

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

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

**Appeal by J D Rudkin Builders Limited against the refusal of St
Albans City and District Council, as Local Planning Authority,
to grant outline planning permission for residential
development of up to 115 dwellings, all matters reserved
except access**

at

Land to the east of Lye Lane, Bricketwood, Herts, AL2 3TF

STATEMENT OF CASE OF ST ALBANS CITY & DISTRICT COUNCIL

APRIL 2024

PLANNING INSPECTORATE REF: APP/B1930/W/24/3338501

LOCAL PLANNING AUTHORITY REF: 5/2022/2443

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1 Introduction

- 1.1 The proposal is for residential development of up to 115 dwellings on a site in the Green Belt ('the appeal site'). This appeal relates to an outline planning application with all matters, excluding access, reserved for future consideration ('the application') which was the subject of an appeal against non-determination. The application (Ref. 5/2022/2443) proposed:

"Outline application (access sought) - Demolition of existing buildings and construction of up to 115 dwellings and creation of new access."

- 1.2 The Council has determined that, had it been in a position to do so, it would have refused planning permission. A public inquiry into the appeal is scheduled to open on 11 June 2024.

- 1.3 The seven putative reasons for refusal are outlined in the Officer Report at **Appendix 1** and are set out below:

- 1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2023. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt and harm to Green Belt purposes. Harm is also identified in relation to site layout / design, open space provision and noise impacts on residential amenity, impact on the landscape character and appearance of the site and surrounding area, and to protected landscape features, sustainability of location in terms of transport, highway safety, flood risk / drainage and impact on nearby SSSIs. The benefits of the proposed development comprise the provision of up to 115 dwellings (82 net), including 35% affordable housing (up to 7 net) which could contribute significantly towards meeting an identified housing need in the District, and the delivery of 10% biodiversity net gain (through off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policies 1 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*
- 2. By reason of its design, layout, on site landscaping and impacts on residential amenity (noise) the proposed development would not achieve an adequately high standard of design and would be detrimental to the character, appearance and visual amenity of the locality, and to the residential amenity of future occupiers. The proposal is therefore contrary to Policies 39, 69, 70 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*
- 3. Insufficient information has been provided to demonstrate that a sustainable surface water drainage strategy can be delivered on the site and whether the proposed development will increase flood risk either onsite or elsewhere. The proposal is therefore contrary to Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*

4. *The applicant has failed to demonstrate that off-site highway improvements and public transport upgrades can be delivered or secured in order to render the site's location sustainable in terms of transport. The proposal is therefore contrary to Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*
 5. *Inadequate space is available at the site access junction, the Lye Lane / West Riding junction and on the southern stretch of Lye Lane past the M25 overbridge to allow large vehicles to safely pass each other, to the detriment of highway safety, and insufficient information has been provided in respect of vehicle swept path analysis and a revised Stage 1 Road Safety Audit and associated Designer's Response, to demonstrate that there would not be further harm to highway safety, contrary to Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*
 6. *It has not been demonstrated, to the satisfaction of the Local Planning Authority in consultation with Natural England, that the proposed development would not give rise to harmful impacts on two Sites of Special Scientific Interest near the site through recreational pressure. The proposal would therefore be contrary to para 186 (b) of the National Planning Policy Framework 2023 and Policy 106 of the St Albans District Local Plan Review 1994.*
 7. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; affordable housing provision; play space provision; biodiversity net gain; and sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.*
- 1.4 A copy of the Officer Report is attached at **Appendix 1** and comprises part of the Council's Case and should be read in conjunction with this statement.
 - 1.5 The National Planning Policy Framework (NPPF) was updated in December 2023 but its approach to Green Belt harm and decision making, countryside character and beauty and decision making remains materially unchanged from the previous version.
 - 1.6 This is an outline application with only access to be considered at this stage. The application plans include a Proposed Site Plan Revision C, however this does not and cannot set the layout, scale or appearance of the proposed development or the landscaping of the site as these matters remain reserved.
 - 1.7 No parameter plans or illustrative material is submitted with the application.

- 1.8 It is common ground, as will be agreed in the Statement of Common Ground, that the Council cannot demonstrate a four-year supply of deliverable housing land and their Housing Delivery Test Score is below 75% and as such the so-called tilted balance pursuant to paragraph 11(d) of the NPPF is engaged.
- 1.9 However, the site is in the Green Belt and leads to Green Belt harm and policies of the Framework indicate that permission should be refused. Therefore, the Council will demonstrate that the tilted balance is disengaged.
- 1.10 Putative Reason for Refusal 6 relates to a failure to provide information to satisfy the Council and Natural England that the proposal will not have adverse impacts on two SSSIs by reason of increased recreational pressure. Natural England noted¹:

“Housing development in this location triggers Natural England’s recreational pressure IRZ, for Bricket Wood Common SSSI <1km south of the site and Moor Mill Quarry West <500m to the east of the site. [...].

Bricket Wood Common is a large remnant of a formerly extensive lowland heath that developed on heavy, base deficient soils of the Boulder Clay. Lowland heath has a limited distribution in south eastern England where it has declined markedly and the site represents an important example in the county. Part of the site is ancient woodland of the Pedunculate Oak/Hornbeam type.

Moor Mill Quarry West SSSI shows a complex sequence of Pleistocene (Pre-Anglian - Anglian) deposits overlying the chalk. This is the only site at which this sequence can be demonstrated, and as such is of fundamental importance in tracing the diversion of the River Thames from its pre- Anglian course.

This application has the potential to impact the above mentioned SSSI’s via recreational pressure. The submitted documents do not consider impacts arising from the increase in the local population, and potential recreational pressure on these SSSI’s. This further assessment is required before we can provide any advice.”

- 1.11 That was the position at the time the Appellant appealed against non-determination and at no time between 8 November 2022 and submitting this appeal did they contact Natural England or the Council to provide information to address the above matters. I understand that following submission of the appeal against non-determination the Appellant then sought to address the putative reason through correspondence directly with Natural England². An email was then forwarded to the Council by the Appellant on 21 March 2023 attaching an email from NE³ indicating that information provided no longer leads them to object to “the application”. The correspondence from NE has not involved the Council, as such the Council is seeking confirmation from NE of their formal position in respect of the application the subject of this appeal and will update the parties in due course.

¹ See NE letter of 8 November 2023

² Initiated on 5 February 2024

³ Dated 23 February 2024

2 Site and Surroundings

- 2.1 The appeal site comprises land extending to a total of 3.2 hectares. Whilst having four irregular boundaries, it is broadly rectangular in shape with the long boundaries facing north and south.
- 2.2 The appeal site is located to the east of the Lye Lane a narrow country lane east of the lane is open countryside mainly comprising woodland and scrubland. To the north lies the extensive and sylvan open garden land associated with Lye House. The southern boundary is to an area of Ancient and Semi Natural Woodland known as Blackgreen Wood and the eastern boundary is to the of Ancient and Semi Natural Woodland known as Home Wood. To the south within Blackgreen Wood (which extends beyond the cutting) is a cutting within which the M25 runs.
- 2.3 Blackgreen Wood is also a Local Wildlife Site.
- 2.4 Immediately to the south of the existing appeal site entrances onto Lye Lane is the bridge over the cutting containing the M25.
- 2.5 Lye Lane runs between the A405 (between the Noke and M25 roundabouts) to the north west and Park Street Lane/ Station Road in the south east is a narrow lane with some passing points has a rural country lane character.
- 2.6 The appeal site lies outside any settlement within the countryside between Bricketwood/ How Wood and Chiswell Green.
- 2.7 The council will describe the location of the appeal site relative to facilities necessary to support day to day occupation of dwellinghouses including schools, community facilities, leisure centres, supermarkets, libraries etc.
- 2.8 The appeal site is situated within the administrative area of St Albans City and District Council.
- 2.9 The Council will describe the site including the number and nature of existing buildings and the areas of open undeveloped land.
- 2.10 We will describe the neighbouring land uses noting the proliferation of underdeveloped woodland on three sides of the appeal site as well as the garden boundary to Lye House. We will note the lack of any estate type housing development along Lye Lane which is characterised by its rural character.
- 2.11 As well as providing a vehicular route along Lye Lane it also acts as a leisure route for cyclists and horse riders and links into an extensive network of public rights of way and tracks. The Council will describe the extent of the PROW network.
- 2.12 The site is located within the Metropolitan Green Belt.

- 2.13 Beyond the site to the south, west and east lies open countryside. To the north are a limited number of sporadic detached dwellings set in extensive sylvan grounds set within the countryside.
- 2.14 The topography of the site and immediate area is generally flat with a gentle undulation.
- 2.15 The Council will describe the landscape qualities of the area noting that the site and area lies within Hertfordshire Landscape Character Area ('LCA') 18: Bricket Wood, which features an *area of mixed land uses and transitional character, including considerable woodland, unrestored mineral workings, educational, industrial, horticultural and arable land. The area has undergone significant change in the 20th century and is impinged upon by settlement at Bricket Wood and How Wood, together with a marked severance by the M25. The historic pattern is well preserved in Bricket Wood Common, but eroded in many other locations, showing poor management and some dereliction.*
- 2.16 The condition is assessed as Good and the strength of character is assessed as Strong. The overall guidelines for managing change in the LCA are 'Safeguard and Manage'.
- 2.17 The Council will point to the guidelines for managing change for Bricket Wood LCA which include:
- *Support the Watling Chase Community Forest in the realisation of its objectives for the area*
 - *Promote the creation of additional woodlands, particularly with a view to visually integrating the intrusive motorways, urban fringe development and former mineral sites*
 - *Promote both the creation of new ponds and the retention/enhancement for wildlife of existing ponds*
 - *Ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected, enhanced and integrated into new development with due regard to their historic, ecological and landscape value*
- 2.18 The Council will address the LVIA that accompanied the application the subject of this appeal.
- 2.19 The appeal site is detached from any settlement and falls in the open green space between St Albans and Watford as well as between the green space between Bricketwood, How wood and Chiswell Green.
- 2.20 The appeal site falls within the northern part of the Watling Chase Community Forest area.

3 The Application and Planning History

- 3.1 Outline planning permission is sought for the development of the land for up to 115 dwellings with revised road junctions, internal access roads, car parking and other related development. All matters are reserved, save for access. Access is proposed from Lye Lane.
- 3.2 An Proposed Site Plan Revision C (“the illustrative layout”) has been produced to show how the site may be laid out should permission be granted and to illustrate the impact of a development of this scale and character. It is notable that the illustrative layout only shows 109 and not 115 dwellings. No visualisations have been produced to accompany the application the subject of this appeal or the appeal.
- 3.3 Consistent with the Officers Reports, the Council will describe the proposals and comment on the illustrative layout and the likely impacts of a development of this scale and number of dwellings and will contrast the proposal with the existing nature of the appeal site.
- 3.4 The proposal for up to 115 dwellings includes the following housing tenures:
- Up to 40 affordable units (35%); and
 - Up to 75 market units (65%); and
- 3.5 The mix and property sizes would be determined at reserved matters stage. Although the illustrative layout indicates the following mix, my final column details the maximum number of units if 115 are brought forward as per the description of development:

1 bed dwellings	20%	Up to 23 dwellings
2 bed dwellings	32%	Up to 37 dwellings
3 bed dwellings	31%	Up to 35 dwellings
4 bed dwellings	11%	Up to 13 dwellings
5 bed dwellings	6%	Up to 7 dwellings

Table 2: Proposed Housing Mix

- 3.6 The Appellant has indicated that the proposal may include custom or self-build houses or plots. No details of these were available at the time of finalising this statement.
- 3.7 The proposals also include localised road widening along Lye Lane as well as the inclusion of pavements and street lighting aligning the road.

Planning History

- 3.8 The committee report at Appendix 1 lists some of the relevant planning history.
- 3.9 In addition to the applications listed the Council will refer to an appeal at Land at Lye Lane for the creation of a community forest and the erection of 16 detached dwellings⁴. That appeal was dismissed in September 2019..
- 3.10 I also note that an appeal at the appeal site for the conversion of buildings to create 8 dwellings with internal and external alterations was dismissed in 2015⁵.
- 3.11 Planning permission was granted at appeal⁶ for the erection of 100 dwellings on a Green Belt site on the edge of Colney Heath Bullens Green that straddles the boundary with Welwyn Hatfield District Council, we will describe that appeal site and contrast it with the appeal site.
- 3.12 In January 2024 an appeal decision of Inspector Hayden at Tollgate Road Colney Heath was issued⁷. It dismissed an application for up to 150 dwellings on a site adjacent to the boundary of Colney Heath that the appellant considered to be previously developed land. We will describe that appeal site and decision.
- 3.13 An existing industrial estate that comprised previously developed land in the Green Belt at Smallford Works was the subject of proposals for redevelopment for housing. Planning permission was refused and a subsequent appeal dismissed in 2021⁸.
- 3.14 An existing pumping station and previously developed site at Colney Heath, Roestock Pumping Station was the subject of an appeal wherein the appellant argued the site was previously developed and housing should be permitted⁹. The appeal was dismissed in February 2016.
- 3.15 The Council will also refer to the recent Secretary of State appeal decisions at Chiswell Green Lane North and South where 720 dwellings have recently been permitted¹⁰.

4 APP/B1930/W/18/3212658

5 APP/B1930/W/15/3003840

6 APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

7 APP/B1930/W/23/3323099

8 APP/B1930/W/20/3260479

9 APP/B1930/W/15/3137409

10 APP/B1930/W/23/3313110 & 3312277

4 Planning Policy

- 4.1 The development plan comprises the St Albans District Local Plan 1994 (SADLP).
- 4.2 The following saved policies of the SADLP are relevant to consideration of the application the subject of this appeal.

POLICY 1 - Metropolitan Green Belt
POLICY 2 - Settlement Strategy
POLICY 8 - Affordable Housing in the Metropolitan Green Belt
POLICY 34 - Highways Considerations in Development Control
POLICY 35 - Highways Improvements in Association with Development
Policy 36a - Location of New development in relation to Public Transport Network
POLICY 39 - Parking Standards, General Requirements
POLICY 40 - Residential Development Parking Standards
POLICY 69 - General Design and Layout
POLICY 70 - Design and Layout of New Housing
POLICY 74 - Landscaping and Tree Preservation
POLICY 84 - Flooding and River Catchment Management
POLICY 84a - Drainage Infrastructure
POLICY 86 - Buildings of Special Architectural or Historic Interest
POLICY 104 - Landscape Conservation
POLICY 106 - Nature Conservation
POLICY 143a - Watling Chase Community Forest
POLICY 143b - Implementation

- 4.3 In the Roestock Depot appeal decision⁹, the inspector concluded in respect of Policies 1 and 2:

“Policies 1 and 2 of the LP restrict development in the Green Belt other than for specified purposes. This general approach to Green Belt protection is consistent with that of the National Planning Policy Framework (the Framework) but I note that greater scope for exceptions are set out at paragraph 89 of the Framework and this is an important material consideration.”

- 4.4 In her decision at Bullens Green⁶ the Inspector concluded in respect of Policy 1 inter alia:

“[...] The proposals would lead to conflict with policy 1 of the St Albans District Council Local Plan, 1994. This policy identifies the extent of Green Belt within the Borough, and outlines the developments which would be permitted which broadly align with the development identified by the Framework.”

- 4.5 Inspector Hayden⁷ found at DL154:

“I have established above that saved Policy 1 is consistent with the Framework ”

- 4.6 Policies 1, 2, 69, 86 and 143b are most important policies.

4.7 SADC has adopted relevant supplementary planning documents including:

- Revised Parking Policies and Standards, January 2002
- Design Advice Leaflet No. 1: Design and Layout of New Housing, November 1998
- Affordable Housing March 2004

National Planning Policy Framework

4.8 The Framework was revised in December 2023 and sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. In terms of the most relevant sections for this appeal, Section 9 promotes Sustainable Transport and Section 13 relates to Protection of the Green Belt. Section 2 includes the presumption in favour of Sustainable Development. Section 5 relates to the delivery of a sufficient supply of homes. Section 12 relates to achieving well-designed places, Section 15 relates to conserving and enhancing the Natural Environment and Section 16 relates to conserving and enhancing the Historic Environment.

4.9 Paragraph 11 sets out the approach to the presumption in favour of sustainable development. Paragraph 11d advises that the presumption means, for decision-making:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

4.10 The NPPF has been revised and in the circumstances of SADC where a plan has reached regulation 18 stage with a policy map accompanying it the Council is tasked with demonstrating a four year supply of deliverable land. It is common ground that the Council cannot demonstrate a four-year supply of deliverable housing land and also via its HDT results the policies of the local plan are out of date.

4.11 Footnote 8 states that in the situation where a Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land and/ or the HDT results are below 75% then the policies which are most important for determining the application are deemed to be out of date.

4.12 Paragraph 11(d)(i) and Footnote 7 provides (so far as relevant) that the tilted balance is disengaged in circumstances policies of the Framework protect assets of importance and provide a clear reason for refusing permission. Footnote 7 clarifies that:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: [...] land designated as Green Belt [...]; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); [...]”

4.13 As such, when considering planning decisions relating to land in the Green Belt it is necessary to determine whether the application of the Green Belt policies in the Framework provide a clear reason for refusal under paragraph 11(d)(i). If they do, the tilted balance in paragraph 11(d)(ii) of the Framework is disengaged.

4.14 Paragraph 154 of the Framework provides that “the construction of new buildings” is “inappropriate development” in the Green Belt, unless one of the stated exceptions applies. The proposal for up to 115 dwellings and access roads and other development to facilitate the proposed housing comprise inappropriate development. The Council will demonstrate that the development does not fall within any of the exceptions including 154(g) which states that an exception can comprise:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

4.15 The Framework advises that inappropriate development is, by definition, harmful to the Green Belt should not be approved except in very special circumstances (paragraph 152). Paragraph 153 states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green belt unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

4.16 The appeal site comprises land outside any designated settlement and thus comprises part of the countryside. Although not a “footnote 7 policy”, paragraph 180(b) of the Framework directs that decisions on planning applications should contribute to and enhance the natural and local environment by:

“recognising the intrinsic character and beauty of the countryside ...”

- 4.17 The *Cawrey*¹¹ judgment accepts that the recognition of the intrinsic character and beauty and character of the countryside necessarily imparts a degree of protection to those matters.
- 4.18 The Framework seeks to achieve well designed places and as set out at paragraph 135(f) seeks to provide high standards of amenity for existing and future users and being sympathetic to context including landscape setting (135(c)).
- 4.19 Paragraph 175 requires major development to incorporate sustainable urban drainage systems. Section 15 requires the protection and enhancement of biodiversity (185 - 186).

The Emerging St Albans Local Plan

- 4.20 The Regulation 22 Submission version of the St Albans Local Plan was submitted in March 2019. The Examining Inspectors expressed concerns that the duty to co-operate had not been satisfied and the Council withdrew the plan.
- 4.21 However, it is material to note that the Green Belt boundary in the area of the appeal site was not proposed to be amended and thus the appeal site was proposed to be retained within the Green Belt (in accordance with the principles of permanence).
- 4.22 The appeal site was promoted through the Call for Sites 2021 (site STS-47-21). The Housing and Economic Land Availability Assessment (HELAA) was undertaken without reference to the Green Belt Review which could change the suitability of sites. It found the appeal site to be subject to a number of absolute and non-absolute constraints being mitigated. The HELAA concluded that the site was potentially suitable, available and achievable subject to further assessment as part of the site selection process.
- 4.23 Furthermore, pursuant to the 2013 Green Belt Assessment, which comprised part of the evidence base for the now withdrawn draft Local Plan, no changes were proposed to the Green Belt boundaries around Bricketwood. The appeal site was not identified as either a strategic site or a smaller scale site in the Green Belt Assessment. The Examining Inspectors described the Green Belt process as follows in a letter in April 2020¹² at para. 31:

“The Green Belt Review Purposes Assessment (November 2013) was prepared jointly for the Council with Dacorum and Welwyn Hatfield Councils by SKM (GB004). This Stage 1 of the review identified large parcels of land across the three authorities. Those areas contributing least to the Green Belt were determined and a number of strategic sub areas in St Albans were identified for further investigation. These were taken forward to Stage 2 where SKM undertook a review and detailed assessment of those strategic sub areas in the Green Belt Review Sites and Boundaries Study (February 2014) (GB001).”

¹¹ i.e. paragraph 49 of *Cawrey Ltd and SoSCLG and Hinkley and Bosworth BC* [2016] EWHC 1198 (Admin)

¹² See Examining Inspector’s Post Hearing Letter of 14 April 2020

- 4.24 In that letter the Inspectors raised concern that the GB Review process excluded consideration of sites of less than 500 dwellings (see paragraph 37) and that the capacity from smaller sites could be greater than estimated having regard to the smaller scale sites identified in the 2013 review not being an exhaustive list. The GB Review did not take forward the small scale sub areas assessed in 2013 *as making no or little contribution to the Green Belt purposes.*
- 4.25 The appeal site is not located in a sub area that was assessed in 2013 as making little or no contribution to the Green Belt purposes and in fact was considered to make a significant contribution toward safeguarding the countryside from encroachment (therefore the parcel was not considered to perform poorly against the purposes or warrant subdivision).
- 4.26 The Examining Inspectors’ concern is encapsulated at paragraph 41 wherein they state the following about the Council’s focus on strategic sites:
- “This has ruled out a number of sites that have already been found to impact least on the purposes of the Green Belt. It may well also have ruled out other nonstrategic sites with limited significant impacts on the Green Belt which may have arisen from a finer grained Green Belt Review.”*
- 4.27 SADC commenced work on preparing a new draft Local Plan for the period to 2041. As part of the evidence base for the new Local Plan a revised Part 2 Green Belt Review was commissioned to assess a range of sites (both large and small) for release from the Green Belt. Figure 4.,7 identifies the appeal site as sub area SA-128 given it partially falls within 250 metres of the edge of settlement of Bricketwood or How Wood. Table 4.11 sets out sub area characterisation and recommendations as below:

Meets purpose assessment criteria	Contribution to wider strategic green belt	Recommendation
Strongly	Important	Not recommended for further consideration
	Less important	Recommended for further consideration
	Part of sub-area less important	Part recommended for future consideration
Moderately	Important	Not recommended for further consideration
	Less important	Recommended for further consideration
	Part of sub-area less important	Part recommended for future consideration
Weakly	Important	Not recommended for further consideration
	Less important	Recommended for further consideration
	Part of sub-area less important	Recommended for further consideration

- 4.28 In terms of purpose b I note the sub area performs the function of purpose b but performs weakly, forming it is said a *‘less essential’ gap between settlements.* I note the land to the west of Lye lane opposite the appeal site (SA-132) is said to perform more strongly against purpose b and land north of the appeal site also east of Lye Lane (SA-129) is said to perform strongly against this purpose¹³.

¹³ See Figure 5.6

- 4.29 In terms of safeguarding the countryside from encroachment the appeal site was held to perform against this purpose but scored 2 out of 5 due to it being considered to have a semi-rural character.
- 4.30 Overall the appeal site was found to meet the NPPF purposes and perform weakly against them. It was not one of the seven areas that did not meet the overall performance of the NPPF purposes¹⁴. Land to the west of Lye Lane directly opposite the appeal site was found to perform moderately and land to the north also on the east of Lye Lane was found to perform strongly¹⁵.
- 4.31 Section 5.7 then sets out a strategic Green Belt Assessment noting:
- “Reflecting the granular focus of the Stage 2 GBR, additional qualitative assessment was undertaken to identify the role of sub-areas as part of the wider Green Belt. It is possible for a sub-area not to meet the NPPF purposes as assessed in section 5.6 but still perform an important strategic role.”*
- 4.32 Table 5.7 then confirms that the appeal site performs an important contribution to wider Strategic Green Belt. Figure 5.14 confirms the important strategic contribution of the appeal site.
- 4.33 Table 5.8 then confirms that as a weak sub parcel with an important contribution to the purposes in the wider Green Belt area that the appeal site was not recommended for review of the Green Belt status and boundaries.
- 4.34 The Council has published the Regulation 18 First Draft Local Plan, the LDS sets a timetable for publication and adoption. The Regulation 18 Plan identifies the sites for release from the Green Belt and to be allocated for housing. It identifies a total of 102 sites of which 2 are large sites (100 – 249 dwellings), 29 are medium and small sites (5 – 99 dwellings) and two are previously developed land in the Green Belt¹⁶.
- 4.35 The plan includes a number of allocation sites within the general area of the appeal site within St Stephen’s Parish including in the large sites for release 180 dwellings at Burstons Nursery (site L1) and on the small medium sites 98 dwellings at Miriam Way (M1), 74 dwellings at Oakwood Road (M4), 51 dwellings at Orchard Drive (M10), 44 dwellings at Bucknalls Drive (M15), 14 dwellings at Ashdale (M23). A number of small sites are also identified within the parish.
- 4.36 The appeal site does not comprise a site identified in the emerging plan as an allocation site for housing.
- 4.37 The Council considers that little weight can be placed on this emerging plan which is at an early stage of preparation for the purposes of this appeal.

14 See Table 5.6 Overall NPPF Performance Summary

15 See Figure 5.12

16 See Table A1.1

5 The Council's Case

- 5.1 The Council will present evidence under the broad topic headings that are covered in the reasons for refusal, namely:
- a. Green Belt;
 - b. Character and Countryside;
 - c. Noise and Amenity for Future Residents;
 - d. Drainage;
 - e. Highway Matters;
 - f. The sustainability of the location for new housing;
 - g. Impact on Habitats including SSSIs and neighbouring wildlife sites and the ability to deliver BNG;
 - h. Infrastructure;

- 5.2 We will then consider whether any *other considerations* raised by the Appellant clearly outweigh the harm by way of inappropriateness and any other harm such that very special circumstances exist.

Green Belt – Inappropriate Development

- 5.3 Consistent with the Framework (paragraph 154), Policy 1 SADLP does not define development of up to 115 residential dwellings, access roads etc. as an exception from the definition of inappropriate development.
- 5.4 The erection of buildings is normally inappropriate development unless it meets an exception identified in NPPF paragraph 154. The Council will show that the proposed development does not comprise one of those exceptions.
- 5.5 We note the Appellant considers that the appeal site will benefit from the exemption under 154(g). The Council will show that the proposed complete redevelopment of the appeal site for up to 115 dwellings will lead to a substantially greater impact on the openness of the Green Belt when compared to the baseline position and will lead to substantial harm to the openness of the Green Belt. We will also note that the affordable housing element of the proposed scheme delivers only what is necessary to meet the policy requirement and had it not proposed such a level of affordable housing then absent any justification then the proposals would conflict with development plan policy, emerging local plan policy and the NPPF.
- 5.6 The proposed development thus does not fall within the exception of 154(g) and therefore comprises inappropriate development.
- 5.7 Harm by way of inappropriateness and any other Green Belt harm is harm that is attributed substantial weight.

- 5.8 Inappropriate development should not be approved except in very special circumstances. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.9 The application of NPPF paragraph 152 provides a clear reason to refuse planning permission under NPPF 11(d)(i), and it would only ever be through the exercise of the Green Belt planning balance in NPPF para. 153 wherein other considerations are demonstrated to clearly outweigh the harm by way of inappropriateness and any other harm that permission could be granted.

Green Belt - Openness

- 5.10 The Framework (para. 142) identifies openness and permanence as the essential characteristics of the Green Belt with the fundamental aim of Green Belt policy to keep land permanently open and thereby prevent urban sprawl.
- 5.11 The concept of openness means the state of being free from built development; the absence of built form as opposed to the absence of visual impact¹⁷. However, the word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if the proposed development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents¹⁸.
- 5.12 The Government updated the PPG in July 2019 (Para 001; ID 64-001-20190722) in respect of openness and it now states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation.”*

¹⁷ **R (Lee Valley RPA) v Epping Forest DC** [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJ, para. 7

¹⁸ **Turner v SSCLG** [2016] EWCA Civ 466, Arden, Floyd and Sales LJ CD12.03

- 5.13 In **Samuel Smith**,¹⁹ the Supreme Court found that the visual component of openness is capable of being a material consideration, but it is not necessarily a consideration in every case.
- 5.14 With this in mind the Council will describe the lawful baseline for the site. The appeal site comprises a limited number of existing predominately single storey buildings and an area of open land with no permanent development present.
- 5.15 The Council will identify the area of built development at the appeal site and show its limits. Having regard to established measures²⁰ we will detail the GEA and volume of existing buildings²¹. We will also show that the site is located in a wider area of open countryside and attractive landscape.
- 5.16 The Council will show that the appeal site is largely open in both a spatial and visual sense and that the development existing on site is limited in its scope and impact.
- 5.17 In comparison the proposed scheme which includes up to 115 dwellinghouses of two and two and a half storey height as well as a solid three metre tall acoustic fence/ barrier of approximately 290 metres length alongside the southern boundary and in addition 25 metres fronting onto Lye Lane will be shown to have substantially greater impacts on openness than the existing site.
- 5.18 Overall, the Council will demonstrate that having regard to the baseline the proposal would lead to a substantial and permanent loss of openness in both a spatial and visual context.
- 5.19 The Council will demonstrate that in addition to the substantial increase in permanent development as proposed the scheme will significantly reduce the visual perception of openness of the site and this part of the Green Belt as well as leading to significant degrees of activity across the site and impact from light, activity and noise.

Green Belt - Purposes

- 5.20 The purposes of the Green Belt are set out in NPPF at paragraph 134:
- a) *“to check the unrestricted sprawl of large built-up areas;*
 - b) *to prevent neighbouring towns merging into one another;*
 - c) *to assist in safeguarding the countryside from encroachment;*
 - d) *to preserve the setting and special character of historic towns; and*
 - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

¹⁹ R (**Samuel Smith Old Brewery (Tadcaster) & Ors v N. Yorks CC** [2020] UKSC 3 CD12.02

²⁰ After and R **oao Heath & Hampstead Society and Vlachos and LB Camden** [2008] EWCA Civ 193 and **Feather and Cheshire East BC and Mr and Mrs Wren** [2010] EWHC 1420 (Admin)

²¹ If existing drawings are not supplied by the Appellant then estimates will be used

5.21 The Council, together with Welwyn Hatfield District Council and Dacorum Borough Council, commissioned SKM Consultants to carry out an independent Green Belt Review to inform future plan-making. The Green Belt Review Purposes Assessment (November 2013) sets out findings and identifies that a number of the areas reviewed were considered to contribute least toward the purposes of including land in the Green Belt.

5.22 The appeal site falls within parcel 26 which was not one of the areas that performed poorly in the review. In reviewing parcel 26 the review noted:

“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”

5.23 In respect of maintaining existing settlement patterns the study notes:

“The parcel provides secondary local gaps between 2nd tier settlements of Chiswell Green, How Wood and Bricket Wood. The gap between Chiswell Green and How Wood is extremely narrow at 0.1km, whereby at the north and south edges of the settlements it is the width of the North Orbital Road (A405). The central section of this gap acts as a green finger between settlements. The secondary local gap between Chiswell Green / How Wood to Bricket Wood ranges from 0.6km to 1km and contains the M25. There is limited perception of the gap or settlements from the M25 due to planting and tree cover which screens the motorway. The motorway corridor itself also contributes something to the general openness of the gap from other viewpoints within it. Any small scale reduction in the gaps would be likely to compromise the separation of settlements in physical and visual terms, as well as overall visual openness.”

5.24 With respect to encroachment and safeguarding the countryside the Assessment grades the contribution of the parcel as limited noting the existence of urban influences and the presence of the M25. With regard to protecting neighbouring towns from merging it is found to have a partial contribution in the context of the gap between St Albans and Watford which it acknowledges contains the settlement so Chiswell Green, Bricketwood, How Wood, Park Street and Frogmore and then concludes:

“Therefore any reduction in the gap would have a limited impact on the overall separation of 1st tier settlements in physical or visual terms but would have a greater impact on 2nd tier settlements and local levels of visual openness.”

5.25 The parcel is also considered to contribute significantly to the maintenance of existing settlement patterns in particular with regard to the separation of St Albans with Abbots Langley/ Garston/ Watford as well as smaller settlements such as How Wood, Bricketwood and Chiswell Green. In this context encroachment into the countryside has the potential to erode existing settlement patterns.

- 5.26 The proposed development will lead to the erosion of open space between St Albans and Watford such that it will reduce the open space in the gap between these settlements. However, the development itself will not lead to urban sprawl of any large built up areas (rather the sprawl that will ensue is to the villages of Bricketwood and How Wood) and thus would not conflict with the first purpose at para. 138(a) NPPF.
- 5.27 Having regard to the Assessment, the wider area within which the appeal site is located (i.e. parcel 26 as identified in the Assessment) performs a valuable role in containing the Green Belt settlements of Chiswell Green, Bricketwood and How Wood and preventing towns such as St Albans, Abbots Langley, Garston and Watford merging. The proposals will erode the degree of separate identity of Chiswell Green, Bricketwood and How Wood. However, this harm is predominately to the character of the area and the development of the site itself does not lead to the merging of neighbouring towns, albeit parcel 26 contributes positively to this purpose. Therefore, the proposal itself would only conflict with para. 138(b) NPPF to a limited extent.
- 5.28 The Council will show that the proposals will encroach into that countryside with a residential estate development of up to 115 dwellings and incidental development such as access roads etc. The degree of encroachment both in terms of the spread of development and the quantum of development is substantial and leads to substantial harm. We will show that the site characteristics (i.e. a rectangular site that protrudes from the loose informal ribbon of houses that comprise the extent of the development alongside the appeal site and is visible from a range of public views) exacerbate and do not ameliorate the harm to this purpose.
- 5.29 The Council will show that the appeal site comprises part of the open countryside outside any settlement and is not contained by Bricketwood or How Wood.
- 5.30 The Council will invite the Inspector to conclude that the appeal site makes a strong contribution toward preventing second tier settlement from merging and also performs a valuable role in safeguarding the countryside from encroachment. There is therefore conflict with paragraph 138(b) and (c) NPPF and the harm by way of merging and encroachment carries substantial weight against the proposed development.

Other Harm – Countryside, Landscape and Character Harm

- 5.31 The development will be noticeable and result in the introduction of a highly urban form of development on a countryside site.
- 5.32 The appeal site is set within areas of open countryside and sporadic low density residential development. The site itself is occupied by a limited number of buildings and open recreational uses.
- 5.33 The proposals is to development the site for up to 115 dwellings. The illustrative layout plan (albeit not titled illustrative) shows a dense estate style housing layout. In order to address other matters the proposal also includes a solid three metre tall acoustic fence or barrier along the entire southern appeal site boundary as well as it wrapping around the southern part of the western boundary fronting onto 25 metres of the Lye Lane site frontage.
- 5.34 The site is located within views that exhibit elements of sporadic development including large detached dwellinghouses set in extensive grounds, the development at the appeal site and a Gypsy and traveller caravan site. However the site is also set within an area of open countryside including woodland and open scrub. No residential estate development exists as a pocket of development in the countryside outside any settlement and without any direct relationship to any settlement. The proposed site layout is contrary to the current pattern of development in this narrow stretch of countryside that separates How Wood and Bricketwood.
- 5.35 The site is located with views that exhibit elements of development located alongside the road frontage, but these do not overwhelm the current relative tranquillity that is felt within the site (notwithstanding its proximity to the M25 cutting). The landscape and visual impacts that occur would be in the context of an existing site that is influenced by some built form that is appreciated locally, but the proposals will be visible and will affect the current baseline adversely as they would be visually intrusive.
- 5.36 In terms of receptors the LVIA identifies the neighbouring dwellings as receptors and the occupiers of such dwellings and gardens are normally held to be highly sensitive to change. Lye Lane itself is used as a recreational route by cyclists and horse riders. All such leisure users are normally held to have a high sensitivity to change.
- 5.37 The change on the appeal site will be evident and impact significantly on passers-by (leisure users and residents) as well as neighbouring residents.
- 5.38 The impacts are proposed to extend beyond the appeal site and include widening of Lye Lane and the incorporation of pavements alongside the carriageway. These works will include removal of existing trees and vegetation and cutting back other plants, trees and shrubs to accommodate these proposed changes. Such changes would have significant adverse impacts for the perception of Lye Lane as a narrow country lane. Such change would be to the detriment of the rural character of Lye Lane.

- 5.39 The visual aspect of openness as it relates to the Green Belt is not measured in the same way as would be the case with a visual assessment. That change is visible and proof of harm in terms of openness. Consequently, if the proposals are visually intrusive they will affect openness regardless of residual visual effects. That the site is currently seen in the context of some existing development is only of limited relevance, it will extend much denser and more prominent development to the east.
- 5.40 The LCA identifies a strong strength of character of the Brickwood LCA which it also identifies as having good condition and thus its strategy and guideline for managing change is to safeguard and manage the landscape including supporting the Watling Chase Community Forest; promoting the creation of additional woodlands, particularly with a view to visually integrating the intrusive motorways, urban fringe development; improving public access arrangements to heaths and woodlands; using ancient hedge and field boundaries to identify the most appropriate location for wood restoration and expansion; promoting hedgerow restoration through locally appropriate measures including coppicing, laying and replanting/gapping-up; ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected, enhanced and integrated into new development with due regard to their historic, ecological and landscape value and promoting a clear strategy for the visual and noise mitigation of all motorways to positively integrate these corridors into the local landscape character.
- 5.41 The proposed illustrative layout shows the Appellant's best estimate at how 109 dwellings can be accommodated on the appeal site²². It shows a dense estate type layout of dwellings arranged in long terraces with little space around the buildings and site and a layout dominated by buildings, hardstanding and parked cars. We will contrast this with the prevailing character of the area.
- 5.42 The proposed development would harm and not safeguard or manage the local landscape character in accordance with the guidelines for landscape change in the Bricketwood Landscape Character Area.
- 5.43 The proposals will not recognise the intrinsic character and beauty of the countryside.
- 5.44 Recognition of the intrinsic character and beauty of the countryside necessarily imparts a degree of protection (after Cawrey) and the development of an estate of 115 dwellings would fail to recognise the character and beauty of the appeal site and wider countryside of which it forms part.
- 5.45 This failure to respect context, deliver high quality design and have proper regard to setting and the character of the area together with the loss of existing attractive arable landscape would also conflict with Policies 2 and 69 of the St Albans District Local Plan Review. Furthermore, it would not support the objectives of the Watling Chase Community Forest consistent with Policies 143A.

²² It is noted that the illustrative layout relied on by the Appellant does not attempt to show how up to 115 dwellings can be accommodated at site.

- 5.46 The proposal would not make a positive contribution to local character and the identified harm would lead to conflict with 135 b), 135 c), 139 as well as 180(b) of the Framework.
- 5.47 Overall, in terms of the harm to the character and appearance occasioned by the development of the site for 115 dwellings the degree of harm would be permanent, substantial and irreversible and attracts significant weight in the planning balance.

Other Harm - Amenity

- 5.48 A Noise Assessment submitted in support of the application identifies that without mitigation, there is a medium level of noise risk across the site at night, and in the southern part of the site during the day, due to the site's proximity to the M25.
- 5.49
- 5.50 The proposal shows a three metre tall acoustic barrier running along the entire southern boundary and then wrapping around approximately 25 metres of the Lye Lane frontage to mitigate the noise impacts of the M25.
- 5.51 The barrier is necessary to mitigate noise from the M25 to the proposed dwellings at site. However the illustrative layout plan shows three detached houses in the south west corner of the appeal site. Even with the proposed mitigation barrier (acoustic screen), night time noise levels in this area would be 50-60 dB(A). Appendix C of the Appellant's Assessment shows this area is marked as an 'Acoustic Barrier Zone' and not an area for housing.
- 5.52 Therefore, it has not been demonstrated that even with the presence of a 3m high acoustic screen, that an acceptable standard of environment can be achieved for all future occupiers.
- 5.53 The Appellant's Assessment identifies, and the Council accept, that further localised mitigation is likely to be required. However the nature of this mitigation is not specified.
- 5.54 The harm by way of adverse impacts on amenity due to the night time noise environment of the site will add to the harm by way of the impact of the 3 metre tall acoustic barrier at site on character and openness. Such matter attract further moderate adverse weight against the proposed development.
- 5.55 The proposed illustrative layout shows the Appellant's best estimate at how 109 dwellings can be accommodated on the appeal site.
- 5.56 It shows a dense estate type layout of dwellings arranged in long terraces with little space around the buildings or site.

- 5.57 The Council will note the public open space provision proposed for the site appears to be located in left-over spaces and lacks connectivity and clarity of function and character to be genuinely attractive and usable public spaces. The main area of open space is bounded on three sides by road, and on the fourth side by a 3m high acoustic screen.
- 5.58 Other areas that the Appellant counts as open space are narrow strips peripheral to the site that also require a road to be crossed in order to be accessed.
- 5.59 Failure to show how adequate open space to provide for the amenity of occupiers of the appeal site can be provided adds further moderate adverse weight to the basket of harm.

Other Harm – Flood Risk

- 5.60 The Council acknowledge that the appeal site is located completely within Flood Zone 1. The application the subject of this appeal was accompanied by a Flood Risk Assessment (FRA), and Sustainable Drainage Assessment report including the preliminary drainage layout and calculations.
- 5.61 The Lead Local Flood Authority (LLFA) raised an objection to the proposal due to the lack of suitable information being provided by the applicant. Further information was considered necessary in order to demonstrate that the proposed development would not increase flood risk onsite and elsewhere, and to demonstrate that appropriate surface water drainage techniques have been applied.
- 5.62 Whilst the Appellant initially indicated that they would submit such information , they failed to do so instead choosing to submit this appeal.
- 5.63 The Council will demonstrate that the information sought is both proportionate and reasonable and necessary at this stage when the principle of developing the site for such a quantum of development is being considered.
- 5.64 Insufficient information has been provided in accordance with NPPF (December 2023), the NPPF Flood Risk and Coastal Change PPG (update August 2022) and the Hertfordshire County Council policies to enable a technical assessment of the proposal to be undertaken. As such, it is not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site or whether the proposed development will increase flood risk either onsite or elsewhere.
- 5.65 The Council will show that this is a matter that weighs against the grant of planning permission and should be attributed moderate adverse weight.

Other Harm – Ecology

- 5.66 The application site includes areas of grassland with boundary hedgerows and some perimeter trees. The site is adjacent to the ancient woodland of Blackgreen Wood, which is also designated as a Local Wildlife Site (LWS). Also nearby are two Sites of Special Scientific Interest (SSSIs). These features are protected either in policy or law, and the potential risks to them from the proposed development must be considered.
- 5.67 The application was accompanied by an Ecological Appraisal, Emergence and Activity Bat Survey and Full Common Reptile Survey. Further information in response to an objection from Natural England was also submitted on 5 February 2024.
- 5.68 Initial concerns were raised due to omissions from the reports, but these omissions were not sufficient to sustain a reason for refusal. Nevertheless, there remain concerns that the 15m buffer for built development around the ancient woodland of the local wildlife site must be secured at reserved matters stage, as at present it is not clear that the indicative layout does (or could) deliver this and the quantum of development proposed.
- 5.69 The supporting documents offer 10% Biodiversity Net Gain (BNG) as a benefit of the development. However, it is noted that the BNG is not achieved on site, rather off site. The NPPF at paragraph 180(d) requires a net gain in biodiversity and the mandatory 10% BNG requirement for major development has now come into effect under the Environment Act 2021. As such, if the application was submitted now, the provision of 10% BNG would be an automatic condition on the grant of planning permission. However, due to the transitional arrangements BNG is not mandatory for this development. Therefore, limited positive weight is given to the provision of 10% BNG. This should be secured by condition in the event of planning permission granted.
- 5.70 Natural England maintain a formal objection in respect of the potential impact of the development on two SSSIs. The first Bricket Wood Common lies less than 1km to the south of the site, and the second Moor Mill Quarry West lies less than 500m to the east. The increase in local population resulting from the proposed housing development as part of this outline application has the potential for additional recreational pressure to these sites.
- 5.71 The proposed development has the potential to impact the SSSI's via recreational pressure. The documents submitted with the application the subject of this appeal do not consider impacts arising from the increase in the local population, and potential recreational pressure on these SSSI's.
- 5.72 Information has been submitted direct to Natural England by the Appellant to attempt to address their objections. The Council has contacted Natural England for a formal response. Until NE withdraw their objection the decision maker cannot be sure that the proposed development would not give rise to harmful impacts on the two SSSIs through recreational pressure. In those circumstances the proposal would be contrary to para 186 (b) of the NPPF and Policy 106 of the Local Plan.

- 5.73 The Council will update the Inspector on any response received from Natural England.
- 5.74 We will also describe the juxtaposition of the proposed development, including the highway works and pavements to Lye Lane, to ancient woodlands.

Other Harm - Sustainable Transport

- 5.75 The appeal site is located beyond the eastern extent of Bricketwood and the western extent of How Wood. The villages are small settlements with a limited range of facilities.
- 5.76 The site does not offer safe opportunities for pedestrians and other non-car users to reach Bricketwood. This was raised by the Highway Authority both at pre- application stage and in all consultation responses. Lye Lane comprises a narrow unlit country lane that whilst used as a leisure route for some horse riders and cyclists is not suitable as an access to a residential housing estate involving trips by school children and others at all times of day and night.
- 5.77 The development includes proposals for off-site highway works involving pedestrian footways alongside Lye Lane to the south of the site, to give a pedestrian link between the application site and West Riding to the south. The Council has already commented on this in respect of character concerns. Such a pedestrian link would be an essential component of any residential development to enable access to the closest settlement and Bricketwood Railway Station (on the Abbey Flyer line)
- 5.78 The Council will describe the route of any such proposals, noting that they have yet to be detailed by the Appellant and could involve significant environmental impacts. However, we will also note that the pedestrian route.
- 5.79 The Appellant failed to undertake a walking and cycling audit to detail routes to local facilities. The Council will detail the limited range of local facilities in Bricketwood and How Wood and the routes to access them.
- 5.80 The Council will note that alternative non-car travel options would also be needed for people uncomfortable with using Lye Lane due to security concerns such measures would need to be incorporated and agreed as part of a robust Full Travel Plan.
- 5.81 The Council consider that In addition to environmental challenges) implementation of the proposed off site footway may be a significant engineering challenge due to the presence of ditches, gullies and trees (including designated Ancient Woodland and Common Land) located along Lye Lane where the footway is proposed. This may impinge on its feasibility and deliverability and any compromises would reduce the effectiveness of the footway and would not then meet the necessary requirements for assisting in providing safe and convenient travel to and from the site for all users, at all times of day and year and in all conditions. Further consideration of the needs of cyclists is also necessary, the applicant should demonstrate consideration of LTN1/20 standards in this regard.

- 5.82 The NPPF (December 2023) sets out that opportunities to promote walking, cycling and public transport use are to be identified and pursued. Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- 5.83 Given the site’s proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, the site does not comprise a sustainable location for new residential development. Such matters need to be resolved at this stage and cannot be put off for another day. Such matters go the heart of being able to develop this site in principle.
- 5.84 This element is critical to the sustainable access of this site and in its absence the site would not offer adequate transport sustainability. Furthermore, the site is in an area with very modest levels of public transport accessibility. It has not been demonstrated that adequate opportunities exist to promote walking, cycling and public transport use. This is contrary to the relevant provisions of Local and National policy as set out in this section of the report, and significant negative weight is given to this matter.

Other Harm – Highways

- 5.85 The drawings submitted with the application the subject of this appeal show that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, the drawings do not address the potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.
- 5.86 On this basis, the proposal would be contrary to the provisions of the NPPF, and to Policy 34 of the Local Plan, which requires development to be acceptable in terms of road safety. The Appellant has failed to demonstrate that safe highway access to the site can be achieved, contrary to Policy 34 of the St Albans District Local Plan Review 1994.
- 5.87 Such matters attract significant adverse weight in the planning balance.

Other issues

- 5.88 The failure to provide a satisfactory mechanism to deliver necessary infrastructure to service the proposed development, and also secure the proposed affordable housing, was an issue at the application stage.
- 5.89 However, it is anticipated that a section 106 obligation can address the provision of necessary infrastructure, the securing of affordable housing, and the provision of off-site biodiversity enhancements.
- 5.90 The Heads of Terms would include:
- Affordable Housing
 - Biodiversity Net Gain
 - Provision of Play Space and its management
 - Healthcare General Medical contributions
 - Healthcare Ambulance Contributions
 - Education (Primary, Secondary and tertiary) contributions
 - Education (SEND) contributions
 - Library Services Contribution
 - Youth Services contribution
 - Highway Improvement and Sustainable Transport measures
 - Monitoring fees
 - Travel Plan monitoring fee
- 5.91 The Council will demonstrate that the contributions sought meet the Regulation 122(2) tests as well as those set out in the NPPF.

6 The Appellant’s “Other Considerations” under NPPF para. 153

- 6.1 The Council will assess the other considerations relied on by the Appellant and consider whether they are capable of clearly outweighing the harm identified. We will comment on whether certain matters relied on by the Appellant comprise benefits of this scheme.
- 6.2 The Appellant relies on a number of factors²³ which can be summarised as:
- The provision of housing in an area of housing need (including affordable housing and custom self-build if proposed and secured)
 - The use of PDL
 - The provision of footpaths on Lye Lane
 - Delivering 10% BNG
- 6.3 The Council will analyse each matter and attribute weight recognising the housing need position in St Albans and the need for affordable housing.
- 6.4 It is common ground that the provision of housing carries very substantial weight in the planning balance.

²³ See Statement of Case in particular at paragraph 49

7 Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 By reason of the local plan policy conflict identified above, the proposed development does not accord with the development plan taken as a whole.
- 7.3 The Framework is a material consideration in the determination of these appeals. Under paragraph 11(d), the policies most important for the determination of the appeals are deemed to be out of date by reason of the HDT results and housing land supply shortfall: see footnote 8. This requires the decision-maker to consider whether the application of policies in the Framework provide a clear reason for refusing the proposal. One of the key sets of policies in the Framework are the policies protecting Green Belt land.²⁴
- 7.4 The proposed development constitutes “inappropriate development” in the Green Belt. This is, by definition, harmful, and should not be approved except in “very special circumstances”. Substantial weight must be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is “clearly outweighed” by other considerations.
- 7.5 The other Green Belt harm by loss of openness and harm to the purposes of the Green Belt leads to substantial harm and must carry substantial weight.
- 7.6 Added to this is “any other harm” arising from the other matters considered above.
- 7.7 The Council carry out its Green Belt balancing exercise assuming that a satisfactory obligation is presented to the appeal.
- 7.8 The weight of factors against the grant of permission present a high hurdle for the Appellant to demonstrate that these harms, taken together, are “clearly outweighed” by other considerations such that “very special circumstances” exist. This high bar is illustrated in an appeal decision in St Albans²⁵ wherein the Inspector notes:

*“The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but **decisively**.”* Emphasis added

²⁴ i.e. section 13 and footnote 7 of the National Planning Policy Framework 2023

²⁵ APP/ B1930/W/19/3235642 at Burstons Garden Centre

- 7.9 Overall, notwithstanding the benefits of the scheme taken together, the Council will show that they do not “clearly outweigh” the harms and demonstrate “very special circumstances” to justify inappropriate development in the Green Belt for the purposes of paragraph 153 of the Framework.
- 7.10 As such, the application of the Green Belt policy provides a “clear reason for refusing” the development proposal under NPPF paragraph 11(d)(i). Thus the presumption in favour (the so called “tilted balance”) is disengaged.
- 7.11 The proposed development conflicts with the most important development plan policies, and as such conflicts with the development plan taken as a whole. In addition, the policies of the Framework provide clear reasons to refuse permission, and material considerations would not justify the grant of permission.
- 7.12 Therefore, the Council will invite the Inspector to dismiss the appeal.

Appendix 1

Council's Committee Report 5/2022/2443

REGISTERED NUMBER:	5/2022/2443
APPLICANT:	Mr K Rudkin, J K Rudkin Builders Limited
PROPOSAL:	Outline application (access sought) - Demolition of existing buildings and construction of up to 115 dwellings and creation of new access
SITE:	Bricket Wood Sports And Country Club, Paintball Site & Bricket Lodge, Lye Lane, Bricket Wood, Hertfordshire
APPLICATION VALID DATE:	12/10/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	No
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD:	St Stephen

RECOMMENDATION	That the Committee resolve that had an appeal against non-determination not been lodged, that the Local Planning Authority would have: REFUSED PLANNING PERMISSION
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1. Reasons for Call in to Committee

- 1.1. This application is being reported to the Planning (Development Management) Committee as a significant scale application with District wide implications.

2. **Relevant Planning History**

Bricket Wood Sports and Country Club / paintball:

- 2.1. 5/2014/1999 - Proposed internal and external alterations, and conversion of existing building (no lawful use) to create 8 self-contained residential dwellings (Class C3) with associated landscaping and parking, and change of use of the land from Class D2 (sports and recreation) to Class C3 (residential) (resubmission following refusal of 5/13/1755). Refused 10/09/2014. Appeal dismissed 25/06/2015.
- 2.2. 5/2017/2801 - Certificate of Lawfulness (existing) - Use as paintballing centre with ancillary buildings. Refused 02/03/2018. Appeal allowed in part 26/06/2020.

Bricket Lodge:

- 2.3. 5/2002/1303ENF - Deemed application, on appeal against an Enforcement Notice, for a change of use of dwelling house to a mixed use of dwelling house and bed and breakfast accommodation. Appeal allowed and planning permission granted 03/09/2002
- 2.4. Other recent relevant planning decisions referenced in this report

- 2.4.1. 5/2022/1988 - Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans - Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works. Refused 25/05/2023. Appeal dismissed 26 January 2024.
- 2.4.2. 5/2022/0599 - Land To Rear Of 96 To 106 High Street, Colney Heath, Hertfordshire - Outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works - Refused 25 May 2023. Appeal pending.
- 2.4.3. 5/2021/0423 - Land To Rear Of 112-156B Harpenden Road, St Albans - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) - Conditional Permission granted on 12 January 2022.
- 2.4.4. 5/2020/1992 - Roundhouse Farm, Bullens Green Lane, Colney Heath St Albans AL4 0FU - Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works - no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission. Appeal allowed 14 June 2021.
- 2.4.5. 5/2018/1324 – Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans - Demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a community clubhouse together with associated access and pedestrian/bridleway improvements, landscaping, amenity space and car parking. Refused 20 March 2019. Appeal dismissed 9 January 2020.

3. Site Description

- 3.1. The 3.2ha site is roughly rectangular in shape and comprises, at the western side, brick built buildings associated with the former sports club use and Bricket Lodge, together with other single storey structures associated with the paintballing centre in the southern part. The majority of the site is scrub / grassland, with intermittent obstacles associated with the paintballing bounded by an existing track and a landscaped buffer at the north and east.
- 3.2. The western site boundary adjoins Lye Lane, with residential properties including Silver Birches and Lye House to the north. To the east and south lies established woodland covered by a Woodland TPO (Home Wood to the east and Blackgreen Wood to the south), with Blackgreen Wood to the south (included in the blue line) separating the application site from the M25.
- 3.3. The south west corner of the site, including the proposed site access, lie within a Motorway Corridor.
- 3.4. The site lies outside the settlement boundary of Bricket Wood and is designated as Metropolitan Green Belt.
- 3.5. Blackgreen Wood continues to the south of the M25 to the east of Lye Lane on the approach to Bricket Wood Settlement. Blackgreen Wood and Home Wood to

the east are designated as Ancient and Semi-Natural Woodland and Blackgreen Wood to the south is also identified as a Wildlife Site.

- 3.6. Two SSSIs lie near the application site. Bricket Wood Common to the south, and Moor Mill Quarry to the east.
- 3.7. The site is also located within the boundaries of Watling Chase Community Forest.

4. The Proposal

- 4.1. The proposal is for the construction of up to 115 dwellings (Class C3), following demolition of existing buildings on the site, and the construction of a new vehicular access from Lye Lane (and closure of existing access points).
- 4.2. The planning application is in outline with all matters reserved except for access. As such, it is the principle of the development that is under consideration, plus the details of 'Access'. Details relating to the other reserved matters of 'Appearance', 'Landscaping', 'Layout' and 'Scale' would be provided under future application(s) for approval of reserved matters, if this outline application were approved. As such, the application is accompanied by a Parameters Plan for the proposed development and a detailed plan showing the proposed access.
- 4.3. The proposal seeks to provide 35% of the dwellings on site as affordable housing, 9% of total dwellings on site being First Homes and 26% of dwellings on the site being 'other affordable'.
- 4.4. Notwithstanding that all matters except access are reserved, the applicant has submitted a Proposed Site Plan in order to guide the scope of reserved matters submission(s). The plan indicates the extent of built development (based on a 109 dwelling scenario), green infrastructure provision, building heights, access and movement. It also indicates the extent of an acoustic fence along the southern boundary (and part of the western boundary).
- 4.5. The application is accompanied in the Proposed Site Plan by an indicative housing mix of the following:
 - 1-bed units: 20%
 - 2-bed units: 32%
 - 3-bed units: 31%
 - 4-bed units: 11%
 - 5-bed units: 6%
- 4.6. Any grant of planning permission for this application can be conditional upon future reserved matters applications according with approved Parameters Plans. This is an approach that is widely used for outline applications of this scale.
- 4.7. Also proposed are off-site highway works including the provision of lit footways along the stretch of Lye Lane to the south of the site, between the site and Bricket Wood.

5. Representations

- 5.1. Publicity / Advertisement

Site Notice Displayed Date: 27/10/2022 Expiry Date: 19/11/2022

Press Notice Displayed Date: 20/07/2023 Expiry Date: 12/08/2023

5.2. St Stephen Parish Council

5.2.1. Strong Objection. The committee wish to request that this application is called in.

5.3. Adjoining Occupiers

5.3.1. Occupiers of adjoining properties were notified on 17/10/2022, in accordance with local and national requirements.

5.3.2. At the time of writing this report, a total of 153 representations in objection have been received (plus a further 16 objections with incomplete names / addresses).

5.3.3. A summary of public representations in objection, grouped by topic area is set out below. Representations from interest groups and organisations are then reported separately.

5.3.4. Objections in principle/relating to Green Belt

- Inappropriate development of the Green Belt.
- The site is located in the Metropolitan Green Belt and has been assessed (SKM 2013) as making a significant contribution towards maintaining the existing settlement pattern, maintaining gaps between Chiswell Green, How Wood and Bricket Wood.
- The site has been assessed (Arup 2023) as making an important contribution to the wider Green Belt.
- Current applications in the vicinity, as well as sites in the locality proposed for development through the Local Plan, could result in nearly 600 new houses in the area of the Noke roundabout, equivalent to nearly half the size of Chiswell Green. It is essential that these applications are assessed in combination, not in isolation.
- A grant of permission for this application will set a precedent for other speculative developments in the area under the requirement for consistency in decision-making.
- Very special circumstances have not been demonstrated.

5.3.5. Objections relating to landscape and open space

- Impact on protected trees. Many have already been felled, lost and damaged.

5.3.6. Objections relating to environmental impacts (except for highways)

- Impact on wildlife.
- Increase in air pollution.
- Increased flood risk as less green areas to allow for drainage.
- Development will contribute towards the climate crisis.
- There is no firm commitment to providing Swift bricks or integrated bat boxes. These should be secured by way of condition.

5.3.7. Objections relating to access, highways and transportation

- Increase in traffic and congestion.
- The site is in an unsustainable location and cannot be made so, in terms of reducing private car usage and establishing better public transport.
- 600 new houses in the area will produce an additional 1,100 vehicles using the Noke roundabout daily, not to mention the additional vehicles required to service these developments such as food and shopping deliveries, refuse vehicles, emergency service vehicles, estate maintenance etc. The impact of this quantity of new housing must be considered in a wider context.
- Danger to pedestrians / cyclists.
- Lye Lane is not suitable for increased traffic, being narrow and with a blind bend.

5.3.8. Objections in relation to impact on social and physical infrastructure

- Development does not include essential infrastructure to support it.
- Village will be unable to meet demands of housing developments.
- Loss of open space.
- Infrastructure services would not be able to cope with additional homes.
- No infrastructure is proposed.
- Local school and medical services already oversubscribed and proposed development will increase pressure.

5.3.9. Objections in relation to visual and residential amenity

- Insufficient outside space.

5.3.10. Objections relating to housing provision

- Loss of existing housing on site.

5.3.11. Objections – other issues

- The application is not supported by a number of statutory consultees.
- Scrutiny of the plan is key.
- No consideration given to existing tenants.

5.3.12. Three representations were received in support of the application (plus one further representation of support with an incomplete name/address), raising the following points:

- Additional affordable housing is needed but access would need considering as the road is not suitable for high volume of traffic.
- Good proportion of affordable and private housing.

5.4. Other Groups /Organisations

5.4.1. Representations were also received from the following groups/organisations:

- Campaign to Protect Rural England (CRPE) Hertfordshire;
- St Albans Civic Society;
- The Open Spaces Society; and
- Bricket Wood Residents Association.

5.5. Campaign to Protect Rural England (CPRE) Hertfordshire

5.5.1. Response received on 30/11/22 objecting to the proposal as summarised:

- *Green Belt site. Applicant accepts that VSCs are required in noting that “it is undeniable that the proposal will cause harm by ways of inappropriateness”.*
- *While part of the site, to the south west, is clearly previously built up, the majority of the area marked in red comprises relatively open land with temporary structures for paint-ball and should not be regarded as previously developed land.*
- *The Green Belt performs a crucial purpose in providing open land between settlements, preventing the further coalescence of the settlements of Bricket Wood and How Wood. The purpose of Green Belt designation is also to enhance as well as protect open land and this proposal comprises clear encroachment.*
- *Bullens Green Lane decision is noted. Appeal decision at Broke Hill, Sevenoaks in broadly similar circumstances should also be noted, and established the primacy of designated protected status in determining the appropriateness of development, notwithstanding the lack of a five year housing supply.*
- *Recent Ministerial Statements, which have policy weight, have reiterated the Government’s strong support for Green Belt protection.*

5.6. St Albans Civic Society

5.6.1. Response received on 16/11/2022 as follows:

We object to this application for inappropriate development in the green belt. It is premature pending adoption of the new Local Plan. Under the NPPF green belt boundaries are only to be altered in exceptional circumstances, and then only through the local plan review process. There are no exceptional circumstances in this case. Permitting the development would set a precedent for similar green belt sites in the locality.

5.7. The Open Spaces Society

5.7.1. Response received 17/11/22, summary as follows:

- *We oppose this development which is inappropriate development in the green belt.*
- *We question whether it is previously developed land.*
- *We are concerned that the proposed new footway may not be attractive to pedestrians as it requires them to cross the carriageway several times.*
- *Given the distances to key shops and schools we question whether this footway is sufficient to make the site sustainable.*
- *As part of the proposed footway crosses registered common land it cannot be constructed without permits from the appropriate authorities.*
- *As the main purpose of this footway is to serve the proposed development we consider that it falls outside of the district council’s powers under the common’s management scheme and the appropriate authority is the secretary of state under s38 of the Commons Act 2006.*
- *We recommend that if planning permission is granted it should be a condition that these permits must be obtained before any work commences on site.*

- *We recommend that the offer of public access to the northern part of Blackgreen Wood should be accepted in the form of a new public right of way between Lye Lane and Park Street Lane.*

5.8. Bricket Wood Residents Association

5.8.1. Response received 22/11/22, summarised as follows:

On behalf of the Bricket Wood Residents Association (BWRA), we strongly recommend the application should be refused.

Our concerns are as follows:-

Green Belt

Our understanding is the site is located on a Metropolitan Green Belt designation as set out in the local green belt register.

The proposal is contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

Location

Fundamentally, we believe the proposals to be an overdevelopment in an inappropriate location. Without public transport nodes, the development will dependent on cars adding to the increasing traffic burdens of the village which is well known to be a cut through for the motorway links. The development is directly off a small country road which we have health and safety concerns the entire length of Lye Lane. A major development could not be sustained without significant impact on the residents.

The proposal is contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994

As an Association, we deeply concerned if the proposal was to be approved it will be a significant precedent for this area of the village with substantial future impact.

Therefore, we recommend strongly the Application is REFUSED.

6. Consultations:

6.1. Affinity Water

6.1.1. Comments received 18/11/22 as follows:

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (BRIC). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

6.1.2. Recommended conditions / informatives:

1. Contamination through Ground Works

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Contamination through Surface Water Drainage

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and ensure that sufficient capacity for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme should be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

6.2. District Archaeologist

6.2.1. Comments received on 20/10/22 as follows:

The Hertfordshire Historic Environment Record shows no known archaeology within the site, however, this is more a result of no work having occurred in the immediate area. Immediately to the west of the application area lies a range of archaeological deposits identified in the area of the M25 junction. These include excavations which identified Mesolithic to Bronze Age occupation (HHER 9757), Late Iron Age and Roman kilns and field system (HHER 31450), Roman timber buildings (HHER 31451), and a Roman Road (HHER 4579). The presence a moat located at Burston Manor probably has its origins in the medieval period. It is possible that further settlement of this date will be identified in the vicinity.

6.2.2. Recommend the following conditions:

1. Archaeological Investigation

No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of initial trial trenching followed by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

2. Publication and Dissemination

Following the completion of the fieldwork and the post-excavation assessment in Condition 1, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

The archaeological work would comprise a programme of initial trial trenching over the site followed by open area excavation on those areas shown to contain significant archaeological deposits.

6.3. Contaminated Land Officer

6.3.1. No response received.

6.4. Community Services

6.4.1. No response received.

6.5. Design and Conservation

6.5.1. No response received.

6.6. Trees and Woodlands

6.6.1. Response received 18/10/22 as follows:

The TPO ref 1087 refers to Poplars which are no longer present on site, therefore in respect of the development there is no impact upon TPO trees within the site. The woodland to the south and east is subject to TPO 1666 and is outside the red line boundary however any development will have the potential to impact upon the development.

Prior to any further comments an arboricultural report is to be submitted with the following details:-

Stage 1- Pre-development tree survey and tree constraints plan (TCP)

Stage 2 – arboricultural impact assessment and retention/protection plan (TPP)

Stage 3 – arboricultural method statement

6.7. East of England Ambulance Service

6.7.1. Response received 27/10/2022 as follows:

The proposed development is likely to have an impact on St Albans emergency ambulance stations within the vicinity of the application site. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development to achieve nationally set blue light response times. EEAST would therefore expect these impacts to be fully assessed and mitigated.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

The development and change of use from residential, paintball site and former sports and country club around hardstanding to housing would give rise to a need for improvements to capacity, in line with emerging Integrated Care System estates strategy which can be met by:

- Provision of additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes. The range of equipment includes stretchers, carry chair, tracks, power chair, scoop, spine board, power load, wheelchair, Corpuls (patient monitoring units with integrated defibrillator/pacemaker, ECG etc).*

- Recruiting, training and providing new equipment for additional Community First Responders (CFRs) to support the proposed development and the community as a whole.*

Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional emergency ambulance services to support the population arising from the proposed development is calculated to be £23,399.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth	ICS Activity Rate ²	Ambulance Cost ³	Total
182	0.19	£675	£23,399

¹ Calculated assuming 2.4 persons for each dwelling average household 2020 Census

² Calculated Hertfordshire and West Essex Census 2020 population (1.5m) and 2021-2 EEAST emergency activity volume (288,262)

³ EEAST ambulance callout cost (2021)

Conclusion

It is unclear when the development may be delivered and if the site is listed in the Local plan and features on the housing trajectory for the local authority or indeed if permission will be granted. But should this development materialise, it will have an impact on emergency ambulance healthcare provision in the area and must be mitigated by legally securing developer's contributions and these are in addition to those submitted NHS Hertfordshire & West Essex ICB for GP premises.

Subject to certainty that healthcare will be the beneficiary of the aforementioned Section 106 contributions in relation to this development. EEAST does not raise an objection to the proposed development

6.8. Environmental and Regulatory Services

6.8.1. Response received 14/07/2023 as follows:

The proposed Concept Plan provides an illustrative site layout for the proposed development. This outline planning noise assessment by Spectrum AP1734/21456/0 has been carried out based on the illustrative Concept Plan and the recommended 3m high acoustic screen. The assessment demonstrates that acceptable internal and external noise levels can be achieved at this site in accordance with the criteria set out in BS 8233. Final details of any mitigation to be installed, however, would be subject to detailed design.

The Concept Plan is illustrative only and may be subject to further revision. The results indicated above demonstrate that acceptable internal noise levels can be achieved at this site for the purposes of the outline planning application. However, the final façade mitigation scheme should be reviewed once further details of the scheme are known, including plot layouts and elevations, as the final requirements will depend on various factors such as glazing areas, room volumes, internal layout, façade construction type, and ventilation strategy.

If it is shown that there is potential for overheating at the proposed development, alternative cooling strategies would need to be considered such that residents would not need to open their windows to mitigate this condition.

6.9. Hertfordshire and West Essex Integrated Care Board

6.9.1. Response received 08/11/2022 requesting the following contributions:

NHS Hertfordshire & West Essex ICB has considered this planning application. Should this development of 115 dwellings go ahead, based on an average occupancy of 2.4 occupants per dwelling, it will create circa 276 new patient registrations.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the NHS Hertfordshire & West Essex ICB. We expect applications for closed lists to increase as new developments in the area go live. Even when surgeries are significantly constrained NHS Hertfordshire & West Essex ICB and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. It is therefore important that new housing contributes financially towards healthcare infrastructure. Patient lists are only closed in exceptional circumstances.

When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. by re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Developers' contributions under these circumstances is considered fair, reasonable and necessary.

Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary and the ICB nor NHS England can prescribe which surgery patients should attend. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.

For several years, NHS Hertfordshire & West Essex ICB, in accordance with national direction, has commissioned a number of additional services from general practice. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs) effective from 1 July 2019. NHS England agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the ensuing 5 years.

In NHS Hertfordshire & West Essex ICB there are 35 PCNs across the 14 localities; each covering a population of between circa 27,000 and 68,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. The PCN that covers St Albans and under which this development falls has a combined patient registration list of 141,130 and growing.

For the above reasons a S.106 contribution is requested to make this scheme favourable to NHS England and NHS Hertfordshire & West Essex ICB.

Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and does not take into account other development proposals in the area.

Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS GP provision:

*276 new patient registrations/2000 = 0.138 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"*

0.138 x 199 m² = 27.462 m² of additional space required

27.462 m² x £5,410 per m² = £148,569.42 (*Build cost; includes fit out and fees)
£148,569.42 / 115 dwellings = £1,291.908 per dwelling (rounded up to £1,292 per dwelling)*

Total GMS monies requested: 115 dwellings x £1,292.00 = £148,580.00

NHS Hertfordshire & West Essex ICB propose to focus the GMS monies on Bricket Wood Medical Practice or Park Street Surgery.

This may involve expansion, reconfiguration and digitisation of patient records. All of these and possibly other options are with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.

To achieve this S106 monies are required as being ultimately the only source of funding. A trigger point of on occupancy of the 1st dwelling & 50th Dwelling is requested. An advantage to an extension for example in reflecting on the operational impact of the pandemic is that in line with the direction of travel, areas need to be identified that can be isolated from the main practice area for obvious reasons.

NHS England and the NHS Hertfordshire & West Essex ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.

The ICB is keen to continue to work with St Albans City & District Council as well as the developer to ensure that patients access to healthcare isn't compromised by this development, or indeed, other developments.

In terms of identifying a project in full at this stage the following points must be considered:

- All projects are subject to Full Business Case approval by the ICB and NHS England.*
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.*
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is vital.*
- A project identified and costed in response to the planning application may not meet the objectives of the current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.*

At the time of responding to planning applications it is unclear when the development may be delivered, even if the site is listed in the Local plan and features on the housing trajectory for the local authority or indeed if permission will be granted. But should this development, as with any other, materialise, it will have

an impact on healthcare provision in the area and must be mitigated by legally securing developers contributions.

Subject to certainty that healthcare will be the beneficiary of the aforementioned Section 106 contributions in relation to this development. NHS Hertfordshire & West Essex ICB does not raise an objection to the proposed development.

6.10. Hertfordshire County Council - Ecology

6.10.1. Response received 11/08/23 as follows:

Overall recommendation

The application should not be determined until the following issues are resolved.

Summary of advice

Shortcomings are apparent in the evidence provided that would make the granting of outline planning permission premature as follows:

- Mitigation: in general terms, further detail is required to show, in principle, that harmful impacts across all groups and features can be avoided or reduced to acceptable levels before permission can be granted*
- Great crested newts: a licence will probably not be required but further detail is required to show, in principle, that harmful impacts can be avoided or reduced to acceptable levels before permission can be granted*
- Bats: a licence will be required and further detail is required to show, in principle, that harmful impacts can be avoided or reduced to acceptable levels before permission can be granted*
- Blackgreen Wood LWS: further detail is required to show, in principle, that harmful impacts can be avoided or reduced to acceptable levels before permission can be granted*
- Biodiversity net gain: an assessment supported by a metric and associated documents is required to show that in principle the (claimed) greater than 10% gain can be achieved before permission can be granted*

Elsewhere:

- Biodiversity net gain: the delivery of a biodiversity net gain management plan supported by a metric based on the final design can be delivered via a condition or reserved matter or s106 as appropriate*
- Lighting: a detailed lighting strategy that follows best practice can be delivered via a condition or reserved matter or s106 as appropriate*
- Surveys: in general terms, further surveys will be required to inform any future ecological assessments or reserved matters or licence applications*
- SSSIs: advice provided by Natural England should be followed*
- The application lies beyond the Chilterns Beechwoods Zone of Influence and so no Habitats Regulations Assessment will be required.*

Supporting documents

I have made use of the following documents in providing this advice:

- Ecological Appraisal, Cherryfield Ecology, January 2022 (or EA)*
- Emergence and Activity Bat Survey, Cherryfield Ecology, July 2022 (or bat survey)*
- Full Common Reptile survey, Cherryfield Ecology, October 2022 (or reptile survey)*

- *Planning statement, MRP Planning, September 2022*
- *Supplementary planning statement, MRP Planning, November 2022*

Comments

General

I acknowledge this is an outline application only (though including access). As such, I acknowledge that it primarily seeks only to establish the principle of development though I add that this does not allow the necessary scrutiny of key issues to be avoided.

The Hertfordshire Environmental Records Centre shows the presence of the adjacent ancient woodland of Blackgreen Wood Local Wildlife Site (LWS), and both a known great crested newt breeding pond and several recorded bat roosts nearby. In addition, though slightly further afield, two SSSIs can be found. All of these features may be at risk of harm from the proposed development and all are offered protection either in policy or law.

This opinion is largely supported by the accompanying PEA and associated surveys which accompany this application although the accompanying reptile survey also confirmed the presence of a population of slow worms within the proposed development site, also protected in law. Elsewhere, though, the reports concluded that the proposed development site only supported a restricted range of features of relatively modest ecological importance.

In general, the reports and associated survey appear to follow best practice, and although dating from 2022 can be considered largely fit for purpose for this application; any future applications for licences or reserved matters are likely to require repeat surveys. However, shortcomings are apparent and are highlighted below.

Outcomes of the reports

Although not explicitly stated, it is taken that together, the ecological reports suggest that with mitigation and/or compensation as necessary, that harmful impacts will not arise. However, this cannot be assumed given omissions from the reports. These points are taken in turn below.

Mitigation

The positive outcome suggested by the reports was dependent on the adoption of a series of avoidance, mitigation and enhancement measures described ostensibly in Table 13 of the EA, Table 7 of the bat report and in both Table 5 and s4.3 of the reptile report.

However, these were only briefly described with no guarantee they would or could be delivered; further these were spread within and across the documents introducing uncertainty regarding what was actually proposed. Accordingly, and despite this being an outline application, further detail is required to show, in principle, that harmful impacts across all groups and features can be avoided or reduced to acceptable levels.

Great crested newts

Whilst I am content, given distance from the breeding pond and the presence of a road in between, that harmful impacts on great crested newts are unlikely, and that a licence should not be necessary, the report does not make clear how this risk

will be mitigated. For instance, although mitigation, in the form of a supervised clearance of the site is suggested in s4.2 of the EA, it is not listed in Table 13 ('Recommended Enhancements and Mitigation'). Given the protection in law, this should be clarified to avoid the risk of an offence being committed.

Government guidance is clear that factors affecting protected species should be known and resolved before any consent is awarded. To grant outline permission without this information would be premature.

Bats

The accompanying bat report identified the presence of two, small possible roosts in Buildings B1 and B3. Accordingly, the report correctly identifies that a licence from Natural England will be required prior to demolition. Whilst I do not doubt (based on the information provided so far) that measures can be delivered that could mitigate/compensate for the loss of the two modest roosts, the package put forward was vague and would not meet the test (described above for great crested newts).

Therefore, I cannot be certain that a licence would be granted and so to grant outline permission without this information would be premature.

In any event, the surveys will need to be repeated to provide the necessary up to date information to inform any application for reserved matters and any subsequent licence application; by then, the current surveys will be out of date.

LWS/ancient woodland

The proposed development site lies immediately adjacent to the ancient woodland of Blackgreen Wood LWS. Ancient woodland is a priority habitat worthy of special consideration yet, I could find no assessment of the impact of recreational pressure on this site despite the application appearing to promote access within it, a factor compounded by the suggested placement of the open space and recreational area along its boundary.

Issues of trampling, litter, fire could all be relevant as would disturbance of bats that are likely to forage and possibly roost within it from human activity or from lighting of properties and roads (see below).

Given its importance and fragility, this should be assessed in more detail and mitigation provided (if assessed as necessary) to show that in principle harmful impacts can be avoided or reduced to acceptable levels before reserved matters are considered. In addition, evidence that the required 15m buffer around ancient woodlands is also lacking. To grant outline permission without this information would be premature.

Sites of Special Scientific Interest

Recreational pressure remains a potential concern regarding the nearby Bricket Wood Common, and Moor Mill Quarry West SSSIs both of which lie within less than 1 km of the site. I have seen Natural England's letter of 8 November 2022 which addresses these matters in more detail, and I endorse its conclusions that further evidence is required before outline permission can be granted. As Natural England is the statutory consultee on issues affecting SSSIs I defer to any future advice it may provide.

Lighting

Given the known presence of bats and the adjacent woodland, it is likely that a reasonable population of bats utilise the land within and beyond the red line boundary for foraging, commuting and potentially roosting.

All will be potentially vulnerable to insensitive lighting, especially the woodland, given the indicative layout of houses and roads. It is imperative that increased lighting from the proposed development does not reduce the ability of the adjacent woodland and other boundary features to maintain their ecological function. Similarly, it should ensure the ability of the proposed bat boxes is not restricted.

A sensitive lighting scheme will therefore be necessary but by embedding such requirements into the design of the proposed development as it evolves and by following best practice, there are no reasons this cannot be achieved. Therefore, I would be content for a detailed lighting strategy to be delivered via a condition or reserved matter or s106 as appropriate.

This should accurately identify the features/areas of interest, describe levels of illumination prior to, and post-development, and should be shown on suitable contour plans or similar as appropriate so that it can be clearly demonstrated that newly illuminated areas will not compromise existing or proposed use by bats. Light levels on the edge of the woodland should not exceed 0.5 lux.

The lighting strategy should accord with best practice (Guidance Note 08/10: Bats and artificial lighting in the UK (BCT & ILP, 2018) and be maintained accordingly. These proposals should also be accompanied by a brief statement by an ecologist on how it achieves these goals.

Biodiversity net gain

The accompanying planning statements state that a greater than 10% gain can be delivered. Although not yet mandatory the statements suggest to me that considerable weight should be given to this intention. Yet there is no evidence presented to support this and no guarantee this could be delivered.

Therefore, I consider it necessary that the applicant provides a biodiversity metric based on the current proposed layout that establishes the principle that a greater than 10% gain could be achieved either within the footprint of the development or beyond. The net gain assessment should be presented as a full spreadsheet with the necessary supporting documents.

In saying this I appreciate that the design may change as the scheme evolves but at present there appears to be little open space beyond the dwellings, gardens and recreational area. Accordingly, the outcome will have a strong influence on any landscaping scheme.

Whilst the scheme is likely to evolve, I would be content for the necessary Biodiversity Net Gain Management Plan (that shows in full how the final scheme will be achieved and delivered over a minimum 30 year period) to be deferred to a condition or reserved matter or s106 as appropriate.

Surveys

Further to the advice regarding bat surveys above, given the age of the existing survey and assessment reports, new and up to date versions will likely be required for any future full application for all other features.

Chilterns Beechwoods Special Area of Conservation (SAC)

For the avoidance of doubt, the application lies beyond the Chilterns Beechwoods SAC Zone of Influence where new residential development can lead to adverse effects from increased recreational pressure and so no Habitats Regulations Assessment will be required.

6.10.2. Further received 16/11/2023 following confirmation from agent that they no longer intend to submit additional information:

I do not think there are sufficient grounds to sustain a recommendation for refusal. I say this because in spite of the ecological appraisal leaving much to be desired (in terms of the age of the surveys, the depth of mitigation and the lack of information (eg a metric) to support the claims made for a 10% biodiversity net gain, amongst other reasons) the following reasons apply:

- I may have been mistaken that the proposed 'open space and play area' was proposed to lie within the adjacent Blackgreen Wood LWS (it seem sit lies adjacent to it) which removes any direct impact (though this must be secured, presumably at reserved matters, as the proposed development evolves);*
- Suitably detailed mitigation measures can be provided when detailed site proposals are submitted, as they can more accurately reflect the impact of the proposals and they could and must be embedded in an updated ecological appraisal;*
- The delivery of the 10% biodiversity net gain (proposed in the Planning Statement) could and must be secured via a standard condition (I can help with the wording if required) although I suspect that this may require an off-site solution given the lack of greenspace suggested in the Block Plan. The population of the metric will ensure repeat habitat surveys are carried out. As the application was submitted prior to net gain becoming mandatory, the lack of supporting local policy becomes relevant here too. That said, depending on how the Environment Act is interpreted, it may be considered mandatory at reserved matters if it is raised there;*
- The 15m buffer for built development around the ancient woodland of the LWS could and must be secured at reserved matters when site layout is agreed – at present it is unclear whether the access road encroaches within this threshold. The provision of a stout fence along the woodland edge to prevent unnecessary access will also likely be required;*
- On reflection we consider the bat surveys to be adequate, nothing more, and whilst we suspect Natural England may require more surveys to inform a licence application, we know of no reason why it would not, in principle, issue a licence. Furthermore, given the size of the roosts identified, a 'low-impact' 'registration' of the roost may be adequate which avoids the need for a bespoke licence – which approach is adopted will be in the hands of the ecological consultant;*
- Returning to the LWS, it appears to be subjected to a range of inappropriate activities and is probably in poor condition with little prospect of improvement;*
- However, returning to the delivery of a net gain, the 'enhancement' of the woodland within the blue line boundary would seem to offer the best opportunity to secure the 10% gain. On balance, this would be a favourable outcome for the ancient woodland if allied with the curtailment of the potentially damaging, current activities, and could be looked on favourably.*

In conclusion, given the omission of the LWS from land within the red-line boundary, we have no objection in principle to this development as the land

proposed for development supports little of intrinsic interest and well established measures are available to reduce the risk of harm arising to protected species. Similarly, a net gain can be secured by condition. Given this, we believe we can secure the safeguards we need and encourage the positive management of the LWS via normal planning processes and to pursue an objection would not be the best use of your resources or ours. It remains, though, that many of the shortcomings referred to above and in my original letter could and should have been presented along with this application.

6.11. Hertfordshire County Council - Fire and Rescue

6.11.1. No response received.

6.12. Hertfordshire County Council - Growth and Infrastructure Unit

6.12.1. Response received dated 17/11/2022 requesting the following contributions (based on 109 dwellings):

PLEASE NOTE: An indicative development mix has been created based on the current plans and documents submitted at the time of consultation. If the tenure or mix of dwellings differs from the tables included above, please notify us immediately as this may alter the contributions sought.

Secondary Education towards the expansion of Marlborough Academy: (£1,008,425 index linked to BCIS 1Q2020)

Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School. (£132,762 index linked to BCIS 1Q2020)

Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£9,938 index linked to BCIS 1Q2020)

Youth Service towards increasing the capacity of Watford Young People's Centre or its future re-provision (£16,594 index linked to BCIS 1Q2020)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

We note the draft Heads of Terms and request that the document is updated in accordance with our consultation response.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which

might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.”

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

6.13. Hertfordshire County Council - Highways

6.13.1. Response received 01/12/2022, making the following comments (summary):

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- A review of the 5-year accident statistics presented as part of the Paul Mew Associates response dated 26 August 2022.*
- Updated traffic flows matrices as used in the latest junction modelling, including the 2035 with and without development scenarios based on the updated trip generation methodology.*
- Clarification regarding the future year used for the Tempro assessment.*
- A feasibility study or similar that details how the proposed new footway on Lye Lane will be delivered in engineering terms. This would need to include detailed drawings on a topographical base and would need to include details of engineering solutions to mitigate the impact in term of matters such as drainage and trees. It would also require details of any third-party land (i.e. land outside of the public highway) that may be required and details of agreements that have been put in-place to secure use of this land.*
- A copy of the original highway boundary plan for Lye Lane.*

6.13.2. Second response received 06/04/2023 following receipt of additional information by the applicant, making the following recommendation (summary):

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC), as a highway authority, has reviewed the application submission and wishes to refuse permission for the proposed development until the following matters are resolved:

- Given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. Specifically, the highlighted Ancient Woodland, Common Land, minimum carriageway width and suitable level of protection of cyclists' design constraints must be satisfactorily addressed, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).*

- There remains a concern that with the introduction of the Proposed footway to the South on Lye Lane, large refuse and servicing vehicles would encroach across the centre of the carriageway. Further swept path analysis of the carriageway on Lye Lane is required to demonstrate compliance with standards (please refer to Manual for Streets design standards). Any necessary relaxations or departures from standards should be clearly stated by the designer.

In summary, the site is in an area with currently modest levels of public transport accessibility. Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.

6.13.3. Further updated response received 28/07/2023, following receipt of additional information by the applicant, making the following comments:

ADDITIONAL/AMENDED PLANS & INFO

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- Given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. Specifically, the highlighted Ancient Woodland, Common Land, minimum carriageway width and suitable level of protection of cyclists' design constraints must be satisfactorily addressed, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).*
- The site is in an area with currently modest levels of public transport accessibility. Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.*
- The submitted drawings demonstrate that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, there remains a concern of a potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.*
- The feasibility of constructing the footway in the woodland area south of the M25 overbridge raises concerns. It is advised to demonstrate the deliverability of the footway through the ancient woodland stretch by adhering to the relevant*

guidelines and standards applicable for construction within or near the ancient woodlands.

- *No vehicle access restrictions are proposed for the site's North entry via the Lye Lane / A405 junction, which offers the direct and shortest route to the SRN at M25 J21a. The applicant must demonstrate the feasibility of safe vehicle access from the North by providing vehicle swept path analysis or provide a rationale for access restrictions for the development.*
- *Revised Stage 1 RSA and the associated Designer's Response will be required.*

HCC Pre-application consultation is presented at Appendix I of the TA (January 2023 Update).

Site Description

The site location and context are shown in Appendix A of the TA (January 2023 Update). The site is located approximately 4.5km south of St Albans, 4.5km east of Abbots Langley and 7km north of Watford. The site is bounded to the west by Lye Lane and to the south by the M25. The site is within the settlement of How Wood. Lye Lane in Bricket Wood is within the St Stephen ward/electoral division, which is in the constituency of St Albans. The site can be accessed from Lye Lane which leads from the A405 North Orbital. The site can also be accessed from the south from the West Riding / Oak Avenue junction with Lye Lane. The nearest train station to the site is Bricket Wood Station which is 1km south of the site. How Wood railway station is also a short distance away from the site around 1km to the north of the site. Lye Lane is a narrow lane, North of the site Lye Lane narrows to 4.2m, there are no centre line markings present along the entire length of Lye Lane. The carriageway is subject to a 30mph speed limit, although the repeater signs and markings are sub-standard. Lye Lane south of the site does not feature footways. To the north of the site, again, there are no footways until Lye Lane reaches the A405 North Orbital Road. Currently there are no safe and suitable pedestrian accesses to the site, which has 30 existing dwellings. No footways or street lighting are located on Lye Lane and connections to local amenities and public transport facilities is inadequate. Lye Lane is currently unlit, with no highway street light assets present. Lye Lane is part of the gritting network, and the gullies/drainage are subject to an 18 monthly cleaning programme, maintainable at public expense. Large potholes and flooding caused by blocked gullies are regularly reported along Lye Lane. The highway authority classifies Lye Lane as a P1/M1 (e.g. Rural Lane) and an L2 Local Access. The nearest public right of way (PROW) footpath is PROW 060, which the 2015 statement states "commences at junction with Lye Lane at Black Green thence NE to rejoin Lye Lane opposite Blackwood Green". There is an existing permission for a hotel with 150 bedrooms, conference, and function centre, associated car parking, realignment of A405 roundabout and retention of bungalow (5/2018/2666) at the northern end of Lye Lane on the A405 North Orbital Road. There are also two single dwelling permissions (5/2019/3030 and 5/2020/1615) in the vicinity of the site with access via Lye Lane. M25 Junction 21a in the immediate vicinity of the site is a recorded congestion hotspot, this is part of the strategic road network. There is designated Ancient Woodland and Wildlife Sites in Blackgreen Wood to the South of the site, along the Eastern side of Lye Lane. The site is designated Green Belt. Part of Lye Lane to the South of the Site is designated Common Land (Bricket Wood Common, Smug Oak Common & Black Green).

Analysis

The following documentation has been submitted in support of this application:

- Highways Technical Note Milestone Transport Planning
- Drawing 23051/001-A-Proposed 'Active' Travel Improvements to Lye Lane and (Rev B drawings for Sheet 3,4,5 and 6)
- Drawing 23051/002-A-Proposed Lye Lane Cross Sections
- Drawing 23051/TK01-A-Swept-Path Analysis: Large Refuse Vehicle Accessing / Private Car Egressing the Site
- Drawing 23051/TK02-A-Swept-Path Analysis: Large Refuse Vehicle Egressing / Private Car Accessing the Site
- Drawing 23051/TK03-A-Swept-Path Analysis: 7.5t Box Van Accessing / Private Car Egressing the Site
- Drawing 23051/TK04-A-Swept-Path Analysis: 7.5t Box Van Egressing / Private Car Accessing the Site

History

The applicant has undertaken pre-application consultation with HCC, including review of pre-application documents for schemes comprising 113 and 109 residential units respectively. This included a pre-application meeting on 30 March 2022, these discussions were then referred to as appropriate in HCC's subsequent response of 4 April 2022. The 4 April response commented on the following documents:

- Paul Mews Associates, January 2022, Bricket Lodge, Sport and Country Club and Paintball Site, Lye Lane, Bricket Wood, Feasibility Assessment ("the Feasibility Assessment");
- A set of sketch plans from Tom Gristwood Architects, dated 8 February 2022 and titled "Bricket Lodge - Developed Sketch Proposals" ("the Sketch Proposal"). The 4 April response included recommended matters for consideration as part of any Transport Assessment (TA) and Travel Plan (TP). Following this initial pre-application correspondence, HCC reviewed at pre-application stage a draft TA and TP provided by the applicant as follows:
 - Paul Mew Associates, July 2022, Proposed Residential Development at Former Bricket Wood Sport and Country Club / Paintball Site, Lye Lane, Bricket Wood, Transport Assessment ("the TA");
 - Paul Mew Associates, July 2022, Proposed Residential Development at Former Bricket Wood Sport and Country Club / Paintball Site, Lye Lane, Bricket Wood, Travel Plan ("the TP"). Comments on "the TA" and "the TP" were provided to the applicant by HCC on 2 August 2022. The 2 August comments provided by HCC reiterated that, given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. Improvements to pedestrian connectivity between the site and local amenities and public transport links, such as Bricket Wood rail station, were highlighted by HCC as being of particular importance. It was noted by HCC in the response dated 2 August that the proposed new footpath presented by the applicant (enclosed within Appendix G of the draft TA and in Appendix E of the TP) running along Lye Lane to link the site to West Riding would be required as a minimum. It was also highlighted by HCC however that the implementation of this footway may be a significant engineering challenge given for example the presence of ditches and established trees on Lye Lane where the footway is proposed. This may affect its feasibility and in-practice deliverability and may require third-party land (outside of the public highway) in order to adequately mitigate these issues.

The following transport related documents were originally submitted with application 5/2022/2443:

- Paul Mew Associates, July 2022, Proposed Residential Development at Former Bricket Wood Sport and Country Club / Paintball Site, Lye Lane, Bricket Wood, Transport Assessment (“the TA”).*
- Paul Mew Associates, July 2022, Proposed Residential Development at Former Bricket Wood Sport and Country Club / Paintball Site, Lye Lane, Bricket Wood, Travel Plan (“the TP”).*
- Paul Mew Associates, 26 August 2022, P2584 Bricket Wood Development, Response to HCC comments of 2nd August 2022.*
- Allen Transport Consultancy Ltd, September 2022, Lye Lane, Bricket Wood, Hertfordshire, Proposed S278 Highway Works, Stage 1 Road Safety Audit (“S1RSA”) -Appended to the S1RSA Response.*
- Paul Mew Associates, September 2022, Lye Lane, Bricket Wood, Stage 1 RSA Response (“the S1RSA Response”).*
- Paul Mew Associates, 29 September 2022, P258: Land North of Bricket Wood, Herts, Proposed Site Access Junction Layout Drawing.*
- Paul Mew Associates, 29 September 2022, P258: Land North of Bricket Wood, Herts, Proposed New Footway to South (4 Parts).*
- Paul Mew Associates, 29 June 2022, P258: Land North of Bricket Wood, Herts, Refuse Vehicle Swept Path Analysis.*

In its previous response dated 31/03/2023, HCC reviewed an updated TA and associated documents as listed below:

- Transport Assessment (TA) – updated January 2023*
- Proposed site plan – Revision C*
- Design and access statement*
- Planning statement*
- Highway boundary plan for Lye Lane*
- Proposed new footway to South*
- Specification for proposed footway base*

The lack of safe, convenient pedestrian and cycle provisions was highlighted by HCC. It was also noted in the response dated 6 April 2023, that until concerns about the feasibility of the Proposed footway to the South are fully addressed it would not be appropriate to recommend permission with a condition that may not be deliverable (and therefore may not be enforceable) and is critical to the sustainable access of this site. It was also highlighted that with the introduction of the Proposed footway to the South on Lye Lane, large refuse and servicing vehicles most likely encroach across the centre of the carriageway. In addition, the modest levels of public transport accessibility were also highlighted.

In view of the above critical observations, HCC refused the permission and further requested the following.

- Designs addressing the suitable level of protection for cyclists, with the designer of the Proposed footway to the South clearly stating any necessary relaxations or departures from standards (please refer to Manual for Streets, Inclusive Mobility and LTN1/20 design standards).*
- Further swept path analysis of the carriageway on Lye Lane is required to demonstrate compliance with standards (please refer to Manual for Streets design standards). Any necessary relaxations or departures from standards should be clearly stated by the designer.*
- Further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use is needed.*

A Highway Technical Note along with a set of drawings including plans showing active travel improvements to Lye Lane and vehicle-swept paths have now been submitted, these documents have been reviewed by HCC further below.

Planning Policy

The applicant has provided evidence that the National Planning Policy Framework (NPPF – July 2021), St Albans City and District Local Plan (1994) - being replaced by a new Local Plan (2020-2038), HCCs Local Transport Plan 4 (2018), St Albans City and District Revised Parking Policies and Standards (2002); and HCC's Roads in Hertfordshire: Highway Design Guide (3rd Edition) has been reviewed. Due to the nature of the application, this is considered acceptable.

In its previous response, HCC recommended to also provide evidence of consideration of the following policy documentation:

- National Planning Practice Guidance (2014);*
- Town and County Planning General Permitted Development (2015); and*
- St Stephen Parish Neighbourhood Plan (2022).*

St Stephen Parish Neighbourhood Plan (made July 2022) includes the objective to improve transport and movement, through further development of public transport provision and other non-car travel modes, whilst ensuring a safe environment for pedestrians, cyclists, and horse-riders as well as motorists.

The site is not allocated for residential development in the current St Albans Local Plan. Between 25 January and 8 March 2021, St Albans City & District Council held a 'call for sites'. It is understood that this site has been submitted as part of this process. Over 200 sites have been submitted as part of this process. The Council are currently reviewing these sites (as well as hundreds of others) as part of its Housing and Employment Land Availability Assessment. A wide range of other technical work is currently underway including: a comprehensive investigation of Urban Capacity; a new Green Belt Review; Sustainability Appraisal and Strategic Environmental Assessment; and an Infrastructure Delivery Plan.

The submitted Highway Technical Note does not discuss these policy documentations, as such it is recommended that the applicant should provide evidence of consideration of these policy documentations.

Trip Generation & Distribution

Trip generation forecasts have been prepared for the existing and proposed uses by means of the TRICS database. The proposed development will provide up to 115 mixed (private and affordable) dwellings.

Table 8 of the updated TA (January 2023) presents the proposed total person, car based and rail trip generation. This revised assessment is accepted.

As set out previously it is requested that full turning flow diagrams / matrices (including the observed 2022 year and the future assessment year of 2035 with and without development) are provided so that the junction modelling inputs can be checked. Information of this type was included at Appendix J of the previous TA but this information appears to be superseded and was not included in the updated TA (January 2023). In its previous response, HCC requested to include the latest full turning flow diagrams/matrices (including the observed 2022 year and the future assessment year of 2035 with and without development). However, the submitted Highway Technical Note didn't include the same.

Impact on the Highway - Junction Assessment

Peak hours for assessment have been determined by means of automatic traffic count surveys undertaken on Park Street Lane between 25/04/22 and 01/05/22. The results of the ATC surveys are shown in Appendix F of the TA (January 2023 Update) and demonstrate that the AM peak hour is 08:00 to 09:00 while the PM peak hour is 15:00 to 16:00. Full ATC survey data is shown in Appendix F of the TA (January 2023 Update).

The proposed 'worst case' development (115 dwellings) has been shown to generate 101 vehicle trips in the AM peak hour and 96 vehicle trips in the PM peak hour. Junction capacity assessments have been carried out to determine the impact of the development on the junctions of:

- A405/Lye Lane,
- Lye Lane/Oak Avenue/West Riding Junction and
- Lye Lane/Park Street Lane

Baseline manual classified turning count surveys were undertaken at these junctions on 26/04/22. Full details of the 'baseline' manual classified turning count surveys are shown in Appendix J in the updated TA (January 2023). To assess whether this was a 'typical' weekday, the ATC data collected for Lye Lane, as set out in Appendix F of the TA (January 2023 Update), has been examined. The average total weekday two-way flow on Lye Lane was 1145 vehicles per day. The 'median' total weekday two-way flow on Lye Lane was 1148 vehicles per day. Total weekday two-way flows on Lye Lane on the day of the manual classified turning count surveys was 1158 vehicles per day. As such it is concluded that the manual classified turning count survey data is typical.

The 'baseline' manual classified turning counts were then 'growthed' to the future year of 2035 (10 years after the assumed opening year of 2025) to reflect background traffic growth. Full details of the 'future year' turning movements (OD tables) are shown in Appendix J of the TA (January 2023 Update). Separate growth rates have been derived for AM and Interpeak periods to correspond with peak hours identified. In addition to TEMPRO growth data for the future year of 2035, fuel / income adjustment factors for the future year of 2035 have also been applied based on TAG Unit M4 and the TAG Data Book (May 2022 v1.18) Table M4 2.1. Resulting growth rates for the future year of 2035 are presented at page 23 of the TA (January 2023 Update). These TEMPRO Growth Factors, TAG Income & Fuel Cost Factors and Total Growth Factors calculations have been independently replicated and are considered valid. Due to the central reserve on the A405 North Orbital Road, the only site traffic related movements are the left turn from the A405 into Lye Lane, and the left turn movement out of Lye Lane on to the A405. It is noted that only a small proportion of site flows have been assigned to Lye Lane north of the site. PICADY assessments for the Lye Lane / A405 North Orbital Road junction, the Lye Lane / West Riding / Oak Avenue junction, the Lye Lane / Park Street junction and the New Site Access / Lye Lane junction for the future year with development flows is presented in the TA (January 2023 Update). These junction assessments have been independently checked and verified. The assessments show that in both the AM and PM peak hours, there would be low Ratios of Flow to Capacity (RFC's) and minimal queuing on all junction arms. The Level of Service during both peak periods would be acceptable in highway capacity terms.

Highway Safety

A S1RSA and subsequent S1RSA Response have been submitted with the application. The S1RSA raises the following issues:

- Potential restricted visibility for motorists seeking to emerge from the development site access.*
- Inadequate swept path requirements of larger vehicles negotiating the proposed development site access.*
- Lack of dropped kerb provision across site access junction and within proposed development site.*
- Potential restricted inter-visibility for pedestrians transitioning from the footway to the north of the site and the carriageway.*
- Potential restricted inter-visibility at the proposed crossing facilities on the proposed new footway south of the site.*
- Potential swept path requirements of vehicles accessing and egressing the existing access junction and vehicular crossovers on Lye Lane with proposed new footway in-place.*
- Narrowed section of proposed footway (on the eastern side of Lye Lane).*
- Location of existing ditches in proximity to the proposed new footways on Lye Lane.*

The S1RSA Response accepts the issues raised in the S1RSA and amended drawings are included as part of the S1RSA Response, and separately as part of the application submission, to reflect the S1RSA findings.

The S1RSA and S1RSA Response is generally accepted by HCC, notwithstanding the potential issues in terms of the deliverability of the proposed new footway on Lye Lane. It is also noted that the updated 'Proposed Site Access Junction Layout' Drawing (29 September 2022) includes a dropped kerb and tactile paving at the proposed short section of footway north of the site access (S1RSA 'Location F'). The tactile paving would need to be omitted (given that there is no footway on the western side of Lye Lane). Furthermore, it is noted that some of the additional dropped kerbs and tactile paving that are now shown on the 'Proposed Uncontrolled Pedestrian Points with Dropped Kerbs' Drawing (29 September 2022) which is included at Appendix B of the S1RSA Response are not to standard. Appendix C of the updated TA (January 2023) presents updated map extracts showing road traffic accidents by severity for the 5-year period 2017 to 2021 in the area around the development site which resulted in all casualty types. This includes the following locations as requested by HCC:

- The area of Bricket Wood surrounded by the following roads, and including these roads themselves:*
 - West Riding;*
 - Oak Avenue;*
 - Park Street Lane west of Station Road (also referred to as Lye Lane east);*
 - Station Road;*
 - Mount Pleasant Lane.*
- Lye Lane up to and including the junction with A405 North Orbital Road.*

The submitted Highway Technical Note include drawings for active travel improvement onto Lye Lane. The applicant has mentioned submitting a revised Stage 1 RSA along with a revised Designer's Response. Upon receipt of the revised Stage 1 RSA and the associated Designer's Response, HCC will further review and provide their response.

Refuse and Service Delivery

Appendix H of the updated TA (January 2023) presents swept path analysis of a refuse vehicle within the site, demonstrating these can access and egress the site in forward gear. In the previous response, HCC highlighted concern that Lye Lane with the introduction of the proposed footway to the South off-site highway works, large refuse and servicing vehicles would encroach across the centre of the carriageway. When confronted by a vehicle coming the opposite direction it is likely they would also choose to encroach onto the kerbed footway, which would generate a safety concern for any vulnerable users, pedestrians and cyclists. In addition to refuse vehicles, other larger vehicles such as Supermarket delivery or long wheelbase panel vans (i.e. Amazon, DPD) undertaking deliveries for various companies on a more frequent basis than refuse vehicles could also impact upon the required junction and carriageway geometries to accommodate such vehicles.

As such, HCC recommended submitting further swept path analysis of the carriageway on Lye Lane to demonstrate compliance with standards. Any necessary departures from standards should be clearly stated by the designer. Appendix 5 and Appendix 6 of the Highway Technical Note present swept path analysis for a combination of vehicles including,

- Large Refuse Vehicle Accessing/ Private Egressing the site*
- Large Refuse Vehicle Egressing / Private Accessing the site*
- 7.5t Box Van Accessing / Private car Egressing the Site*
- 7.5t Box Van Egressing / Private Car Accessing the Site*

The submitted drawings demonstrate that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, the drawings do not address the potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.

Highway Layout - Access

In summary, the proposed development is:

- Stopping up an existing vehicular access on Lye Lane and providing a new site access junction on Lye Lane, which is to be located north of the existing vehicular access for the paintball centre. The new site vehicle access will take the form of a priority junction;*
- Providing new footways on Lye Lane, between the development site access junction and the junction of West Riding to the south of the proposed development site. The footways include a number of uncontrolled pedestrian crossing facilities, which incorporate dropped kerbs and tactile paving.*

A sightline assessment was carried out for the proposed site access based on 85th percentile speed data collected as part of a 5-day weekday automatic traffic count survey carried out on Lye Lane adjacent to the location of the previously and current proposed site access. The 85th percentile speed assessment was based on the interpeak period of 10:00 to 15:00 on dry weekdays in April 2022 with speeds corrected for wet weather conditions. Full results of the automatic traffic count survey are presented in Appendix F of the updated TA (January 2023). The surveys revealed that the 85th percentile southbound speed was 29.2mph and the 85th percentile northbound speed was 28.4mph. In line with Manual for Streets

these equate to sightline requirements of 43m. Appendix E of the updated TA (January 2023) demonstrates that these sightlines can be achieved from the proposed site access. It is not clear that Manual for Streets is the correct standard to apply as there is no active frontage along Lye Lane, DMRB standard may be more applicable.

No limitations have been suggested for vehicles to enter or exit the site from the North using the Lye Lane / A405 junction, which offers the most direct route to the Strategic Road Network (SRN) at M25 J21a. The applicant must provide evidence of safe vehicle access from the North or provide a valid rationale for imposing a restriction on vehicle access to facilitate this development.

Cycling & Pedestrian access

The latest Highways Response to Jan comments states:

“Our report showed that a 2m footpath can be formed within highway land boundary. We showed the OS mapping land boundary that we have found to be reasonably accurate in past experiences and this accords with the highway boundary as supplied by HCC attached.

Trees and bushes have grown up within the highway land such that it is difficult to see the land boundary on site. Some pruning and selective felling of trees may be needed within highway land to accommodate a new footpath. We are not convinced that a fully metalled surface would be practicable with the proximity of tree roots. The provision of a footpath could be made by laying a granular subbase and a graded aggregate wearing course. This would permit natural drainage and would blend in well with the rural nature of Lyle (sic) Lane. Kerbing could be provided, and lighting could be provided using PV cell power units.

The aim of the footpath assessment at this stage is to demonstrate that it is feasible within the land available without encroaching into third party land ownership.

It is not considered necessary to provide detailed engineering drawings at this pre-planning stage which at any rate could be made a condition of planning consent.

In line with HCC’s previous responses, a footway from the site to the existing footway provision at West Riding is an essential part of the non-car transport provision that is required to make the development acceptable, though it is only a part of the required improvements. For example, the route has very little passive surveillance and no lighting (it is not clear if the proposed PV cell power units are intended for adoption?), including existing parts of the pedestrian route between the southern end of the path and Bricket Wood station. The necessary improvements would need to be identified as part of a walking and cycling audit of the routes between the site and key local destinations. The exact scope of the audit would need to be agreed with HCC, along with the subsequent upgrades required, which would need to be delivered by the applicant through a S278 agreement.

Alternative non-car travel options would also be needed for those people uncomfortable with using the route due to security concerns and it is suggested that these measures would need to be incorporated and agreed with HCC as part of a robust Full Travel Plan.

As previously advised, implementation of the footway may be an engineering challenge due to the presence of ditches, gullies and trees (including designated Ancient Woodland and Common Land) located along Lye Lane where the footway is proposed. This may affect its feasibility and deliverability and there is concern that reducing the scale and / or form of the footway in order to overcome these engineering challenges and constraints would reduce the effectiveness of the footway and would not then meet the necessary requirements for assisting in providing safe and convenient travel to and from the site for all users, at all times of day and year and in all conditions. Further consideration of the needs of cyclists is also necessary, the applicant should demonstrate consideration of LTN1/20 standards in this regard.

Given the fundamental importance of the footway in assisting in meeting the required sustainability credentials of the site, additional information is required in respect to the design of this footway, including matters such as drainage (noting the proposed SUDS specification supplied) and associated impacts on trees (including Ancient Woodland designated areas) and how these matters would be resolved. Details of proposed lighting provision are also required, including clarification of whether the proposed PV cell power units are intended for adoption. In any design solution presented, the new footway needs to be continuous (occasional crossing points permitted), 2 metres minimum width (although a 3 metres width shared use path might also be considered), fully metalled (noting the applicant's comments), fully lit (see above) and fully kerbed between the site access and West Riding.

At the current time, the deliverability of this footway is still not known. The proposed condition, included within the Highways Response to Jan comments document, is therefore not enforceable and is not compliant with the 6 tests in NPPF for suitable planning conditions. The drawings provided to-date do not provide sufficient detail to enable an informed view to be taken. Given the fundamental importance of the footway it is requested that a feasibility study or similar be provided by the applicant that details how the footway will be delivered in engineering terms. This would need to include detailed drawings on a topographical base and would need to include details of engineering solutions to mitigate the impact in term of matters such as drainage and trees. It would also require details of any third-party land (i.e. land outside of the public highway) that may be required, an overlay of the HCC Land Boundary data supplied will be useful. Any details of agreements that have been put in-place to secure use of any required land will also be needed.

The submitted Highway Technical Note include 'Active Travel Audit' of identified 7 routes as mentioned below.

- Route 1 – Lye Lane (N): Extending circa 650-metres north from the Site to the St Stephen 018 Footpath.*
- Route 2 – Lye Lane (S): Extending circa 490-metres south from the Site to the give-way priority junction with West Riding. This route provides access to both the St Stephen 015 and 030 Footpaths, the Woodbury Field Playground, and green space to the east of Lye Lane.*
- Route 3 – West Riding extending south-west from Lye Lane for circa 685-metres to the mini-roundabout junction with Mount Pleasant Lane. This route provides access to the Site's nearest bus stops (adjacent to Grassington Close) and local amenities at the junction with Oakwood Road.*
- Route 4 – Mount Pleasant Lane, extending south-west for circa 600-metres to the Mount Pleasant Lane Junior Mixed Infant School.*

- Route 5 – Oak Avenue / Black Boy Wood, providing access to St Stephen 011 Bridleway and local amenities located on the northern side of Black Boy Wood.*
- Route 6 – St Stephen 011 Bridleway, providing a route towards Bricket Wood rail station.*
- Route 7 – Station Road, providing access to Bricket Wood rail station.*

The audit includes a CLoS assessment in line with the LTN1/20 guidance. Basis Active Travel Audit, a range of improvements have been identified to enhance the routes. However, post improvement assessment of CLoS is not included in the note.

Additionally, The Highway Technical Note does not include any assessment of active travel along the route from the site to the A405 active travel routes including, the St. Stephen 018 footpath.

Additionally, the document does not demonstrate the site's accessibility to various local amenities in terms of active travel.

The submitted Highway Technical Note includes drawings (on a topographical base) for the proposed 'Active' travel improvement to Lye Lane. The proposed new footway is 2m wide till the West Riding, with a permitted crossing point (near St Stephen 030 footpath). The applicant has suggested improvement measures such as:

- Resurfacing of unmade sections*
- Realignment of Lye Lane carriageway at selected sections*
- Provisions of uncontrolled crossings*
- Improved connection to recreation path (Adjacent to Woodview Lodge)*
- Backfilling areas of existing ditches*
- Removing tree stumps*
- Provision of passing bay (Approx. 75-metres northeast of the give-way priority junction with West Riding), etc.*

The drawings also identify and highlight the areas of proximity to existing trees indicating a requirement for a no-dig solution. Drainage is assumed to be achieved through a combination of drainage kerbs and natural drainage of the footways proposed surfacing. It is proposed that the drainage kerbs will drain into the existing drainage system. If the proposed drainage kerbs are not deemed suitable, for maintenance purposes, then a traditional gully discharging to a filter drain solution in place of the existing ditch. This will be further explored at the detailed design stage. The lighting arrangements are proposed using PV Cell powered lighting units (or similar) positioned every 30-metres).

A discrepancy is found in the design of the proposed footway through the existing ancient woodland, as depicted in Appendix 3 and the swept path analysis drawings (Appendix 5) of the Highway Technical Note. The feasibility of constructing the footway in the woodland area south of the M25 overbridge raises concerns. To address this, it is advised to demonstrate the viability of the footway through the ancient woodland stretch by adhering to the relevant guidelines and standards.

The drawings indicate that footway provisions may be made possible within the land under the control of the applicant or the Highway Authority. However, during the detailed design stage, should the requirement of any third-party land be

identified, details of agreements to secure the use of any required land will also be needed.

Swept Path Assessment

Further swept path analysis of the carriageway on Lye Lane is required to demonstrate compliance with standards. Any necessary departures from standards should be clearly stated and explained by the designer.

Car Parking

The calculation of parking provision for residential developments is set out in St Albans City District Council's Local Plan Review. Policies 39 and 40 state the parking requirements at residential developments and were retained in the July 2020 Local Plan Review. A total of 253 car parking spaces are proposed within the curtilage of the development for the proposed 109 dwelling scheme.

The Highway Authority recommend that the level of on-site car parking is limited to a maximum of one space per 1 or 2 bed dwellings and two spaces for 3+ bedrooms. This is to encourage active travel / public transport trips. Hertfordshire County Council declared a climate emergency in 2019 and the HCC Local Transport Plan Policy 5 requires all new developments to provide EV infrastructure. The DfT's Decarbonising Transport (2021) states that in 2030 the sale of new petrol and diesel cars will cease. The NPPF paragraph 112 (e) also requires sites to enable charging. Parking provision can be addressed at the reserved matter stage.

A condition will be required to provide electric vehicle charging points for each residential dwelling.

Cycle Parking

Cycle parking standards are set out in St Alban's District Council's Local Plan Review. Policy 39 Part viii states that "bicycle and motorcycle parking provision may be required for in large developments".

The Highway Authority request cycle parking is provided at a level of one long-term cycle parking space per bedroom. It should be noted that the St Alban's standards are now only considered guidance.

It is proposed that the development will provide adequate and safe cycle storage within the boundary of each dwelling.

A condition will be required to provide cycle parking at a level of one long-term cycle parking space per bedroom within the boundary of each dwelling.

Accessibility - Public Transport

With regards to Highways Improvements in Association with Development, Policy 35 of the current Local Plan sets out that: 'In order to mitigate the highways effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highways improvements and / or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.'

With regards to public transport provision, Policy 36A – Location of New Development in Relation to Public Transport Network, sets out that:

'The District Council will generally encourage the use of public transport. In considering the impact of new development, account will be taken of its proximity to the public transport network and whether facilities will be provided within the development to cater for the use of the network'.

An assessment of local public transport has been carried out and is reported in the updated TA (January 2023).

The NPPF (July 2021) sets out that opportunities to promote walking, cycling and public transport use are to be identified and pursued. Applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.*

Currently two bus routes serve Bricket Wood. The nearest bus stops are located approximately 0.4 miles to the south of the site on West Riding, at Grassington Close within the village of Bricket Wood. How Wood rail station is located approximately 1km to the North and Bricket Wood rail station is located approximately 1km to the South. Rail services at these stations are towards St Albans Abbey or Watford Junction and typically operate at a frequency of 1 per hour in each direction. At Watford Junction, interchange is available to direct services to London Euston, southern, central and north-western England and Scotland as well as to London Overground services.

In the previous response, HCC requested further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use. In addition, HCC requested Kassel kerbing and shelters on both sides of West Riding, to enhance the bus stop amenities and pursue the opportunity to make bus services as attractive as possible.

In the submitted Highway Technical Note, the applicant has undertaken Active Travel Audit for 7 identified routes and identified various improvements including the provision of Kassel kerbing and shelters on both sides of West Riding bus stops. It also states that an appropriately scaled proportion of these additional improvements are included as part of the 'Second Stand (S106)' contributions.

However, the Highway Technical Note does not provide evidence of engagement with the local bus operators as requested by HCC. As such, it is recommended that the applicant should also provide evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use.

Travel Plan

A condition will be required to provide a robust Full Travel Plan.

Construction

A Construction Traffic Management Plan will be required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety on Lye Lane.

Planning Obligations / Community Infrastructure Levy (CIL)

St Albans does not currently have a CIL. In the absence of CIL, sustainable transport contributions are sought. Hertfordshire County Council's 4th Local Transport Plan (LTP4) has developed strategies and plans for the county and the towns and areas within it which identifies the sustainable transport and accessibility measures for which contributions would be sought.

For new residential developments, a contribution of £6,826 per dwelling plus SPONS indexation (£9,660 at March 2023 prices) is required. Therefore, based on the proposed development of 115 dwellings the total developer contribution to active travel would be £784,990 plus SPONS indexation (£1,110,900 at March 2023 prices).

The cost of any off-site works necessary in the immediate context of the site that have wider public benefits are considered Strand 1 (Grampian conditioned) contributions, and these can be deducted from the Strand 2 contributions. As such, the cost of any necessary and relevant local off-site highways' works will be discounted from this total. For example, the cost of the proposed footway to the south and the requested bus stop improvements, plus any gaps identified in the required walking and cycling audit of the routes between the site and key local destinations, will be discounted from this total.

Transport Package SM20 within Hertfordshire County Council's South-West Hertfordshire Growth and Transport Plan that will be directly relevant to this location.

Transport Package SM20 is to provide an A405 Cycleway, to include provision of off-road cycleway broadly alongside the A405 running from Coningsby Bank (St Albans) and Bricket Wood (M1 J6) and connecting to existing route. Enhancing existing cycleway continuing to Garston (including the Leisure Park) and Leavesden (including the business park). This forms part of a broader strategy to make the A405 multi-modal at Bricket Wood.

Conclusion

Hertfordshire County Council (HCC) as highway authority has reviewed the application submission and wishes to restrict the grant of permission until the above matters are resolved.

6.14. Hertfordshire County Council - Landscape

6.14.1. Initial response received 24/11/2022 raising the following points:

The following comments are given with regards to landscape matters in line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

LANDSCAPE POLICIES & MATERIAL CONSIDERATIONS

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.

Decisions should also ensure that new developments, are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

ST ALBANS CITY & DISTRICT LOCAL PLAN (SAVED POLICIES 1994)

- *Policy 1 Metropolitan Green Belt*
- *Policy 69 General Design and Layout*
- *Policy 70 Design and Layout of New Housing*
- *Policy 74 Landscaping and Tree Preservation*
- *Policy 143A Watling Chase Community Forest*

Supplementary planning documents: Design Advice Leaflet No.1 – Design and Layout of New Housing

Tree Preservation Orders – YES

LANDSCAPE CHARACTER ASSESSMENT, STRATEGY & GUIDELINES

The site lies within landscape character area Bricket Wood.

An area of mixed land uses and transitional character, including considerable woodland, unrestored mineral workings, educational, industrial, horticultural and arable land. The area has undergone significant change in the 20th century and is impinged upon by settlement at Bricket Wood and How Wood, together with a marked severance by the M25. The historic pattern is well preserved in Bricket Wood Common, but eroded in many other locations, showing poor management and some dereliction.

The condition is assessed as Good and the strength of character is assessed as Strong, the overall strategy for managing change is to Safeguard and Manage.

Of relevance to the proposed development the guidelines for managing change include:

- Support the Watling Chase Community Forest in the realisation of its objectives for the area*

- *Promote the creation of additional woodlands, particularly with a view to visually integrating the intrusive motorways, urban fringe development and former mineral sites*
- *Promote both the creation of new ponds and the retention/enhancement for wildlife of existing ponds*
- *Ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected, enhanced and integrated into new development with due regard to their historic, ecological and landscape value*

BASELINE STUDIES & ASSESSMENT

LANDSCAPE & VISUAL IMPACT ASSESSMENT

The following comments are given with regards to the submitted Landscape and Visual Impact Assessment, May 2022, ubu design (LVIA).

LANDSCAPE BASELINE

- *The LVIA does not acknowledge the location of the site within the Watling Chase Community Forest Area. The LVIA judges landscape value as 'medium/low' however it is suggested that this, and the overall judgment of sensitivity (which is currently 'medium'), should be higher due to the presence of this designation that in particular is reflected in the woodland that encloses and is affected by the site.*

LANDSCAPE EFFECTS

- *The LVIA (Table 8) determines that the 'setting of the site' and 'local character area in the vicinity of the site' will experience a 'small' magnitude of change of minor neutral or beneficial significance. This judgment is not supported and there is concern that the significance of effects is much greater for the following reasons.*

The existing settlement pattern within the site, and extending northwards along Lye Lane, is currently strongly characterised by distinct clusters of relatively large dwellings and ancillary outbuildings, or groupings of agricultural buildings, set within large scale, open and spacious landscape grounds. This distinct swathe of low-density development is well defined and enclosed by existing vegetation to the east south and west and is distinctly separate from the denser urban settlement pattern of How Wood to the east.

The proposed development is completely at odds with this prevalent character and will introduce a denser settlement pattern, and more compact terraced housing typology that is more in keeping with a town or village centre.

VISUAL EFFECTS

- *The LVIA concludes that the receptors that experience the greatest effects are the two residential receptors in immediate proximity of the site, and Lye Lane. However these are not considered significant.*

However these judgements rely on the assumption that 'reinforcement planting and planting across the development' will be introduced. However, as discussed below in relation to embedded mitigation, the current layout does not provide any confidence that this can be delivered.

EMBEDDED MITIGATION

□ *The proposal to retain the existing boundary vegetation is supported in principle, however appropriate buffer zones are required in line with policy and guidance. See comments with regards to Arboricultural Impact Assessment.*

□ *That LVIA states that the ‘Setting the built form into the site, with surrounding landscape buffers and areas of open space, will help to mitigate any visual impact’ and ‘Providing a high-quality landscape scheme that responds to the local character and enhances the ecological value of the site as well as increasing the aesthetic and recreational quality of the site’*

Again these aims are broadly supported in principle, however there is fundamental concern that the submitted ‘Proposed Site Plan – revision C’ does not deliver on them. Indeed the plan serves to demonstrate that the proposed housing, highway and parking layout is so tightly packed that the scheme does not have sufficient space to accommodate an integrated green infrastructure and open space network, or soft landscaping. There needs to be a sufficient balance of structural planting within the public realm and the streetscene, that is not at risk of removal by residents, which can be managed and maintained in the long term. This should include structural planting that can achieve a decent mature canopy that will break up the built horizon.

The location of public open space within the left-over spaces at the edges of the development, within the landscape buffers and root protection areas of the adjacent tree/ woodland planting, is not supported. A fully integrated green infrastructure and open space network should permeate throughout the built area to provide multiple important environmental benefits such as shading and urban cooling, filtering of air pollution, noise attenuation, surface water management, habitats for wildlife etc.

□ *The scheme is dominated by hard surfacing including extensive continuous runs of car parking, resulting in a poor quality streetscene and amenity. The NPPF requires that new streets are treelined, however there is no opportunity to provide trees, or other structural planting, due to the runs of parking bays.*

□ *The hierarchy, character and function of open space types is not evident. The play area and public open space is surrounded by highways, forcing users to cross the street to access it.*

□ *There is no indication of any SuDS features – there should be fully integrated within the landscape layout now, and not retrofitted to the left over space further down the line.*

ARBORICULTURAL IMPACT ASSESSMENT

□ *The proposals affect existing hedgerows, trees and their canopies and root protection areas, within and near to the site, including ancient woodland and trees subject to preservation orders.*

In particular, in the absence of this information it is not possible to understand the impact of the proposed highways works including the access points, their associated turning radii and visibility splays, and the new 2m wide footways, upon the existing hedgerows and trees and the ancient woodland.

A tree report is therefore required, and should include a tree survey, arboricultural impact assessment, tree protection plan, and method statement compliant with 'BS 5837:2012, Trees in relation to design, demolition and construction – Recommendations.'

Furthermore, in line with policy and standing advice, ancient woodland requires a buffer zone of at least 15 metres from the boundary of the woodland. Development including gardens should not be located within buffer zones / they should consist of semi-natural habitats (woodland / mix scrub, grassland heathland, wetland).

ACCESS

There is fundamental concern for the impact of the proposed access and highways works upon the character of Lye Lane and existing landscape features, including some ancient woodland. There is concern that the approach is not compliant with the landscape character assessment and neighbourhood plan (policy S6) seek to 'Ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected, enhanced' and 'maintain existing green verges and hedgerows and encourage the planting of new hedgerows' respectively.

As discussed above – an arboricultural impact assessment is required to demonstrate the impact of the proposed highways works including the access points, their associated turning radii and visibility splays, and the new 2m wide footways, impact upon existing trees and vegetation. The loss of vegetation should be voided in the first instance and any unavoidable removals should be adequately mitigated.

CONCLUSION

At this stage there is fundamental concern for the acceptability of the proposals which promote a highly urban density and approach which is completely at odds with the more rural landscape character and lower density settlement pattern of the site and surrounding area.

In addition the proposals lack a demonstrable landscape strategy, and do not provide confidence that the mitigation aims, or a green infrastructure and open space network, and sufficient balance of soft landscaping can be accommodated throughout the built area.

6.15. Hertfordshire County Council - Lead Local Flood Authority (LLFA)

6.15.1. Response received 15/02/2023 as follows:

We note the applicant has submitted the Flood Risk Assessment (FRA) and Sustainable Drainage Assessment report including the preliminary drainage layout and calculations.

Key Issues:

• Insufficient information has been provided in accordance with current National Planning Policy Framework (NPPF) (July 2021), the NPPF Flood Risk and Coastal Change PPG (update August 2022) and the Hertfordshire County Council policies to enable a technical assessment of the proposal to be undertaken. Therefore, it is not possible to establish whether a sustainable surface water drainage strategy

can be delivered on the site or whether the proposed development will increase flood risk either onsite or elsewhere.

Therefore, we object to the above planning application due to a lack of suitable information being provided by the applicant.

Further information is required from the applicant in order for the LLFA to advise the Local Planning Authority the proposed development would not increase flood risk onsite and elsewhere and can demonstrate that appropriate surface water sustainable drainage techniques have been applied. The information lacking from the applicant includes the following:

- 1. The LLFA requires the submission of the site-specific topographical information is required at the Outline stage of planning to confirm the existing site levels and surface water features.*
- 2. The provision of a comprehensive drainage strategy that demonstrates the application of the drainage hierarchy and the suitable selection of SuDS for the site and.*
- 3. The proposed SuDS Layout plan was provided within the Sustainable Drainage Assessment. The surface water drainage scheme layout is proposing to use attenuation basin within the public area in the south-east of the site. It is understood the flows are proposed to be pumped to the watercourse located to the west of the development. The pumped systems for the surface water drainage should be minimised and used only where no other options are available. Robust technical justification is required. The LLFA would require both a backup pump and additional attenuation capacity (equivalent to 24 hours) for the pumped catchment to mitigate for the risk of pump failure. Further assessment of the residual flood risk to the downstream of the pumped catchment, to consider risks posed and where there is an increase in flood risk due to the proposed development. It has been indicated the western part of the development drains directly to the proposed surface water rising main. A future detailed design should ensure there is no surcharging in the upstream system from the rising main. All flows from the western part of development should be attenuated.*

The applicant also indicates that further investigation of the ground levels and connectivity of the nearby watercourses is required along with landowner agreement to access the watercourses. This information and the supporting third party agreements are essential in demonstrating the viability of the proposals. The LLFA requires evidence of the third-party agreements in principle, the evidence of watercourse connectivity and the demonstration of ground and bed levels that would enable connectivity to the watercourse to be provided. These details are important to confirm the feasibility of the proposed drainage strategy.

Furthermore, the initial assessment of the permeability potential based on BGS impermeability mapping only, which indicates low potential requiring further investigation as referenced in the drainage report. The LLFA requests further onsite infiltration testing to BRE 365 to be undertaken to identify the actual permeability potential and to obtain the permeability rate to inform future design.

Discharge into watercourse has been considered which is located at a topographically higher level than the site. The SuDS assessment is only a desk-based study, and no consideration has been made to the flow direction of the existing catchment. Existing flow characteristics should be explored to establish where the site is currently being drained to and assess feasibility of utilising existing topography and natural flow paths for the future development. The

Environment Agency's surface water mapping indicates a surface water flow path in the south-east corner of the site towards main river located to the east of the site (Hanstead Brook). Further investigation and information is required.

4. It is unclear whether the FEH rainfall data have been used to calculate the pre- and post-development flows off site. The LLFA requires that written commentary with supporting calculations is provided to clarify there is no increase in the surface water runoff due to the proposed development. The LLFA expects the most recent FEH rainfall method to be used.

5. It is unclear whether urban creep has been included in SuDS storage calculations. A 10% addition to impermeable area of residential areas should be provided. The LLFA requires evidence such as the adjusted calculations to be submitted to demonstrate its inclusion.

6. The applicant has not provided a water quality assessment for the proposed SuDS scheme in accordance with SuDS Manual Section 26. The LLFA requires this assessment to be submitted for each of the surface water drainage systems on the proposed development.

7. The provision of a SuDS Maintenance and Management Plan that defines the responsibility and maintenance schedule for the long-term management for each of the elements of the surface water drainage system in accordance with NPPF. This should identify who will be adopting these features for the lifetime of the development.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the above issues are adequately addressed.

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most

up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to the 1st April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk.

6.16. Hertfordshire County Council - Minerals and Waste

6.16.1. Response received 04/11/2022 as follows:

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits entirely in the area on which the application falls.

The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources. In accordance with paragraph 212 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Policy 5 further states that:

The County Council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or*
- ii. there is an overriding need for the development; and*
- iii. the mineral cannot practically be extracted in advance.*

For proposed major developments where there is a high possibility of mineral sterilisation, the Minerals Planning Authority would normally object and request a site investigation and evaluation by way of a Minerals Resource Assessment

(MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site.

A preliminary review of nearby borehole records held by BGS implies that there is likely to be a significant overburden of multicoloured clays (approx. 12m) above any sand and gravel mineral reserves at the application site. Furthermore, after considering appropriate buffer zones that would likely be required to protect the amenity of the residential buildings bordering the site and the public highways, it would be reasonable to assume that prior extraction at this site would not be practical and would not provide a significant volume of mineral resource.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings.

Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following: 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- *Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;*
- *Policy 2: Waste Prevention and Reduction; &*
- *Policy 12: Sustainable Design, Construction and Demolition.*

In determining the planning application the district council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, new housing and other built development should have regard to the overall infrastructure required to support it, including a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require the consideration of minimising waste generated during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments. As a minimum, a SWMP should include the following:

Project and People

- *Identification of the client*
- *Identification of the Principle Contractor*
- *Identification of the person who drafted the SWMP*
- *Location of the site*
- *An estimated cost of the project*
- *Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)*

Estimating Waste

- *A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)*
- *Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)*

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations

If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

6.17. Hertfordshire County Council – Public Health

6.17.1. Response received on 18/10/2022, as follows:

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of designing in health and wellbeing as an essential part of the planning process, placing specific emphasis on active travel, multi-functional open space and high quality urban environments. We also recommend applicants refer to Public Health England's Spatial Planning for Health evidence resource.

Health Impact Assessment

We recommend that a Health Impact Assessment (HIA) is undertaken for significant developments. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. An HIA can also

be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.

In the case of this development, a HIA is essential to ensure that the health impacts on particularly vulnerable receptors (hospital inpatients and service users, as well as those in the wider neighbourhood) are appropriately considered and mitigated.

In November 2019, Herts County Council adopted a HIA Position Statement including guidance on the quality assurance framework that will be used to assess HIAs that are submitted with planning applications. The HIA Position Statement and supporting appendices can be downloaded from the weblink below: [The role of Public Health in planning | Hertfordshire County Council](#)

We request that Public Health is consulted at the scoping stage of the HIA via HealthyPlaces@hertfordshire.gov.uk to help ensure it focusses on the wider determinants of health and health inequalities. We are happy to discuss baseline information, data and intelligence that the HIA will need to utilise.

6.18. Hertfordshire County Council – Spatial Planning and Economy Unit

6.18.1. No comments received.

6.19. Hertfordshire Constabulary – Architectural Liaison Officer

6.19.1. Response received on 19/10/22 as follows:

Thank you for sight of this application on which I comment from a crime prevention and safety aspect only. I have no concerns with the intention to develop new homes at this location, provided that crime and security are fully considered at the design stage. The indicative layout is simple and good in design from a crime prevention aspect. Should this application progress, I would expect a contact from the design team to discuss security and the possibility of Secured by Design. At this stage I would not seek to oppose the application.

6.20. Herts and Middlesex Wildlife Trust (HMWT)

6.20.1. Response received 02/11/22, as follows:

Objection: Biodiversity net gain not demonstrated, no biodiversity metric supplied, surveys not completed.

The NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

This application requires a biodiversity net gain assessment using the Natural England biodiversity metric, in order to prove net gain. Net gain is a 10% uplift in habitat units.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The application also identifies protected species surveys that have not been completed. ODPM circular 06/05 para 99 states that all protected species surveys must be completed before a decision can be made.

6.21. Housing

6.21.1. Response received 18/10/22 as follows:

The Housing department would expect a policy compliant delivering a size and tenure mix of affordable housing that reflects the housing need in the district to be delivered on this site.

6.22. National Highways

6.22.1. Holding recommendation received 06/22/22 – in place until 12/12/2022:

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are interested in the potential impacts that the development might have on the SRN, which in the case of this proposal is the M25 carriageway in between J21A and J22, which forms a boundary to the southern side of the site.

We have undertaken a review of the transport documents accompanying the planning application submission, including the Transport Assessment (TA) dated July 2022, as prepared on behalf of the applicant by Paul Mew Associates.

As highlighted within the TA (Section 5.0) the proposed development will comprise 115 dwellings and generate 88 two-way vehicle trips in the AM peak hour and 84 two-way vehicle trips in the PM peak hour. With M25 J21A situated 1.5km from the site, we accept the conclusions in the TA that SRN would not receive a sizable traffic impact as a result of this development proposal.

However, given the site is positioned on the top of an embankment that bounds the M25 carriageway, further consideration is required in terms of the sites impact on drainage, embankment structure, boundary treatments, etc. Information has been requested from the relevant internal Connect Plus Services (CPS) teams and comments on these issues will be circulated shortly.

It would assist our response further if more information can be made available through the application regarding these specific asset topics.

Until the comments, or further information, has been received and reviewed, we are unable to determine that the proposals would not affect the safety, reliability

and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Recommendation

National Highways recommends that St. Albans City & District Council does not determine the planning application (Ref: 5/2022/2443) for a period of 40 days from 2 November 2022, allowing sufficient time for outstanding concerns about the potential for the development to impact on the SRN to be resolved. This recommendation should remain in place until 12 December 2022 or until National Highways has submitted an alternative formal response.

6.22.2. Holding recommendation received 08/12/2022 – in place until 02/02/2023:

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are interested in the potential impacts that the development might have on the SRN, which in the case of this proposal is the M25 carriageway in between J21A and J22, which forms a boundary to the southern side of the site.

As highlighted within the TA (Section 5.0) the proposed development will comprise 115 dwellings and generate 88 two-way vehicle trips in the AM peak hour and 84 two-way vehicle trips in the PM peak hour. With M25 J21A situated 1.5km from the site, we accept the conclusions in the TA that SRN would not receive a sizable traffic impact as a result of this development proposal.

We recently issued a holding recommendation to yourselves in early November 2022, following a review of the transport documents accompanying the planning application submission. This included a Transport Assessment (TA) dated July 2022, as prepared on behalf of the applicant by Paul Mew Associates. Whilst it was accepted that the proposals will not place a significant traffic impact on the SRN, given the position of the site on the top of an embankment that bounds the M25 carriageway, further consideration of the sites impact on drainage, embankment structure, boundary treatments, etc needed to be checked.

Until these comments have been collected and checked, we are unable to determine that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Recommendation

National Highways recommends that St. Albans City & District Council does not determine the planning application (Ref: 5/2022/2443) for a further period of 56 days, allowing sufficient time for comments to be received regarding shared boundary issues concerning the SRN i.e. M25

6.22.3. Holding recommendation received 02/02/2023 – in place until 30/03/2023

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways previous comments indicated that comments relating to drainage concerns were being sought, and as of time of writing, these concerns are still being assessed. As such, there is no current change in National Highways position.

Until these comments have been collected and checked, we are unable to determine that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Recommendation

National Highways recommends that St. Albans City & District Council does not determine the planning application (Ref: 5/2022/2443) for a period of 56 days (30 Mar 2023), allowing the sufficient time for comments to be received regarding shared boundary issues concerning the SRN i.e. M25

6.22.4. Comments received 24/03/2023:

Referring to the consultation on the planning application reference above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@df.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are interested in the potential impacts that the development might have on the SRN, which in the case of this proposal is the M25 carriageway in between J21A and J22, which forms a boundary to the southern side of the site.

As highlighted within the TA (Section 5.0) the proposed development will comprise 115 dwellings and generate 88 two-way vehicle trips in the AM peak hour and 84 two-way vehicle trips in the PM peak hour. With M25 J21A situated 1.5km from the site, we accept the conclusions in the TA that SRN would not receive a sizable traffic impact as a result of this development proposal.

We recently issued a holding recommendation to yourselves on 08th Dec 2022, following a review of the transport documents accompanying the planning application submission. This included a Transport Assessment (TA) dated July 2022, as prepared on behalf of the applicant by Paul Mew Associates. Whilst it was accepted that the proposals will not place a significant traffic impact on the SRN, given the position of the site on the top of an embankment that bounds the M25 carriageway, further consideration of the sites impact on drainage, embankment structure, boundary treatments, etc. needed to be checked.

Concern is raised regarding comment in the FRR indicating that any flood waters would be intercepted by the M25, which is not accepted. Notwithstanding this, a suitable worded condition could be attached to the planning permission forbidding any third-party drainage onto the M25, National Highways land or assets.

A desk top investigation of the site indicates that there are chambers to the back of the retaining wall, which may include an element of drainage. There may also be some sort of granular drainage system would have been provided at the top of slope from past records, but actual evidence of this was not found. It is therefore requested that a Construction Management Plan is conditioned to the planning approval, to include geotechnical details regarding excavation and/ or piling works, which will aid in assessing the drainage impact of the site.

In the case of this development proposal, our interests relate to M25 Junctions 21A and 22. We are interested as to whether there would be any adverse safety implications for the SRN because of this proposal. Given the above, we do not consider the proposed development to have an unacceptable adverse impact on the SRN.

Recommended Conditions

1. The development must not allow any surface water or other drainage from the development to discharge onto or into the NH estate, drainage or otherwise.

Reason: To safeguard the operation of neighbouring facilities and the ongoing maintenance, safety and operation of the Strategic Road Network.

2. The proposed development shall be carried out in accordance with a Construction Management Plan approved by the Local Planning Authority and National Highways. The Construction Management Plan should include details of excavation or piling works relating to the drainage of the site.

Reason: To safeguard the operation of neighbouring facilities and the ongoing maintenance, safety and operation of the Strategic Road Network.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of

transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

6.23. Natural England

6.23.1. Response received on 08/11/2022 as follows:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON BRICKET WOOD COMMON SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI) AND MOOR MILL QUARRY WEST SSSI

As submitted, the application could have potential significant effects on Bricket Wood Common SSSI <1km south of the site and Moor Mill Quarry West <500m to the east of the site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

*Consideration of recreational pressure on the above mentioned SSSI's
Without further information, Natural England may need to object to the proposal.
Please re-consult Natural England once this information has been obtained.*

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the www.data.gov.uk website

Housing development in this location triggers Natural England's recreational pressure IRZ, for Bricket Wood Common SSSI <1km south of the site and Moor Mill Quarry West <500m to the east of the site. The increase in local population resulting from the proposed housing development as part of this outline application has the potential for additional recreational pressure to these sites.

Bricket Wood Common is a large remnant of a formerly extensive lowland heath that developed on heavy, base deficient soils of the Boulder Clay. Lowland heath has a limited distribution in south eastern England where it has declined markedly and the site represents an important example in the county. Part of the site is ancient woodland of the Pedunculate Oak/Hornbeam type.

Moor Mill Quarry West SSSI shows a complex sequence of Pleistocene (Pre-Anglian - Anglian) deposits overlying the chalk. This is the only site at which this sequence can be demonstrated, and as such is of fundamental importance in tracing the diversion of the River Thames from its pre-Anglian course.

This application has the potential to impact the above mentioned SSSI's via recreational pressure. The submitted documents do not consider impacts arising from the increase in the local population, and potential recreational pressure on these SSSI's. This further assessment is required before we can provide any advice.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

6.23.2. Additional information has been submitted by the applicant to address the concerns raised by Natural England. At the time of writing this report, no formal response has been received from Natural England.

6.24. Parking

6.24.1. No comments received.

6.25. Spatial Planning

6.25.1. Response received on 28/06/2023 as follows:

Recommendation: Refuse

The following advice and comments relate to principle of development, very special circumstances, and housing land supply / proposed housing mix.

Principle of Development

Relevant Policy

The proposed development would be located in the Metropolitan Green Belt. Local Plan (Saved 2007) Policy 1 'Metropolitan Green Belt' states:

"Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

- a) mineral extraction;*
- b) agriculture;*
- c) small scale facilities for participatory sport and recreation;*
- d) other uses appropriate to a rural area;*

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”

The NPPF (2021) states:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

PPG Paragraph: 001 Reference ID: 64-001-20190722:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation”*

Evidence Base and previous Local Plan work

SKM Green Belt Review

The SKM Green Belt Review comprises:

- Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) –2013*
- Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014*

Note: the SKM Green Belt Review Part 2 is entirely replaced by the Arup St Albans Stage 2 Green Belt Review June 2023.

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

The site is identified as part of GB26 (Green Belt Land to North of Bricket Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial

contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”

Call for Sites – 2021

The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as being the westerly part of site STS-47-21 in the Housing and Economic Land Availability Assessment (HELAA) and is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. It should be noted that the HELAA process has not taken into account Green Belt constraints.

Arup St Albans Stage 2 Green Belt Review June 2023

The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-128. The sub-area’s Categorisation and Recommendation reads:

“The sub-area performs weakly against NPPF purposes but makes an important contribution to the wider Green Belt. Not recommended for further consideration.”

Housing

The proposal is for up to 115 residential dwellings.

Housing Land Supply

SADC currently has a housing land supply of 2.0 years from a base date 1 April 2022. It is acknowledged that 2.0 years is substantially below the required 5 years.

Housing and Affordable Housing Need

GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020). The following table on page 141 of the LHNA sets out the required need for different sized homes.

The LHNA does not recommend an affordable housing percentage, as it is up to the Council to decide with consideration of viability. Below sets out the range of affordable housing need.

The application is for 35% affordable housing, with 25% of these as First Homes. This is in line with the Council’s Affordable Housing SPG, which seeks provision of 35% affordable housing on sites in the Green Belt.

Housing Summary

It is clear that there is no 5 year land supply and that very substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and very substantial weight should be given to delivery of affordable housing.

Overall Conclusion

It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A 2021 appeal decision in the

District allowing permission for residential development in the Green Belt is also significant (Ref: 5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath). The SKM Green Belt Review 2013 considered that overall parcel GB 26 does partially contribute to preventing neighbouring towns from merging, and in addition makes a significant contribution to maintaining the existing settlement pattern.

The Arup Stage 2 Green Belt Review Annex Report 2023 identifies the site within sub-area SA-128. The sub-area's Categorisation and Recommendation reads: "The sub-area performs weakly against NPPF purposes but makes an important contribution to the wider Green Belt. Not recommended for further consideration." It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered that this recommendation is to Refuse.

6.26. Thames Water

6.26.1. Initial response received on 27/10/2022 as follows:

Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection.

6.27. Waste Management

6.27.1. Response received on 21/10/2022 as follows:

The layout looks very tight and with three cul de sacs. Reversing and three point turns should be kept to a minimum to avoid injury to our drivers.

There are also four properties in the middle of the development. If the height of the 'tunnel' is not sufficient for our freighters to drive under, how would the waste be collected from these properties?

We have concerns about the layout and feel the roads are too narrow and the turning heads too small. The sweep plan looks ok on paper but should there be a vehicle parked on the road or in a turning circle, there is no leeway or room to manoeuvre.

For the above reasons, we do not support this application.

7. Relevant Planning Policy

7.1.1. National Planning Policy Framework 2023

7.1.2. St. Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management

POLICY 84A	Drainage Infrastructure
POLICY 86	Buildings of Special Architectural or Historic Interest
POLICY 102	Loss of Agricultural Land
POLICY 106	Nature Conservation
POLICY 143A	Watling Chase Community Forest
POLICY 143B	Implementation

7.1.3. St Stephen Neighbourhood Plan 2022

POLICY S1	Location of development
POLICY S2	Housing Mix
POLICY S3	Character of Development
POLICY S4	Non-designated Heritage Assets
POLICY S5	Design of Development
POLICY S6	Minimising the Environmental Impact of Development
POLICY S7	Protecting Natural Habitats and Species
POLICY S10	Green Infrastructure and Development
POLICY S11	Improvements to Key Local Junctions And Pinch Points
POLICY S12	Off-street Car Parking
POLICY S13	Bus services and Community Transport
POLICY S14	Provision for Walking, Cycling and Horse-Riding
POLICY S17	Leisure Facilities for Children and Teenagers
POLICY S24	Broadband Communications

7.1.4. Supplementary planning Guidance/Documents:

Design Advice Leaflet No 1 – Design and Layout of New Housing
 Affordable Housing SPG 2004
 Revised Parking Policies and Standards January 2002

7.2. Planning Policy Context

7.2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

7.2.2. The development plan is the St Albans District Local Plan Review 1994.

7.2.3. The NPPF 2023 is also a material consideration.

7.2.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3. Paragraphs 218 and 219 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

7.4. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

8. Discussion

8.1. The following main issues are considered below:

- Principle (including harm to Green Belt Openness)
- Other Green Belt Harm
- Layout, Design and Amenity
- Landscape Character and Appearance
- Provision of Housing, including Affordable
- Provision Children's Play Space and Open Space
- Flood Risk and Drainage
- Minerals
- Ecology
- Highways and Sustainable Transport
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance
- Planning Balance

8.2. Principle

8.2.1. The statutory development plan is the St Albans Local Plan Review 1994. The National Planning Policy Framework 2023 (NPPF) is an important material consideration.

8.2.2. The land is in the Metropolitan Green Belt where local and national policy only allows for certain forms of development, unless there are very special circumstances. The Local Plan policy differs in the detail of what may be classed as not-inappropriate development in the Green Belt when compared with the more recent NPPF, but the fundamental policy test of 'very special circumstances' is consistent in the Local Plan Policy (Policy 1) and in the NPPF.

8.2.3. A new Local Plan is underway but is at a very early stage. The NPPF in paragraph 48 states that weight can be given to emerging policies according to:

"a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

8.2.4. It clarifies in relation to prematurity, in paragraph 49, as follows (note both a and b need to be satisfied for an application to be considered to be premature):

"49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

8.2.5. The first draft of the new Local Plan was published on 12 July 2023 and the Regulation 18 consultation took place between 12 July and 25 September 2023. Given the plan is in its very early stages of preparation, it is afforded limited weight in accordance with paragraph 48 of the NPPF. However, Officers consider that significant weight can be afforded to the evidence base underpinning the preparation of the new Local Plan, including the new Green Belt Review considered above. It is considered that significant weight can be afforded to the new evidence base as it represents the most recent and comprehensive assessment of the Green Belt carried out by an independent consultancy under a recognised methodology. In any event, Officers have independently assessed the contribution that the site, and the parcel within which it sits, makes to Green Belt purposes. Officers' overall conclusions align with those reached in the Green Belt Review. Therefore, the overall conclusions below are unaffected by the weight to be given to the Green Belt Review.

8.2.6. It is considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because the criteria set out in paragraph 49 of the NPPF are not satisfied here, given the scale of the proposed development and early stages of plan preparation.

8.2.7. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.

8.2.8. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole.”*

8.2.9. The Council cannot demonstrate a 4 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.

8.2.10. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11(d)(i).

8.2.11. Paragraphs 152, 153 and 154 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case. These paragraphs set out clearly the relevant policy test:

“152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

8.2.12. The NPPF Glossary defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 8.2.13. It is accepted that the site represents previously developed land, and is occupied at its western end by a number of brick buildings – some redundant and some currently occupied. A smaller range of single storey buildings occupied in association with the paint balling use of the site, lie along part of the southern site boundary. The majority of the site remains open.
- 8.2.14. Noting the exceptions to inappropriate development set out in paragraph 154 (g) it is considered that the second sub paragraph is relevant in this case, taking into account the accepted affordable housing need in the District. The development proposes 35% affordable housing. The relevant test is therefore whether the complete redevelopment of previously developed land would cause substantial harm to the openness of the Green Belt.

Harm to openness

- 8.2.15. Paragraph 137 NPPF confirms that:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

- 8.2.16. The National Planning Practice Guidance (NPPG) states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation.”*

Paragraph: 001 Reference ID: 64-001-20190722

- 8.2.17. The proposed development would involve the removal of existing buildings from the site, and the erection of up to 115 dwellings. The Proposed Site Plan – Revision C shows an indicative layout for the site, based on the provision of 109 dwellings. The plan indicates that dwellings would be two or 2.5 storeys, but there is no detail of building heights or volumes proposed. Likewise, there is no plan providing volumetric details of existing buildings on site in order to make a comparison.
- 8.2.18. Nevertheless, it is clear that in spatial terms, the proposed development would have a substantially greater impact on openness than the existing buildings on site. Although the exact extent of built form would only be measurable at reserved matters stage, the submitted parameter plan shows that the majority of the site would be developed. The existing buildings are limited to the west and south of the site, with large areas of the site remaining open. In contrast, the indicative site layout shows a dense pattern of development across the entire site.

- 8.2.19. In floorspace terms, the application form indicates that gross internal floorspace at the site is 1,096 sq.m. This is all to be demolished. The Proposed Site Plan indicates (based on 109 units) a proposed floor space on 9,087 sq.m. This represents an 885% increase in floorspace. It is reasonable to consider that the floorspace would be greater in a layout of up to 115 units.
- 8.2.20. Also proposed is a 3m high acoustic fence along the southern boundary and part of the western site frontage, to address noise impacts from the nearby M25. This structure would, in and of itself, further impact openness and also serve to reduce visibility of this ancient woodland from within the site.
- 8.2.21. The construction of up to 115 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the NPPG quoted above.
- 8.2.22. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Appraisal (LVIA) submitted with the application, insofar as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, HCC Landscape officers do not consider the submitted LVIA to provide an adequate level of assessment at this outline stage.
- 8.2.23. The LVIA concludes that in terms of visual effects, the receptors that experience the greatest effects are the two residential receptors in immediate proximity of the site, and Lye Lane. However these are not considered significant by the authors.
- 8.2.24. However these judgements rely on the assumption that *'reinforcement planting and planting across the development'* will be introduced. However, the current layout does not provide any confidence that this can be delivered.
- 8.2.25. The LVIA states that the *'Setting the built form into the site, with surrounding landscape buffers and areas of open space, will help to mitigate any visual impact'* and *'Providing a high-quality landscape scheme that responds to the local character and enhances the ecological value of the site as well as increasing the aesthetic and recreational quality of the site'*.
- 8.2.26. Whilst these aims are broadly supported in principle, appropriate buffer zones are required in line with policy and guidance. Furthermore, there is fundamental concern that the submitted 'Proposed Site Plan – Revision C' does not deliver on these aims. Indeed the plan serves to demonstrate that the proposed housing, highway and parking layout is so tightly packed that the scheme does not have sufficient space to accommodate an integrated green infrastructure and open space network, or soft landscaping. The pattern and layout of the development would be visually at odds with the more spacious and sporadic built form elsewhere in this part of Lye Lane.
- 8.2.27. The location of public open space within the left-over spaces at the edges of the development, within the landscape buffers and root protection areas of the adjacent tree/ woodland planting (and adjacent to the acoustic fence), is not supported.
- 8.2.28. The dense two / 2.5 storey development and proposed acoustic screen will be highly visible from Lye Lane, one of the main identified visual receptors. This built

form will be visible where it is currently more limited (current Lye Lane frontage buildings are limited to single / 1.5 storeys), and the proposed development would therefore have a visual impact in terms of Green Belt openness, to which weight is given in addition to the spatial harm identified above.

- 8.2.29. A more detailed discussion of the landscape impacts of the proposals can be found later in this report, although it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.2.30. Harm to the spatial and visual openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is substantial.
- 8.2.31. Therefore, it is not considered to have been adequately demonstrated that the development would not cause substantial harm in relation to the visual aspects of Green Belt openness.
- 8.2.32. In relation to the second bullet point in the NPPG guidance, it is clear that the loss of Green Belt land would be permanent and irreversible.
- 8.2.33. Overall, it is considered that the proposed development would cause substantial harm to the openness of the Green Belt, such that although the development would contribute to meeting an identified affordable housing need, it would not meet the requirements of para. 154 (g) (second sub point) of the NPPF.
- 8.2.34. It follows, therefore, that the development does not meet any of the exceptions set out in the NPPF and it would be regarded as inappropriate development. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to any harm (para. 153 NPPF).
- 8.2.35. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that 'very special circumstances' would exist, and in this eventuality planning permission should be granted.
- 8.2.36. The remainder of this report goes on to consider other harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the above test in paragraph 153 of the NPPF, in order to determine whether very special circumstances exist.

8.3. Other Green Belt Harm

- 8.3.1. Harm to the spatial and visual openness of the Green belt is considered to exist, as set out in the discussion above, and as a matter of planning judgement, the harm is substantial.
- 8.3.2. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:

*“a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

8.3.3. During the course of the application, a new Green Belt Review has been published to support the preparation of a new local plan for the District. The Arup St Albans Stage 2 Green Belt Review June 2023 entirely replaces Part 2 of the previous SKM Green Belt Review for the District. However, Part 1 of the SKM Green Belt Review is still relevant and identified the site as part of a larger parcel of land labelled GB26, which was included in the SKM Green Belt Review 2013.

8.3.4. In the Part 1 2013 Review, the Principal Function / Summary for Parcel GB26 (Green Belt Land to North of Bricket Wood) is as follows:

8.3.5. *“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”*

8.3.6. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-128. The sub-area’s Categorisation and Recommendation reads:

“The sub-area performs weakly against NPPF purposes but makes an important contribution to the wider Green Belt. Not recommended for further consideration.”

8.3.7. It is noted that the site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as being the westerly part of site STS-47-21 in the Housing and Economic Land Availability Assessment (HELAA) and is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. It should be noted that the HELAA process has not taken into account Green Belt constraints.

8.3.8. Taking the above points into account, a planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:

a) to check the unrestricted sprawl of large built-up areas;

The proposed development will lead to the erosion of open space between Chiswell Green and How Wood / Park Street and Bricket Wood, such that it will reduce the open space in the gap between these settlements. For the purposes of assessing the impact of this development, Chiswell Green, How Wood, Park Street and Bricket Wood should be regarded as large built-up areas. They are all identified as settlements in the Local Plan (Policy 2) and it should be noted that Chiswell Green was treated as a large built-up area by the Inspectors at the Burston Nurseries appeal. It therefore follows that the proposed development would result in sprawl of How Wood / Park Street further southwards, which would cause limited harm to this purpose.

b) to prevent neighbouring towns merging into one another;

The Green Belt Review 2013 considered this parcel to contribute towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood).

Whilst the proposed development would only partially infill this gap, it would introduce additional built form in the gap between Chiswell Green, How Wood and Bricket Wood and would result in some physical and perceptual compromise to the separation of the settlements, which would cause limited harm to this purpose.

c) to assist in safeguarding the countryside from encroachment;

The site is bound by sporadic residential properties to the north and to woodland to the south and east providing defensible boundaries.

Whilst there is existing built form on parts of the site, large parts remain open. The proposed development would extend and increase the density of the built up area to the north and east. It is considered that the proposed development would disrupt and change the settlement pattern in this area, which is currently characterised by low density and sporadic residential development. Noting the loss of openness identified above, it follows that there would be further intrusion or encroachment into the countryside, including into parts of the site that are currently free from development. Although the additional built form would be contained in this previously developed site, it would have a significantly greater urbanising effect.

Moderate harm is identified in relation to this purpose.

d) to preserve the setting and special character of historic towns

It is not considered that the development of this site would have any impact on the setting and special character of the historic core of St Albans. No harm is identified in relation to this purpose.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is not considered that the development of this site would in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development and whilst sites may come forward via a new Local Plan, this process cannot be afforded any material right in decision making. No harm is identified in relation to this purpose.

8.3.9. To conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is substantial harm to the Green Belt by inappropriateness, with additional substantial harm identified to Green Belt openness and limited harm to the purposes of the Green Belt relating to checking the unrestricted sprawl of large built-up areas and in preventing neighbouring towns from merging and safeguarding the countryside from encroachment. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.

8.3.10. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.

8.4. Layout, Design and Amenity

8.4.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by

the application submission including the Proposed Site Plan – Revision C together with P2584 Proposed Site Access Junction Layout.

- 8.4.2. The NPPF advises that planning should ensure development is “*visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*” (Paragraph 135), that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*” (Paragraph 131) and advising that “*development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes*” (Paragraph 139). The National Design Guide ‘Planning practice guidance for beautiful, enduring and successful places’ 2021 provides additional guidance is a material planning consideration.
- 8.4.3. The Local Plan is broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity.
- 8.4.4. The application is accompanied by a Proposed Site Plan which sets out the proposed developable areas, number of storeys, open spaces, green infrastructure and the indicative positions of vehicular/pedestrian routes through the site.
- 8.4.5. Although noted to be indicative only, the proposed layout is not considered to represent an acceptably high standard of design and would not respect the prevailing pattern of development in the area.
- 8.4.6. The LVIA (Table 8) determines that the ‘*setting of the site*’ and ‘*local character area in the vicinity of the site*’ will experience a ‘*small*’ magnitude of change of minor neutral or beneficial significance. This judgment is not supported and there is concern that the significance of effects is much greater for the following reasons.
- 8.4.7. The existing settlement pattern within the site, and extending northwards along Lye Lane, is currently strongly characterised by distinct clusters of relatively large dwellings and ancillary outbuildings, or groupings of agricultural buildings set within large scale, open and spacious landscape grounds. This distinct swathe of low-density development is well defined and enclosed by existing vegetation to the east south and west and is distinctly separate from the denser urban settlement pattern of How Wood to the east.
- 8.4.8. The proposed development is completely at odds with this prevalent character and will introduce a denser settlement pattern, and more compact terraced housing typology that is more in keeping with a town or village centre.
- 8.4.9. Indeed the plan serves to demonstrate that the proposed housing, highway and parking layout is so tightly packed that the scheme does not have sufficient space to accommodate an integrated green infrastructure and open space network, or soft landscaping.

- 8.4.10. The location of public open space within the left-over spaces at the edges of the development, within the landscape buffers and root protection areas of the adjacent tree/ woodland planting and in places proposed in narrow, linear spaces between roads and the proposed acoustic screen, is not acceptable and would not achieve an adequately high standard of design or amenity for future residents of the development. A fully integrated green infrastructure and open space network would be expected to permeate throughout the built area to provide multiple important environmental benefits such as shading and urban cooling, filtering of air pollution, noise attenuation, surface water management, habitats for wildlife etc.
- 8.4.11. The scheme is dominated by hard surfacing including extensive continuous runs of car parking, resulting in a poor quality streetscene and amenity. The NPPF requires that new streets are treelined, however there is no opportunity to provide trees, or other structural planting, due to the runs of parking bays which would result in hard standing and private cars dominating, contrary to Policy 39 (iii) and 70 (iv) of the Local Plan.
- 8.4.12. The hierarchy, character and function of open space types is not evident. The play area and public open space is surrounded by highways, forcing users to cross the street to access it.
- 8.4.13. Whilst it is acknowledged that the plan is indicative at this stage, given that the layout is predicated on a scheme of 109 units, and up to 115 are proposed, it is not clear that an acceptable layout could be achieved based on the number of units proposed.
- 8.4.14. This concern is further raised by the Council's Waste and Recycling Officer who raises concerns regarding the tight layout, narrow roads and small turning heads resulting in potential conflict with refuse vehicles and potential injury to drivers. Again, whilst it is accepted that the layout is indicative, it is not clear that an acceptable layout can be achieved.
- 8.4.15. The Proposed Site Plan indicates that all buildings will be limited to two or 2.5 storeys. No metric detail of maximum building height is indicated. However, it is considered that provided buildings are limited to two storeys and that at reserved matters stage proposed building heights take into account site context and the heights of surrounding buildings, an acceptable scheme could be achieved in this regard.
- 8.4.16. A Noise Assessment submitted in support of the application identifies that without mitigation, there is a medium level of noise risk across the site at night, and in the southern part of the site during the day, due to the site's proximity to the M25. In mitigation, a 3m high acoustic screen is proposed along the southern boundary of the site. The Assessment identifies that further localised mitigation is likely to be required and this is confirmed by the Council's Environmental Compliance team.
- 8.4.17. However, there remains a conflict in relation to night time noise levels in the south west corner of the site as shown in Appendix C (noise model results) of the submitted Noise Assessment. This shows that even with the proposed mitigation barrier (acoustic screen), night time noise levels in this area would be 50-60 dB(A). Indeed in Appendix C, this area is marked as an 'Acoustic Barrier Zone'. This has not been carried forward to the illustrative Proposed Site Plan – Revision C, which shows three detached dwellings in this area.

- 8.4.18. In this respect, therefore, it has not been demonstrated that even with the presence of a 3m high acoustic screen, that an acceptable standard of environment can be achieved for all future occupiers.
- 8.4.19. In other respects, amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers in terms of privacy, light and outlook, subject to the application of good design standards including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties. However, such matters would be further assessed with detailed plans at reserved matters stage.
- 8.4.20. Policy 69 of the Local Plan requires development to have an adequately high standard of design taking into account context and other policies including those relating to highways and parking. Policy 70 goes on to state that new housing development should have regard to its setting and the character of its surroundings, and meet a number of detailed objectives including design and layout, roads and footpaths, parking, landscaping and amenity and open space.
- 8.4.21. This is consistent with paragraph 131 of the NPPF which states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*” and goes on in paragraph 139 to advise that “*Development that is not well designed should be refused...*”
- 8.4.22. Taking the above discussion into account, it is considered that in relation to design, layout, on site landscaping and residential amenity (noise) there would be harm caused in relation to design and amenity that it has not clearly been demonstrated could be mitigated through good detailed design and through the appropriate use of planning conditions. The proposal is therefore contrary to the relevant policies of the Local Plan and NPPF.
- 8.4.23. As such, it considered that substantial harm would be caused in this regard.

8.5. Landscape Character and Appearance

- 8.5.1. The NPPF in para 180 sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, and of trees and woodland. It sets out in para 135 and 96 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 8.5.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

- 8.5.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that *“New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”*
- 8.5.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:
- “a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;*
- b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”*
- 8.5.5. The site lies within the Watling Chase Community Forest, as identified by Policy 143A of the Local Plan, though this is not noted by the LVIA. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:
- “Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy 1) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.*
- 8.5.6. As noted earlier in this report, the significance of landscape effects of the development are considered to be much greater than identified by the LVIA. The LVIA judges baseline landscape value as ‘medium/low’ however it is suggested that this, and the overall judgment of sensitivity (which is currently ‘medium’), should be higher due to the presence of this designation that in particular is reflected in the woodland that encloses and is affected by the site..
- 8.5.7. In relation to visual effects, the LVIA concludes that the receptors that experience the greatest effects are the two residential receptors in immediate proximity of the site, and Lye Lane. However these effects are not considered significant.
- 8.5.8. However these judgements rely on the assumption that ‘reinforcement planting and planting across the development’ will be introduced. However, as discussed above, the current layout does not provide any confidence that this can be delivered.
- 8.5.9. In terms of arboricultural impacts, the proposals affect existing hedgerows, trees and their canopies and root protection areas, within and near to the site, including ancient woodland and trees subject to tree preservation orders (TPOs).
- 8.5.10. In particular, in the absence of this information it is not possible to understand the impact of the proposed highways works including the access points, their associated turning radii and visibility splays, and the new 2m wide footways

proposed along Lye Lane to the south of the site, upon the existing hedgerows and trees and the ancient woodland.

- 8.5.11. Furthermore, in line with policy and standing advice, ancient woodland requires a buffer zone of at least 15 metres from the boundary of the woodland. Development including gardens should not be located within buffer zones / they should consist of semi-natural habitats (woodland / mix scrub, grassland heathland, wetland).
- 8.5.12. There is fundamental concern for the impact of the proposed access and highways works (including footways and lighting columns) upon the character of Lye Lane and existing landscape features, including some ancient woodland. There is concern that the approach is not compliant with the landscape character assessment and St Stephen Neighbourhood Plan (Policy S6) which seek to *'Ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected, enhanced'* and *'maintain existing green verges and hedgerows and encourage the planting of new hedgerows'* respectively.
- 8.5.13. In the absence of this detail, and a tree report that includes a tree survey, arboricultural impact assessment, tree protection plan, and method statement compliant with 'BS 5837:2012, Trees in relation to design, demolition and construction – Recommendations.', it has not been demonstrated that the development could be carried out without harm to existing landscape features including protected trees and ancient woodland both adjacent to the application site and to proposed off-site highway works.
- 8.5.14. In light of the above discussion, the proposed development would cause harm to the landscape character of the site and surrounding area, and to protected landscape features.
- 8.5.15. Significant weight is given to this harm.

8.6. Provision of Housing, Including Affordable

8.6.1. The Council cannot demonstrate a 4 year housing land supply. The applicant's Affordable Housing Statement proposed the provision of 35% affordable housing on the site. Based on the delivery of 115 houses on the site, this would be 40 affordable housing units.

8.6.2. The Statement goes on to state that:

"25% of affordable houses on the Site will be First Homes. The size of those houses and the mix of the rest of the affordable housing (i.e. tenure types and houses sizes), together with the priority for allocation (for example, whether people with connections with Bricket Wood should have priority ahead of the rest of St Stephens Parish and finally the rest of the District), is expected to be subject to discussion with the Parish and District Councils as part of the Section 106 agreement and Reserved Matters Application."

8.6.3. The application form clarifies that there are currently 33 units of social, affordable or intermediate rent housing on the site (unknown number of bedrooms), accommodated within Bricket Lodge. Notwithstanding no planning history is apparent for this use, taking into account the proposed demolition of these units, the proposed development would result in a net increase of up to 82 dwellings, and a net increase of up to 7 affordable housing units.

- 8.6.4. SADC currently has a housing land supply of 1.7 years from a base date 1 April 2023. It is acknowledged that 1.7 years is substantially below the required 4 years. There is also clear and pressing need for affordable housing within the District.
- 8.6.5. The provision of housing therefore weighs heavily in favour of the proposals.
- 8.6.6. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers a similar housing and affordable housing position in the District as applies to the application considered in this report.
- 8.6.7. The Inspector concluded:

“49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.”

...

“52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

...

“54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.”

- 8.6.8. The Bullens Green Lane application (5/2020/1992) proposed 45% affordable housing, which is higher than the Council's requirement of 35%. This application proposes 35%, which is policy compliant. Furthermore, given that the development results in the demolition of 33 affordable housing units, the proposed net increase would be up to 7 units of affordable housing. Accordingly, significant weight is afforded to the delivery of affordable housing. In line with the Inspector's weightings in the Bullens Green Lane decision, very substantial weight is attached to the delivery of market housing.

8.7. Provision of Children's Play Space and Open Space

- 8.7.1. Policy 70 of the Local Plan requires developments of over 30 dwellings each with 2 or more bedrooms shall normally be provided with toddlers play areas on the basis of 3 sq.m for every 5 such dwellings.
- 8.7.2. The proposed illustrative unit mix shown on Proposed Site Plan – Revision C indicates 80% of units would have 2 or more bedrooms. On this basis, for the purposes of this assessment, and on the basis of a total of 115 dwellings, 92 units would have 2 or more bedrooms. On this basis, the proposal would generate a requirement for 55 sq.m of toddlers play space.
- 8.7.3. Additionally, as a development of more than 100 dwellings, appropriate public open space including children’s playgrounds should be provided on the basis of 1.2 hectares per 1000 persons. Calculations for this scheme indicate that 0.34ha would be required. The main area of open space has an approximate area of 0.2ha, with other linear open spaces also proposed.
- 8.7.4. Overall however, the public open space provision proposed for the site appears to be located in left-over spaces and lacks the required connectivity and clarity of function and character for them to be genuinely attractive and usable public spaces. The main area of open space is bounded on three sides by road, and on the fourth side by a 3m high acoustic screen.
- 8.7.5. Other areas are narrow strips that also require a road to be crossed in order to be accessed.
- 8.7.6. Whilst the toddler play space could be accommodated, albeit in a left over space, it is not clear that the total open space and children’s play area requirement could be appropriately met based on the indicative layout proposed, contrary to Policy 70 of the Local Plan. Additional weight is attached to this harm.
- 8.8. Flood Risk
- 8.8.1. The site is located entirely within Flood Zone 1, which is land at the lowest risk of fluvial flooding and assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (less than 0.1%). The application is accompanied by a Flood Risk Assessment (FRA), and Sustainable Drainage Assessment report including the preliminary drainage layout and calculations.
- 8.8.2. In this case, the Lead Local Flood Authority (LLFA) has raised an objection to the proposal due to the lack of suitable information being provided by the applicant. Further information is considered to be required in order for the LLFA to be satisfied that the proposed development would not increase flood risk onsite and elsewhere, and to demonstrate that appropriate surface water drainage techniques have been applied. The required information is set out in full in the Consultation Responses section of this report at paragraph 6.15.
- 8.8.3. The applicant’s agent initially sought to provide additional information as required by the LLFA, but has now confirmed that they no longer intend to submit this information, considering that the extent and amount of information is proportionate and sufficient for this outline application.
- 8.8.4. Nevertheless, in the absence of the additional technical information sought by the LLFA, their objection remains.

- 8.8.5. Insufficient information has been provided in accordance with current National Planning Policy Framework (NPPF) (July 2023), the NPPF Flood Risk and Coastal Change PPG (update August 2022) and the Hertfordshire County Council policies to enable a technical assessment of the proposal to be undertaken. Therefore, it is not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site or whether the proposed development will increase flood risk either onsite or elsewhere.
- 8.8.6. Noting the above, additional harm is identified in this regard and this matter is considered to weigh negatively in the planning balance in this case.
- 8.9. Minerals
- 8.9.1. Section 17 of the NPPF “Facilitating the sustainable use of minerals” sets out in para 209:
- “It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”*
- 8.9.2. In para 211 it states “When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”; and in para 212: “Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”
- 8.9.3. Hertfordshire County Council as Minerals Planning Authority note that the site falls entirely within the ‘Sand and Gravel Belt’ as identified in Hertfordshire County Council’s Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. They note that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area. They note that their adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. The policy seeks to prevent the sterilisation of mineral resources, except where it can be demonstrated that:
- i. the land affected does not contain potentially workable mineral deposits; and/or
 - ii. there is an overriding need for the development; and
 - iii. the mineral cannot practically be extracted in advance.
- 8.9.4. The Minerals Local Plan forms part of the development plan and it broadly aligns with the aims of Section 17 of the NPPF, and weight is given to it.
- 8.9.5. For proposed major developments where there is a high possibility of mineral sterilisation, the Minerals Planning Authority would normally object and request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site.

- 8.9.6. In this case, the Minerals Planning Authority advises that a preliminary review of nearby borehole records implies that there is likely to be a significant overburden of multicoloured clays (approx. 12m) above any sand and gravel mineral reserves at the application site. Furthermore, after considering appropriate buffer zones that would likely be required to protect the amenity of the residential buildings bordering the site and the public highways, the Minerals Planning Authority has concluded that it would be reasonable to assume that prior extraction at this site would not be practical and would not provide a significant volume of mineral resource.
- 8.9.7. On this basis, the Minerals Planning Authority has made no objection to the development but would encourage the opportunistic use of any extracted deposits within the development, should they be found when creating foundations / footings. Opportunistic use of materials reduces the need to transport sand and gravel to a site, and make sustainable use of these valuable resources. A condition could be imposed on any permission granted to secure this.
- 8.9.8. Noting the above, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive nor negative weight.

8.10. Ecology

- 8.10.1. Section 15 of the NPPF “Conserving and enhancing the natural environment” sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (para 180 (d)); and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 186). Local Plan Policy 106 is generally consistent with the aims of section 15 of the NPPF and notes that the Council will take account of ecological factors when considering planning applications. Para 186 (b) also states that development on land outside a SSSI and which is likely to have an adverse effect on it, should not normally be permitted.
- 8.10.2. The application site includes areas of grassland with boundary hedgerows and some perimeter trees. The site is adjacent to the ancient woodland of Blackgreen Wood, which is also designated as a Local Wildlife Site (LWS). Also nearby are two Sites of Special Scientific Interest (SSSIs). These features are protected either in policy or law, and the potential risks to them from the proposed development must be taken into account.
- 8.10.3. The application was accompanied by an Ecological Appraisal, Emergence and Activity Bat Survey and Full Common Reptile Survey. Further information in response to an objection from Natural England was also submitted on 05/02/2024.
- 8.10.4. Hertfordshire Ecology initially raised concerns due to omissions from the reports, but has since confirmed that there are not sufficient grounds to sustain a recommendation for refusal. Nevertheless, there remain concerns that the 15m buffer for built development around the ancient woodland of the local wildlife site must be secured at reserved matters stage, as at present it is not clear that the indicative layout does (or could) deliver this.

- 8.10.5. It is, however, noted that some limited benefit would arise from removing activity relating the paintballing operation on the site from the ancient woodland Local Wildlife Site.
- 8.10.6. It is noted that the supporting documents offer 10% Biodiversity Net Gain (BNG) as a benefit of the development.
- 8.10.7. As noted above, the NPPF (para. 180 (d)) requires a net gain in biodiversity and the mandatory 10% BNG requirement for major development has now come into effect under the Environment Act 2021. As such, if the application was submitted now, the provision of 10% BNG would be an automatic condition on the grant of planning permission. However, given BNG is not mandatory for this development, limited positive weight is given to the provision of 10% BNG. This should be secured by condition in the event of planning permission granted.
- 8.10.8. Notwithstanding the comments of Hertfordshire Ecology, there remains an objection from Natural England in respect of the potential impact of the development on two SSSIs. Bricket Wood Common lies less than 1km to the south of the site, and Moor Mill Quarry West lies less than 500m to the east.
- 8.10.9. Housing development in this location triggers Natural England's recreational pressure Impact Risk Zone (IRZ), for Bricket Wood Common and Moor Mill Quarry West SSSIs. The increase in local population resulting from the proposed housing development as part of this outline application has the potential for additional recreational pressure to these sites.
- 8.10.10. Bricket Wood Common is a large remnant of a formerly extensive lowland heath that developed on heavy, base deficient soils of the Boulder Clay. Lowland heath has a limited distribution in south eastern England where it has declined markedly and the site represents an important example in the county. Part of the site is ancient woodland of the Pedunculate Oak/Hornbeam type.
- 8.10.11. Moor Mill Quarry West SSSI shows a complex sequence of Pleistocene (Pre-Anglian - Anglian) deposits overlying the chalk. This is the only site at which this sequence can be demonstrated, and as such is of fundamental importance in tracing the diversion of the River Thames from its pre-Anglian course.
- 8.10.12. This application has the potential to impact the above mentioned SSSI's via recreational pressure. The submitted documents do not consider impacts arising from the increase in the local population, and potential recreational pressure on these SSSI's.
- 8.10.13. Information has now been submitted to attempt to address the objections of Natural England, but at present and in the absence of a response from Natural England, it has not been demonstrated that the proposed development would not give rise to harmful impacts on the two SSSIs through recreational pressure. The proposal would therefore be contrary to para 186 (b) of the NPPF and Policy 106 of the Local Plan.
- 8.10.14. Noting the above, negative weight is given to the potential impact on nearby SSSIs.
- 8.11. Highways and Sustainable Transport

Policy background

- 8.11.1. The NPPF in Section 9 “Promoting sustainable transport” advises (para 108) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.11.2. When assessing development proposals, NPPF para 114 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.11.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, “in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.” Policy 36A of the Local Plan relates to the location of new development in relation to the public transport network and states that, in considering the impact of new development, account will be taken of its proximity to the public transport network and whether facilities will be provided within the development to cater for use of the network.
- 8.11.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 ‘Transport User Hierarchy’ that to support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:
- Opportunities to reduce travel demand and the need to travel
 - Vulnerable road user needs (such as pedestrians and cyclists)
 - Passenger transport user needs
 - Powered two wheeler (mopeds and motorbikes) user needs
 - Other motor vehicle user needs
- 8.11.5. LTP4 Policy 2 states that the County Council will encourage the location of new development in areas served by, or with the potential to be served by, high quality

passenger transport facilities so they can form a real alternative to the car, and where key services can be accessed by walking and cycling.

- 8.11.6. The NPPF has similar goals where it states in para 116 that applications for development should: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 8.11.7. Paragraph 109 of the NPPF states that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.”
- 8.11.8. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA.
- 8.11.9. The most recent comments of the HA are included in the consultation section above (6.13). Those comments follow additional information provided by the applicant on two occasions following Highways’ first two consultation responses.

Sustainability of location in terms of transport

- 8.11.10. The application site is located outside the settlement boundary of Bricket Wood, and is separated from the settlement by the M25 (with overbridge) and a stretch of Lye Lane that runs through woodland (partly Blackboy Wood ancient woodland).
- 8.11.11. The site does not, at present, give safe opportunities for pedestrians and other non-car users to reach Bricket Wood. This was raised by the HA both at pre-application stage and in all consultation responses. The development includes proposals for off-site highway works involving pedestrian footways along Lye Lane to the south of the site, to give a pedestrian link between the application site and West Riding to the south. In response to earlier comments by the GA, the applicant’s ‘Highways Response to Jan comments’ states:
- 8.11.12. *“Our report showed that a 2m footpath can be formed within highway land boundary. We showed the OS mapping land boundary that we have found to be reasonably accurate in past experiences and this accords with the highway boundary as supplied by HCC attached.*

Trees and bushes have grown up within the highway land such that it is difficult to see the land boundary on site. Some pruning and selective felling of trees may be needed within highway land to accommodate a new footpath. We are not convinced that a fully metalled surface would be practicable with the proximity of tree roots. The provision of a footpath could be made by laying a granular subbase and a graded aggregate wearing course. This would permit natural drainage and would blend in well with the rural nature of Lyle (sic) Lane. Kerbing could be provided, and lighting could be provided using PV cell power units.

The aim of the footpath assessment at this stage is to demonstrate that it is feasible within the land available without encroaching into third party land ownership.

It is not considered necessary to provide detailed engineering drawings at this pre-planning stage which at any rate could be made a condition of planning consent.”

- 8.11.13. It is considered that a footway from the site to the existing footway provision at West Riding is an essential part of the non-car transport provision that is required to make the development acceptable (though it is only a part of the required improvements). For example, the route has very little passive surveillance and no lighting including existing parts of the pedestrian route between the southern end of the path and Bricket Wood station.
- 8.11.14. The necessary improvements would need to be identified as part of a walking and cycling audit of the routes between the site and key local destinations. The exact scope of the audit would need to be agreed with HCC, along with the subsequent upgrades required, which would need to be delivered by the applicant through a S278 agreement.
- 8.11.15. Alternative non-car travel options would also be needed for those people uncomfortable with using the route due to security concerns and it is suggested that these measures would need to be incorporated and agreed with HCC as part of a robust Full Travel Plan.
- 8.11.16. Implementation of the proposed off site footway may be an engineering challenge due to the presence of ditches, gullies and trees (including designated Ancient Woodland and Common Land) located along Lye Lane where the footway is proposed. This may affect its feasibility and deliverability and there is concern that reducing the scale and / or form of the footway in order to overcome these engineering challenges and constraints would reduce the effectiveness of the footway and would not then meet the necessary requirements for assisting in providing safe and convenient travel to and from the site for all users, at all times of day and year and in all conditions. Further consideration of the needs of cyclists is also necessary, the applicant should demonstrate consideration of LTN1/20 standards in this regard.
- 8.11.17. Given the fundamental importance of the footway in assisting in meeting the required sustainability credentials of the site, insufficient information has been presented in respect to the design of this footway, including matters such as drainage (noting the proposed SUDS specification supplied) and associated impacts on trees (including Ancient Woodland designated areas) and how these matters would be resolved. Details of proposed lighting provision are also required, including clarification of whether the proposed PV cell power units are intended for adoption.
- 8.11.18. The potential for conflict between lighting required in this area for security purposes, and the impact on protected species that are likely to be present in Blackboy Wood (a Local Wildlife Site) has also not been properly addressed by the submission.
- 8.11.19. In conclusion, the deliverability of this footway has not been satisfactorily demonstrated. The condition proposed by the applicant (included within the Highways Response to Jan comments document), is therefore not enforceable

and is not compliant with the 6 tests in NPPF for suitable planning conditions. The drawings provided to-date do not provide sufficient detail to be certain that this element of the site's transport sustainability improvements could be achieved.

8.11.20. The submitted Highway Technical Note include 'Active Travel Audit' of identified 7 routes:

- Route 1 – Lye Lane (N): Extending circa 650-metres north from the Site to the St Stephen 018 Footpath.
- Route 2 – Lye Lane (S): Extending circa 490-metres south from the Site to the give-way priority junction with West Riding. This route provides access to both the St Stephen 015 and 030 Footpaths, the Woodbury Field Playground, and green space to the east of Lye Lane.
- Route 3 – West Riding extending south-west from Lye Lane for circa 685-metres to the mini-roundabout junction with Mount Pleasant Lane. This route provides access to the Site's nearest bus stops (adjacent to Grassington Close) and local amenities at the junction with Oakwood Road.
- Route 4 – Mount Pleasant Lane, extending south-west for circa 600-metres to the Mount Pleasant Lane Junior Mixed Infant School.
- Route 5 – Oak Avenue / Black Boy Wood, providing access to St Stephen 011 Bridleway and local amenities located on the northern side of Black Boy Wood.
- Route 6 – St Stephen 011 Bridleway, providing a route towards Bricket Wood rail station.
- Route 7 – Station Road, providing access to Bricket Wood rail station.

8.11.21. The audit includes a CLoS assessment in line with the LTN1/20 guidance. Basis Active Travel Audit, a range of improvements have been identified to enhance the routes. However, post improvement assessment of CLoS is not included in the note. Additionally, The Highway Technical Note does not include any assessment of active travel along the route from the site to the A405 active travel routes including, the St. Stephen 018 footpath. Nor does the document demonstrate the site's accessibility to various local amenities in terms of active travel.

8.11.22. The applicant has not demonstrated, to the satisfaction of the HA, that the proposed off site works required to improve the transport sustainability of the site can be achieved.

8.11.23. In respect of accessibility to public transport, the site is in an area with currently modest levels of public transport accessibility.

8.11.24. An assessment of local public transport has been carried out and is reported in the updated TA (January 2023).

8.11.25. The NPPF (July 2023) sets out that opportunities to promote walking, cycling and public transport use are to be identified and pursued. Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

8.11.26. Currently two bus routes serve Bricket Wood. The nearest bus stops are located approximately 0.4 miles to the south of the site on West Riding, at

Grassington Close within the village of Bricket Wood. How Wood rail station is located approximately 1km to the North and Bricket Wood rail station is located approximately 1km to the South. Rail services at these stations are towards St Albans Abbey or Watford Junction and typically operate at a frequency of 1 per hour in each direction. At Watford Junction, interchange is available to direct services to London Euston, southern, central and north-western England and Scotland as well as to London Overground services.

- 8.11.27. The HA had requested further evidence of engagement with local bus operators to explore and pursue any opportunities to promote walking, cycling and public transport use. In addition, the HA requested Kassel kerbing and shelters on both sides of West Riding, to enhance the bus stop amenities and pursue the opportunity to make bus services as attractive as possible.
- 8.11.28. In the submitted Highway Technical Note, the applicant has undertaken Active Travel Audit for 7 identified routes and identified various improvements including the provision of Kassel kerbing and shelters on both sides of West Riding bus stops. It also states that an appropriately scaled proportion of these additional improvements are included as part of the 'Second Stand (S106)' contributions.
- 8.11.29. However, the Highway Technical Note does not provide evidence of engagement with the local bus operators as requested by the HA.
- 8.11.30. In conclusion on this matter, given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. In the absence of details to address concerns regarding the feasibility of the proposed footway to the South including guidelines and standards applicable to construction within or near ancient woodlands, permission should not be granted, and it is considered that a condition that may not be deliverable (and therefore may not be enforceable).
- 8.11.31. This element is critical to the sustainable access of this site and in its absence the site would not offer adequate transport sustainability. Furthermore, the site is in an area with currently modest levels of public transport accessibility. In the absence of evidence of engagement with local bus operators, it has not been demonstrated that adequate engagement with local bus operators has taken place to explore and pursue opportunities to promote walking, cycling and public transport use. This is contrary to the relevant provisions of Local and National policy as set out in this section of the report, and negative weight is given to this matter.
- 8.11.32. This is consistent with the Inspector's conclusions in the recent appeal at r/o 42-100 Tollgate Road and 42 Tollgate Road (5/2022/1988) where the Inspector concluded that *"the lack of a genuine choice of sustainable modes of travel to access medical facilities, and the incoherent, indirect and unsafe cycling routes from the village, are important material considerations which weigh against the proposed development in the overall planning balance."*

Trip Generation and Distribution

- 8.11.33. Trip generation forecasts have been prepared for the existing and proposed uses by means of the TRICS database. The proposed development will provide up to 115 mixed (private and affordable) dwellings.

- 8.11.34. Table 8 of the updated TA (January 2023) presents the proposed total person, car based and rail trip generation. This revised assessment is accepted.
- 8.11.35. As set out previously it is requested that full turning flow diagrams / matrices (including the observed 2022 year and the future assessment year of 2035 with and without development) are provided so that the junction modelling inputs can be checked. Information of this type was included at Appendix J of the previous TA but this information appears to be superseded and was not included in the updated TA (January 2023).
- 8.11.36. In its previous response, HCC requested to include the latest full turning flow diagrams/matrices (including the observed 2022 year and the future assessment year of 2035 with and without development). However, the submitted Highway Technical Note didn't include the same.

Impact on highway – junction assessment

- 8.11.37. Peak hours for assessment have been determined by means of automatic traffic count surveys undertaken on Park Street Lane between 25/04/22 and 01/05/22. The results of the ATC surveys are shown in Appendix F of the TA (January 2023 Update) and demonstrate that the AM peak hour is 08:00 to 09:00 while the PM peak hour is 15:00 to 16:00. Full ATC survey data is shown in Appendix F of the TA (January 2023 Update).
- 8.11.38. The proposed 'worst case' development (115 dwellings) has been shown to generate 101 vehicle trips in the AM peak hour and 96 vehicle trips in the PM peak hour.
- 8.11.39. Junction capacity assessments have been carried out to determine the impact of the development on the junctions of:
- A405/Lye Lane,
 - Lye Lane/Oak Avenue/West Riding Junction and
 - Lye Lane/Park Street Lane
- 8.11.40. Baseline manual classified turning count surveys were undertaken at these junctions on 26/04/22. Full details of the 'baseline' manual classified turning count surveys are shown in Appendix J in the updated TA (January 2023).
- 8.11.41. To assess whether this was a 'typical' weekday, the ATC data collected for Lye Lane, as set out in Appendix F of the TA (January 2023 Update), has been examined. The average total weekday two-way flow on Lye Lane was 1145 vehicles per day. The 'median' total weekday two-way flow on Lye Lane was 1148 vehicles per day. Total weekday two-way flows on Lye Lane on the day of the manual classified turning count surveys was 1158 vehicles per day. As such it is concluded that the manual classified turning count survey data is typical.
- 8.11.42. The 'baseline' manual classified turning counts were then 'growthed' to the future year of 2035 (10 years after the assumed opening year of 2025) to reflect background traffic growth. Full details of the 'future year' turning movements (OD tables) are shown in Appendix J of the TA (January 2023 Update).
- 8.11.43. Separate growth rates have been derived for AM and Interpeak periods to correspond with peak hours identified. In addition to TEMPRO growth data for the future year of 2035, fuel / income adjustment factors for the future year of 2035 have also been applied based on TAG Unit M4 and the TAG Data Book (May

2022 v1.18) Table M4 2.1. Resulting growth rates for the future year of 2035 are presented at page 23 of the TA (January 2023 Update). These TEMPRO Growth Factors, TAG Income & Fuel Cost Factors and Total Growth Factors calculations have been independently replicated and are considered valid.

- 8.11.44. Due to the central reserve on the A405 North Orbital Road, the only site traffic related movements are the left turn from the A405 into Lye Lane, and the left turn movement out of Lye Lane on to the A405. It is noted that only a small proportion of site flows have been assigned to Lye Lane north of the site.
- 8.11.45. PICADY assessments for the Lye Lane / A405 North Orbital Road junction, the Lye Lane / West Riding / Oak Avenue junction, the Lye Lane / Park Street junction and the New Site Access / Lye Lane junction for the future year with development flows is presented in the TA (January 2023 Update). These junction assessments have been independently checked and verified. The assessments show that in both the AM and PM peak hours, there would be low Ratios of Flow to Capacity (RFC's) and minimal queuing on all junction arms. The Level of Service during both peak periods would be acceptable in highway capacity terms.

Highway Layout – Access and Refuse / Service Delivery

- 8.11.46. In summary, in relation to access, the proposed development would involve:
- Stopping up an existing vehicular access on Lye Lane and providing a new site access junction on Lye Lane, which is to be located north of the existing vehicular access for the paintball centre. The new site vehicle access will take the form of a priority junction;
 - Providing new footways on Lye Lane, between the development site access junction and the junction of West Riding to the south of the proposed development site. The footways include a number of uncontrolled pedestrian crossing facilities, which incorporate dropped kerbs and tactile paving.
- 8.11.47. A sightline assessment was carried out for the proposed site access based on 85th percentile speed data collected as part of a 5-day weekday automatic traffic count survey carried out on Lye Lane adjacent to the location of the previously and current proposed site access. The 85th percentile speed assessment was based on the interpeak period of 10:00 to 15:00 on dry weekdays in April 2022 with speeds corrected for wet weather conditions. Full results of the automatic traffic count survey are presented in Appendix F of the updated TA (January 2023).
- 8.11.48. The surveys revealed that the 85th percentile southbound speed was 29.2mph and the 85th percentile northbound speed was 28.4mph. In line with Manual for Streets these equate to sightline requirements of 43m. Appendix E of the updated TA (January 2023) demonstrates that these sightlines can be achieved from the proposed site access. It is not clear that Manual for Streets is the correct standard to apply as there is no active frontage along Lye Lane, DMRB standard may be more applicable.
- 8.11.49. No vehicle access restrictions are proposed for vehicles to enter or exit the site from the North using the Lye Lane / A405 junction, which offers the most direct route to the Strategic Road Network (SRN) at M25 J21a. The applicant has not provided evidence of safe vehicle access from the North through the provision of vehicle swept path analysis or provide a valid rationale for imposing a restriction on vehicle access to facilitate this development.

- 8.11.50. Appendix H of the updated TA (January 2023) presents swept path analysis of a refuse vehicle within the site, demonstrating these can access and egress the site in forward gear.
- 8.11.51. Concerns had previously been expressed by the HA in relation to conflict caused by the proposed footways whereby large refuse and servicing vehicles would encroach across the centre of the carriageway on Lye Lane, with oncoming vehicles choosing to encroach onto the proposed kerbed footway, generating a safety concerns for vulnerable users, pedestrians and cyclists.
- 8.11.52. In addition to refuse vehicles, other larger vehicles such as Supermarket delivery or long wheelbase panel vans (i.e. Amazon, DPD) undertaking deliveries for various companies on a more frequent basis than refuse vehicles could also impact upon the required junction and carriageway geometries to accommodate such vehicles.
- 8.11.53. Additional swept path analysis has been was provided in Appendix 5 and Appendix 6 of the Highway Technical Note present swept path analysis for a combination of vehicles including:
- Large Refuse Vehicle Accessing/ Private Egressing the site
 - Large Refuse Vehicle Egressing / Private Accessing the site
 - 7.5t Box Van Accessing / Private car Egressing the Site
 - 7.5t Box Van Egressing / Private Car Accessing the Site
- 8.11.54. The submitted drawings demonstrate that the available space at the site access junction and the Lye Lane / West Riding junction is inadequate for a refuse collection vehicle and a large car to safely pass each other during entry or exit. Furthermore, the drawings do not address the potential scenario of two larger vehicles (such as two service delivery vehicles or a service delivery vehicle alongside a refuse collection vehicle) needing to manoeuvre past each other safely.
- 8.11.55. On this basis, the proposal would be contrary to the provisions of the NPPF, and to Policy 34 of the Local Plan, which requires development to be acceptable in terms of road safety.

Road Safety Audit

- 8.11.56. A Stage 1 Road Safety Audit (RSA) has been submitted, and raises a number of issues, which are addressed by a subsequent RSA Response to reflect the Stage 1 RSA findings. This is generally accepted by the HA, notwithstanding their concerns about the deliverability of the proposed new Lye Lane footway.
- 8.11.57. Appendix C of the updated TA (January 2023) presents updated map extracts showing road traffic accidents by severity for the 5-year period 2017 to 2021 in the area around the development site which resulted in all casualty types. This includes the following locations as requested by HCC:
- The area of Bricket Wood surrounded by the following roads, and including these roads themselves:
 - West Riding;
 - Oak Avenue;
 - Park Street Lane west of Station Road (also referred to as Lye Lane east);
 - Station Road;
 - Mount Pleasant Lane.

- Lye Lane up to and including the junction with A405 North Orbital Road.

8.11.58. The submitted Highway Technical Note include drawings for active travel improvement onto Lye Lane. The applicant has referred to submitting a revised Stage 1 RSA along with a revised Designer's Response. However, this has not been provided, and in its absence the HA recommend that permission is refused.

Conclusion on local highway network

8.11.59. Given the site's proximity to major roads, as well as the current lack of safe, convenient pedestrian and cycle provision, there is a significant challenge to make this site sustainable. In the absence of details to address concerns regarding the feasibility of the proposed footway to the South including guidelines and standards applicable to construction within or near ancient woodlands, permission should not be granted. It is considered that a condition that may not be deliverable (and therefore may not be enforceable). This element is critical to the sustainable access of this site and in its absence the site would not offer adequate transport sustainability. Furthermore, the site is in an area with currently modest levels of public transport accessibility. In the absence of evidence of engagement with local bus operators, it has not been demonstrated that adequate engagement with local bus operators has taken place to explore and pursue opportunities to promote walking, cycling and public transport use. This is contrary to the relevant provisions of Local and National policy as set out in this section of the report, and negative weight is given to this matter.

8.11.60. Furthermore, submitted drawings demonstrate that the available space at the site access junction and Lye Lane / West Riding junction are not adequate for refuse collection vehicles and large cars and other large vehicles to pass each other safely during entry / exit. Additionally, in the absence of adequate information in relation to a revised Stage 1 RSA and associated Designer's Response, and vehicle swept path analysis for vehicle access from the north, the applicant has failed to demonstrate that safe highway access to the site can be achieved, contrary to Policy 34 of the St Albans District Local Plan Review 1994.

8.11.61. Overall this weighs negatively in the planning balance.

Impact on strategic highway network

8.11.62. The site is in close proximity to the M25, which forms part of the Strategic Road Network. National Highways, as statutory consultee, commented on the application recommending that conditions should be attached to any permission that may be granted.

8.11.63. Concern was expressed by National Highways about the possibility of flood waters arising from the development to be intercepted by the M25, but subject to appropriately worded conditions relating to surface water or other drainage from the development, they do not wish to object to the proposal.

8.11.64. This does not attract positive or negative weight.

8.12 Impact on Social and Physical Infrastructure

8.12.1 The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth

provision, libraries, health facilities and community facilities. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development.

8.12.2 The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, which are routinely sought to mitigate the impact of development on physical and social infrastructure, as well as to secure affordable and other forms of specialist housing.

8.12.3 Para 57 of the NPPF states that planning obligations should only be sought where they meet all of the following tests, also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs); that they are:

- (i) Necessary to make the development acceptable in planning terms
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

8.12.4 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a s106 that is compliant with the requirements of the aforementioned CIL Regulations.

8.12.5 The Heads of Terms for the s106 have been drafted and a draft s106 was submitted by the applicant at submission stage. These Heads of Terms reflect contribution/obligation requests made by consultees to mitigate the impacts of the development on social infrastructure and are as follows:

- **Affordable Housing**

- a) Provision of 35% affordable housing in perpetuity.
- b) Tenure: affordable rent, intermediate homes and 'First Homes', as defined by the Government. Mix to be agreed at reserved matters stage.
- c) All affordable housing to be provided in accordance with an Affordable Housing Scheme. This is to ensure satisfactory distribution of types of affordable housing across the site. The Scheme shall set out size and tenure and location of all units, and phasing proposals.

- **Biodiversity Net Gain**

- d) On-site and off-site provisions to achieve Biodiversity Net Gain.
- e) The s106 agreement would include mechanisms to calculate any required contribution and to secure its delivery at reserved matters stage.

- **Provision of Play Space**

- a) To be provided in accordance with a schedule of works, programme and management scheme.
- b) The schedule shall allocate formal play space for children in perpetuity, with the space allocated to be at least 3 square metres for each 5 dwellings with two or more bedrooms for toddlers play area and children's playground(s) on the basis of 0.8ha per 1,000 persons.

- **East of England Ambulance Service Trust (EEAST)**

- a) Capital Cost calculation of additional health services arising from the development proposal – £23,399.

- **HCC Growth and Infrastructure Unit**
 - a) Secondary Education towards the expansion of Marlborough Science Academy (£1,008,425 index linked to BCIS1Q2020)
 - b) Special Educational Needs and Disabilities (SEND) towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£132,762 index linked to BCIS 1Q2020)
 - c) Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£9,938 index linked to BCIS 1Q2020)
 - d) Youth Service towards increasing the capacity of Watford Young People's Centre or its future re-provision (£16,594 index linked to BCIS 1Q202)
 - e) Monitoring fees - £340 per trigger point in the S106 (adjusted for inflation against RPI July 2021).

- **Hertfordshire and West Essex ICB**
 - a) General Medical Services (GMS) monies of £148,580.00 (£1,292.00 per dwelling) – towards expansion, reconfiguration and digitisation of patient records at Bricket Wood Medical Practice or Park Street Surgery.

- **Provision of Highways Improvements and Sustainable Transport Measures**
 - a) A total financial contribution of £784,990 (equivalent to £6,826 per dwelling) plus SPONS indexation. Towards measures identified within the South Centre Growth and Transport Plan including, including Transport Packate SM20.

8.12.6 The contributions outlined above are based on an indicative housing mix provided with the outline application, or the total number of dwellings proposed. As such, the final contribution amounts may differ from those outlined above if/when an application for approval of reserved matters is submitted that details the actual proposed housing mix and number of dwellings (in the event that planning permission is granted).

8.12.7 There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures can be justified against the relevant tests found in the Regulations and NPPF as follows:

8.12.8 (i) Necessary to make the development acceptable in planning terms. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used to cover the payment of financial contributions to mitigate the impact of a development. The National Planning Practice Guidance (NPPG) states: "*No payment of money or other consideration can be positively required when granting planning permission.*" The development plan background supports the provision of planning contributions. The provision of community facilities and promotion of sustainable modes of transport are matters that are relevant to planning. The contributions and measures sought will ensure that additional needs brought on by the development are met, and other matters suitably mitigated. To secure the affordable housing in perpetuity and to secure the provision of the BNG, open space and play space would be necessary to make the development acceptable, were the planning balance such that it was found that the

resultant benefits would clearly outweigh the harms (in relation to the NPPF para 153 planning balance).

8.12.9 (ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The securing of the proposed affordable housing is related to the development, noting that this is what the development proposes. The on site provision of play space and the highways and sustainable transport related mitigation is directly required as a result of the proposed development, forms part of the development proposed, and is directly related to the development. The affordable housing and BNG provision reflects the development here proposed.

8.12.10 (iii) Fairly and reasonably related in scale and kind to the development.

The requested financial contributions were calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield), using appropriate toolkits / formulae as appropriate, and are therefore considered to be fairly and reasonably related in scale and kind to the development. The measures to mitigate impacts in terms of sustainable transport improvements, other highway-related measures and provision of additional social infrastructure are not excessive in scale and are primarily required to mitigate impacts of the development; and are considered to be fairly and reasonably related in scale and kind to the development

8.12.11 Noting the above discussion, it is considered that the contributions and other measures listed above meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), referenced in para 57 of the NPPF and the applicable Local Plan policies.

8.12.12 The applicant has indicated that they would be open in-principle to enter into a s106 agreement containing planning obligations to secure the contributions / measures as set out above.

8.12.13 However, without such an agreement currently in place, the development is considered unacceptable in terms of its impact on social infrastructure, physical infrastructure (e.g. sustainable travel improvements), and there is no mechanism to secure the affordable housing. Additional harm is therefore identified in this regard to which significant weight is given, and this represents a reason for refusal.

8.13 Recent Planning Decisions of Relevance

8.13.1 There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. The applicant has drawn the Councils attention to recent decisions where housing has been approved in the Green Belt within the District and these are referenced in the 'Relevant Planning History' section above. Previous decisions can be material considerations and it is noted that the context for assessing housing applications in the Green Belt changed with the approval at appeal of the 'Bullens Green Lane' application (5/2020/1992) in 2021, such that an application at Land to the Rear of 112 to 156b Harpenden Road (5/2021/0423) was subsequently recommended by officers for approval. However, the more recent appeal decision for '42-100 Tollgate Road' (5/2022/1988) is also relevant and adds

further to considerations of weighting to be given to Green Belt assessments. Weight has been applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here.

8.14 Equality and Human Rights Considerations

- 8.14.1 Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 8.14.2 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 8.14.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 8.14.4 It is considered that the consideration of this application and subsequent recommendation has had regard to this duty. The development would not conflict with St Albans City and District Council's Equality policy and would support the Council in meeting its statutory equality responsibilities.

8.15 Planning Balance

- 8.15.1 An assessment of the planning balance, in the context of paragraphs 11 and 153 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the 'Principle' section above, paragraphs 152, 153 and 154 (g) provide the fundamental policy test within which this application falls to be assessed; as follows:

"152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (except temporary buildings), which would:...

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

8.15.2 Having concluded earlier in the report, as a matter of planning judgment, that the proposed development would cause substantial harm to the openness of the Green Belt, the above means that the proposed development should not be approved unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.15.3 This balancing exercise is set out below, and is informed by the previous sections of this report above:

8.15.4 Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 153.

8.15.5 There is additional harm identified to which, cumulatively, very substantial weight is given, due to:

- Substantial additional harm to Green Belt spatial and visual openness, moderate weight to the Green Belt purpose relating to encroachment into the countryside, and limited weight to the purposes of the Green Belt relating to sprawl and merging of neighbouring towns.
- Site layout / design, open space provision and noise impacts on residential amenity.
- Impact on the landscape character of the site and surrounding area, impact on visual amenity and on protected landscape features.
- Sustainability of location in terms of transport.
- Highway safety.
- Flood risk / drainage.
- Impact on nearby SSSIs.

8.15.6 The ‘other considerations’ put forward as weighing in favour of the development consist of:

- The provision of up to 115 (net 82), including 35% affordable housing (net increase of up to 7 units). Very substantial weight is attached to the delivery of market and significant weight to affordable housing.
- Redevelopment of Previously Developed Land (PDL) – given that the proposal would constitute inappropriate development in the Green Belt, due to the substantial harm it would cause to the openness of the Green Belt, the PDL status should not carry weight in favour of the proposed development.
- The provision of 10% biodiversity net gain (off-site provision). Limited weight is given to this provision.

8.15.7 Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is not clearly outweighed by other considerations.

8.15.8 There is also harm identified in relation to impacts on social and physical infrastructure through lack of a s106 agreement, to which significant weight is given. The lack of a section 106 agreement is therefore a further reason for refusal. However, if Members disagreed with the officer recommendation and considered that permission should be granted, this matter may be capable of being resolved.

8.15.9 Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

8.16 Conclusion

8.16.1 Each application for planning permission is unique and must be considered on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the “other considerations” set out above do not clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 153 of the NPPF, it follows that very special circumstances do not exist. As such, the proposed development is not in accordance with the relevant provisions of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023, and planning permission should be refused.

8.16.2 Furthermore, the applicant has failed to demonstrate that additional impacts of the development in respect of highway safety, drainage and impact on nearby SSSIs can be satisfactorily addressed

9. **Comment on Town/Parish Council/District Councillor Concern/s**

9.1. The comments of St Stephen’s Parish Council have been taken into account and are addressed in the discussion above.

RECOMMENDATION:	That the Committee resolve that had an appeal against non-determination not been lodged, that the Local Planning Authority would have: REFUSED PLANNING PERMISSION	Decision Code:	R1
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10. **Reasons for Refusal**

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2023. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt and harm to Green Belt purposes. Harm is also identified in relation to site layout / design, open space provision and noise impacts on residential amenity, impact on the landscape character and appearance of the site and surrounding area, and to protected landscape features, sustainability of location in terms of transport, highway safety, flood risk / drainage and impact on nearby SSSIs. The benefits of the proposed development comprise the provision of up to 115 dwellings (82 net), including 35% affordable housing (up to 7 net) which could contribute significantly towards meeting an identified housing need in the District, and the delivery of 10% biodiversity net gain (through off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is

therefore contrary to Policies 1 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

2. By reason of its design, layout, on site landscaping and impacts on residential amenity (noise) the proposed development would not achieve an adequately high standard of design and would be detrimental to the character, appearance and visual amenity of the locality, and to the residential amenity of future occupiers. The proposal is therefore contrary to Policies 39, 69, 70 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.
3. Insufficient information has been provided to demonstrate that a sustainable surface water drainage strategy can be delivered on the site and whether the proposed development will increase flood risk either onsite or elsewhere. The proposal is therefore contrary to Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.
4. The applicant has failed to demonstrate that off-site highway improvements and public transport upgrades can be delivered or secured in order to render the site's location sustainable in terms of transport. The proposal is therefore contrary to Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.
5. Inadequate space is available at the site access junction, the Lye Lane / West Riding junction and on the southern stretch of Lye Lane past the M25 overbridge to allow large vehicles to safely pass each other, to the detriment of highway safety, and insufficient information has been provided in respect of vehicle swept path analysis and a revised Stage 1 Road Safety Audit and associated Designer's Response, to demonstrate that there would not be further harm to highway safety, contrary to Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.
6. It has not been demonstrated, to the satisfaction of the Local Planning Authority in consultation with Natural England, that the proposed development would not give rise to harmful impacts on two Sites of Special Scientific Interest near the site through recreational pressure. The proposal would therefore be contrary to para 186 (b) of the National Planning Policy Framework 2023 and Policy 106 of the St Albans District Local Plan Review 1994.
7. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; affordable housing provision; play space provision; biodiversity net gain; and sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

11. Informatives:

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. Whilst the applicant and the Local

Planning Authority engaged in discussions during the course of the application to seek solutions, the additional information submitted by the applicant does not overcome the concerns raised and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information: Proposed Site Plan – Revision C, P2584: Land North of Bricket Wood, Herts Proposed Site Access Junction Layout, P2584: Land North of Bricket Wood, Herts Refused Vehicle Swept Path Analysis, P2584: Land North of Bricket Wood, Herts Proposed New Footway to South (Page 1 of 4), P2584: Land North of Bricket Wood, Herts Proposed New Footway to South (Page 2 of 4), P2584: Land North of Bricket Wood, Herts Proposed New Footway to South (Page 3 of 4), P2584: Land North of Bricket Wood, Herts Proposed New Footway to South (Page 4 of 4), Site Photographs, Affordable Housing Statement, Design and Access Statement, Draft Proposed Heads of Terms for a Section 106 Agreement, Ecological Appraisal, Emergence and Activity Bat Survey, Flood Risk Assessment, Highways Response dated 26/08/22, Landscape and Visual Impact Assessment, Local Requirements Checklist, Outline Planning Noise Assessment ref. AP1734/21456/0, Planning Statement, Road Safety Audit Response Report dated 30/09/22, Sustainable Drainage Assessment, Thames Water confirmation of sufficient capacity, Transport Assessment July 2022, Travel Plan July 2022, Utilities Assessment ref. 27038-07-UR-01, received 04/10/2022; Site Location Map – Revision A, Existing Site Plan – Revision B received 11/10/2022; Full Common Reptial Survey received 17/10/2022; Supplementary Planning Statement received 28/11/2022; Transport Assessment January 2023 Update, Response to HCC email dated 31st January 2023, HCC Owned Land plan, SUDS Compliant Permeable Footpath construction specification document, Philips Solar Lighting specification document, received 13/02/2023; Road Safety Audit Stage 1 dated June 2023, Road Safety Audit Designer’s Response dated 5 July 2023, Milestone Transport Planning Technical Note dated July 2023, Drawing Nos. 23051/001/03 Revision B, 23051/001/04 Revision B, 23051/001/05 Revision B, 23051/001/06 Revision B received 07/07/2023; and Response to Natural England SSSI Statement and Appendices 1 – 3, received 05/02/2024.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer: Miranda Knight

Section 65 Parties:

Hertfordshire County Council

Plans on website

<https://www.stalbans.gov.uk/view-and-track-planning-applications>