification of sites, or subsequent assessment for allocation within the Draft Local Plan. The absence of any clear rationale for the exclusion of sites from either the initial site identification or selection, represents a significant flaw in the Draft Local Plan.
- 3.3 Furthermore, the site selection proforma do not provide the necessary detail to understand how SACDC have assessed these sites to recommend allocation. SACDC have failed to identify all brownfield sites for assessment and therefore the site selection process is not sufficiently robust.
- 3.4 As such, Local Plan fails to meet the tests set out within paragraph 36 of the NPPF and is therefore unsound.
- 3.5 We trust that our comments are of assistance and that the Inspectors will be give due consideration to the recommendations that have been made.



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