

CD 3.18b

**Land south of Chiswell Green Lane,
Chiswell Green, St Albans**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 78 APPEAL REF: APP/B1930/W/22/3313110

Proof of Evidence Appendices – Planning

Prepared by Justin Matthew Kenworthy

MA (Hons) Town Planning, MA Urban Design, MRTPI

**On behalf of
Alban Developments Limited and Alban Peter Pearson, CALA
Homes (Chiltern) Ltd and Redington Capital Ltd**

March 2023

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 78 APPEAL REF: APP/B1930/W/22/3313110

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES
2000

APPEAL AGAINST THE REFUSAL OF PLANNING APPLICATION BY ST ALBANS CITY
AND DISTRICT COUNCIL - PLANNING APPLICATION REFERENCE: 5/2022/0927

LAND SOUTH OF CHISWELL GREEN LAND, CHISWELL GREEN, ST ALBANS

PROOF OF EVIDENCE APPENDICES – PLANNING

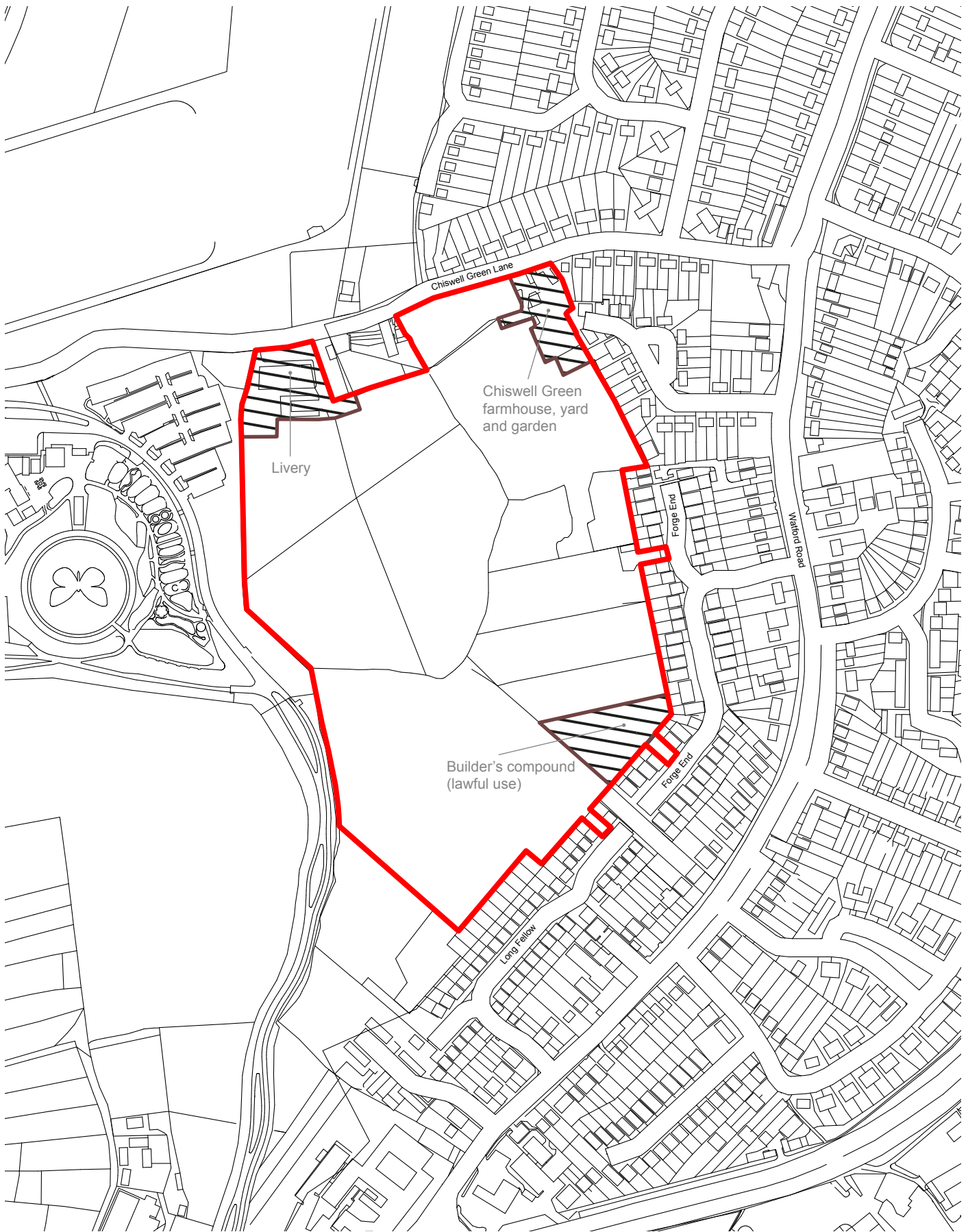
JUSTIN MATTEW KENWORTHY

Project Ref:	23536/A5/JK
Status:	Final
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Date:	March 2023
Prepared by:	Justin Kenworthy (BWnS)
Checked by:	JK
Authorised by:	JK

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APPENDIX JK1



S8: Land at Chiswell Green
PREVIOUSLY DEVELOPED LAND
(BROWNFIELD)

1298.05
 Version 01
 Scale: 1:5000 @ A4

16/02/2016

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metre 250



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APPENDIX JK2

Land at Chiswell Green

Joint Statement on Delivery

1. This Joint Statement is made by Redington Capital who have an interest in land at Chiswell Green Farm, which is the northern part of Land at Chiswell Green (“the Site”) and CALA Group Ltd who have an interest in the southern part of the Site.
2. Redington Capital and CALA Group Ltd (“the Promoters”) and their respective consultants are collaborating to ensure that the development of the Site, including the delivery of publicly accessible open space and accesses (vehicle, pedestrian and cycles) and other facilities required by the Council as a result of pre-application discussions, is brought forward in a co-ordinated and comprehensive way.
3. The Promoters, recognise the requirement of the NPPF that plans should be deliverable and to ensure that housing delivery through the plan-making process is achieved through a reliable supply of land for housing over the entirety of the plan period.
4. The Promoters have a common interest in bringing the Site forward for housing development and confirm through this Joint Statement that they will continue to co-ordinate in the delivery of the wider site and promote its identification as a residential allocation in the emerging Local Plan.
5. The Promoters look forward to engaging further with the Council during the preparation of its Local Plan.



..... Date: 8 March 2021
On behalf of Redington Capital



..... Date: 8 March 2021
On behalf of CALA Group Ltd

APPENDIX JK3

JB/1298/JPD

8 March 2021

By email: planning.policy@stalbans.gov.uk

Mr Chris Briggs
Spatial Planning Manager
Planning Policy Team
St Albans Council Offices
St Peters Street
St Albans AL1 3JE

Dear Mr Briggs,

**St Albans City and District – Housing & Economic Land Availability Assessment Update
– 2021 – ‘Call for Sites’**

JB Planning Associates and Barton Willmore LLP hereby jointly write on behalf of their mutual clients CALA Group Ltd and Redington Capital in response to the ‘Call for Sites’ made by St Albans City and District Council (SACDC) in connection with their emerging Local Plan.

Accompanying this letter are the following documents:

- Call for Sites – Site Identification Form
- Site Location & Ownership Plan
- CALA Concept Plan
- Joint Delivery Statement
- Additional technical evidence (as referred to in this letter)

Our Clients interests relate to land abutting Chiswell Green Lane, Long Fallow and Forge End in Chiswell Green, Hertfordshire (“the Site”), which is identified on the enclosed Site Location & Ownership Plan.

Background

Our Clients land was originally put forward for consideration in respect of the 2008 SHLAA Call for Sites (sites references: 43a, 43b and 44). The officer’s conclusions were that these sites would be suitable for residential development in principle and that any new housing could be suitably screened from the surrounding countryside. The Assessment concluded that the sites were available, achievable and deliverable for housing.

Since then, the sites combined have been identified as a Broad Location for Development in the Strategic Local Plan (SLP) and in the more recent Local Plan, both of which were withdrawn at the Examination Stage.

As part of the plan making process, SACDC instructed consultants Sinclair Knight Merz (SKM) to undertake a detailed and robust assessment of the eight Broad Locations in the District under consideration for potential release from the Green Belt. In considering the contribution

made by each location towards the five Green Belt purposes, as set out at paragraph 134 of the NPPF, the Site was identified as the most suitable site for Green Belt release; i.e. ranked 1st out of the 8 sites assessed.

Land Ownership and Developer interest

The Site is comprised of three freehold land ownerships. As can be seen on the Site Location & Ownership Plan that accompanies this submission, Adrian Irving (Trustee) and Alban Developments Ltd own the majority of the land. The remaining parcel of land outside their ownership is a small pocket of woodland not critical to the delivery of the development proposals.

Since the last Local Plan consultation took place in October 2018, CALA Group Ltd have acquired an interest in the land owned by ADL and Redington Capital in land owned by Adrian Irving (Trustee).

A Joint Delivery Statement, signed by CALA Group Ltd and Redington Capital, is enclosed with our submission and demonstrates the genuine nature of the working relationships between the two parties focussed on the delivery of the Site.

CALA Group Ltd are represented by JB Planning Associates and Redington Capital by Barton Willmore, which continues an effective working relationship for the joint promotion of the Site which began in 2014, initially on behalf of the landowners and more recently on behalf of CALA Group Ltd and Redington Capital.

Development Proposals

An Illustrative Design Brochure has previously been prepared for the Site on behalf of the Landowners and submitted to the Council in response to Local Plan consultations to illustrate the capability of the Site to deliver a minimum 370 dwellings; a 2-form entry primary school; recreation and open space provision.

Since CALA Group became involved in the promotion, this high-level design work has been refined through the preparation of the enclosed Concept Plan, which illustrates the proposals in a finer grain and with the benefit of the design expertise of a national housebuilder.

In terms of the number of dwellings which the site can accommodate, we note that previously the Council arrived at a dwelling yield figure of 365 dwellings, which it calculated by applying a 60% residential 40% non-residential split to the Site area (15.2ha) and assuming an average density of 40dph. Having given further consideration to the design, we consider that 6.08 ha (40% of the site area) for non-residential may not all be required (for the school, main roads, and amenity space, etc) and that this will be determined during masterplan process. Therefore, there may be an opportunity for the Council to secure more homes on the site utilising this non-residential area and / or by allowing higher-density typologies on appropriate parts of the site.

With respect to sustainable design and construction, which we understand will be a key theme for the new Local Plan, we wish to highlight that CALA Group are continuously and conscientiously working towards a greener future and are committed to being a business that is good for people and the planet. Sustainability is one of six pillars CALA have committed to developing over the next five years and forms part of their five-year plan. Sustainability strategies have been rolled out throughout its regions and dedicated regional Green Teams put

together to actively aim towards providing more environmentally sound and sustainable developments.

As a region, CALA Chiltern are already providing various sites with sustainable technologies. Examples of these include using PV at Fullers Meadow, Wantage; and implementing EV charging points at Wantage as well as Paper Mill, Wolvercote, where they have also implemented a car club for the residents and locals. Across the wider CALA Group these and other initiatives are also in place to continue their efforts on sustainability. In addition to this CALA are enthusiastically working towards reducing carbon emissions during site works and its overall footprint as a company in all areas. Infrastructure teams have also been established to investigate the possible effects of the shift in technologies we are working on.

These initiatives will continue and be added to in the coming years, as CALA aim to become a leader in the industry on the sustainability front.

Timescales for development

The Site is immediately available for development with options in place with a site promoter and national housebuilder, and as discussed further below, is free from constraint. It is therefore feasible for the development to commence as soon as possible following adoption of the new Local Plan and offer a meaningful contribution to the supply of housing in SACDC in the first 5 years of the new Plan period.

Environmental Considerations

The joint promotion of the Site has involved the preparation of extensive technical evidence to demonstrate its deliverability, suitability and availability. The majority of this technical evidence was submitted in support of representations made on the Regulation 19 Publication Draft Local Plan in October 2018. We request that work be fully accounted for as part of the updated HELAA, and thus we do not intend to resubmit it now in response to the Call for Sites.

Key findings of the technical assessments are highlighted below, together with the relevant appendix numbers of those documents previously submitted with our Regulation 19 representations.

a) Flood risk

The Flood Risk Assessment (Appendix 7) identifies that the site is located within Flood Zone 1. It proposes a surface water drainage strategy that utilises sustainable surface water drainage strategy techniques, including the use of porous paving to facilitate the discharge of surface water by infiltration to the underlying soil strata and attenuation features providing storage for the 1 in 100 + 30% climate change storm event. As such, discharge volumes from the Site will not increase as a result of the proposed development for all storm durations up to and including this event.

b) Ecology

The Preliminary Ecological Appraisal (Appendix 9) prepared in January 2016 (and updated in October 2018) identifies little of ecological note. There is some potential for bats to be present and a low likelihood of reptiles using the Site. Mitigation for bats, reptiles and nesting birds (if

present) is possible and could include the erection of bird and bat boxes and the provision of informal open space, kept rough.

Since the last Regulation 19 Representations were made a high-level biodiversity net gain assessment has been undertaken for the southern part of the Site. This accompanies this letter and demonstrates, having established the baseline conditions, that the provision and management of grassland, native shrubs, tree and hedgerow planting would provide an overall biodiversity gain of over 10% following the development. This is a significant planning benefit.

Updated ecological assessments will be carried out ahead of any formal planning application, and these will be used to refine the biodiversity net gain assessment.

c) Heritage

The Archaeological Desk Based Assessment (Appendix 14) relates to the northern part of the Site and establishes that there are no designated archaeological heritage assets within or in close proximity to the study site. This reflects the conclusion reached by SACDC, in its previous evaluation work of the whole Site, that there will be no adverse effects on heritage assets and the Site has no archaeological potential. The Site does not contain any listed buildings and is not subject to a conservation area designation.

d) Transport and Site Accessibility

The Transport Assessment (TA) and Addendum produced by Glanville Consultants (Appendices 5 and 6) describes how the road layout shown in the emerging proposals for the Site seeks to distribute traffic as evenly as possible between four identified access points onto the surrounding highway network. Glanville has considered the capacity of all of the junction points with Watford Road in the Transport Assessment and determined that all have significant spare capacity apart from the Watford Road / Chiswell Green Lane double mini-roundabout, where there are existing capacity issues. In this regard, the development of the Site presents an opportunity to secure improvements to this junction to mitigate the effects of the development and deliver improvements that will also benefit the wider community.

The TA also identifies that the Site is accessible by a range of transport modes and is in a sustainable location with good access to a wide range of local facilities, amenities and employment opportunities. The effect of the development can be further reduced through the adoption of an effective Travel Plan.

Since the TA was prepared further consideration has been given to the access strategy and WSP has been appointed to consider a slightly amended approach to access to the southern part of the Site. WSP investigated whether this could be served via two new priority junctions on Forge End, with the previously identified vehicular access point from Long Fallow being used instead as a pedestrian, cyclist and emergency vehicle access. A Technical Note was prepared to demonstrate the acceptability of this proposal and this was discussed and agreed at a meeting with the Highway Authority on 27 August 2019. The Highway Authority also confirmed in this meeting that, in overall terms, the Site is unlikely to cause a severe impact in highway terms.

The Technical Note and meeting notes accompany this letter.

e) Utilities and Foul Drainage

The Utilities and Foul Water Drainage Assessment (Appendix 8) established that existing gas, electricity, potable water, telecommunications and foul water infrastructure all exist in the vicinity of the Site. Given the size and prevalence of existing infrastructure in the vicinity of the Site, it is anticipated that there will be no problems with provision of new supplies to the Site.

f) Ground contamination

The Geo-Environmental Desk Study Report submitted with the last Regulation 19 representations (Appendix 12) relates to the northern part of the Site and concludes that the study site is considered overall at being at low risk from contamination.

Since acquiring an interest in the southern part of the site CALA Group has commissioned a site investigation on this area. A summary of the site investigation report accompanies this letter and reveals that no unacceptable contamination risks were identified. The full report can be provided if required.

g) Arboricultural

The Arboricultural Constraints Summary (Appendix 13) Constraints Summary comprises of a survey of the existing trees on the northern part of the Site. The Tree Constraints identifies the quality of existing trees, whether they should be retained or removed and also conveys the root protection areas. In addition the assessment identifies 3 separate groups of Tree Preservation Orders which are located along the western boundary of the study site. These are also acknowledged by SACDC in its own evaluation of the whole Site, which confirms that trees do not represent a constraint to development, since they can be retained and enhanced as features in the development area.

h) Landscape Character

The Landscape and Visual Appraisal (Appendix 11) (LVA) identifies that that views of the Site from the surrounding area are largely restricted due to the presence of adjoining residential development to the east and south-east, and Butterfly World to the west, with rising landform to the west, north and north east which, along with surrounding woodlands and hedgerows, assist in enclosing the land.

The LVA supports the assessment of the abovementioned SKM 'Green Belt Review' that the site makes limited or no contribution to the five purposes of Green Belt, largely as a result of its urban fringe location between the settlement edge of Chiswell Green and Butterfly World. It concludes that residential development would assimilate well into the existing western edge of Chiswell Green, and new woodland and hedgerow planting would help integrate the built structures within the local landscape character. In addition, a new rational, robust and defensible Green Belt boundary would be created along the western edge of Chiswell Green.

i) Healthcare Assessment

The Healthcare Assessment (Appendix 10) identifies that, when undertaken in October 2018, there was surplus capacity to accommodate an additional 2,918 patients at the Midway Surgery, which is more than sufficient to absorb new residents from the proposed allocation.

Assuming an average household size of 2.5 people per household applied to the circa 370 units proposed, the development could give rise to an additional 925 patients. However, not all of the residents will be new to the area, and many will continue to utilise their existing GP services.

The Healthcare Assessment found that the area is well provided with dental treatment facilities and a telephone survey, conducted in October 2018, established that all dental practices identified are accepting new patients on a private basis (a number of whom are also accepting new fee exempt (NHS) patients).

Conclusion

The above analysis has demonstrated that the Site is free from constraint, is 'available' for development now and is sustainably located close to existing facilities and infrastructure within the settlement of Chiswell Green, with scope for these to be added to and enhanced as a result of the development proposals. The proposals can therefore be considered 'deliverable' in accordance with the NPPF.

In addition, we would highlight the potential for the following benefits that would be associated with the development of the Site:

- The Site is in a sustainable location with good access to public transport facilities and local services, and is therefore well-suited to providing high-quality housing to support the continued success and expansion of the M1/M25 growth area;
- Other than the Site's designation as Green Belt land, there are no significant environmental, physical, or other constraints that should prevent the development of the Site;
- Parts of the Site have been previously developed and redeveloping it therefore represents an opportunity to make effective use of brownfield land in accordance with the objectives of the NPPF;
- The provision of a minimum of 370 new homes represents a significant contribution to meeting the district's identified housing demand, including a range of housing types to meet the needs of different groups including: affordable homes, older people, key worker, and self-build homes;
- There is an opportunity to deliver a site for a primary school, if required to meet an identified shortfall of primary school places in the local area;
- Development would include direct financial investment to Chiswell Green in the form of S106 planning obligations, Community Infrastructure Levy ("CIL") payments, and council tax payments generated by additional residents (also matched by the Government's New Homes Bonus);
- During construction, the development would directly provide opportunities for training, jobs, and apprenticeships for local people;
- Indirect financial investment through additional retail revenue generated by additional residents in Chiswell Green;
- There is the potential to provide an overall biodiversity gain of over 10% following the development; and
- The Site is capable of early delivery to immediately boost the supply of land for housing in the District. This will be particularly important should the Council elect to continue to promote significant growth on the edge of Hemel Hempstead. Early delivery of medium scale sites, such as land at Chiswell Green, will be critical if housing land supply is to be maintained.

Please let us know if you require any further information to complete your HELAA update.

Yours Sincerely

A handwritten signature in blue ink that reads "JK Boyd". The signature is stylized, with a large loop for the 'J' and 'K'.

John Boyd
Managing Director
john.boyd@jbplanning.com

A handwritten signature in blue ink that reads "JK". The signature is stylized, with a large loop for the 'J' and 'K'.

Justin Kenworthy
Partner
justin.kenworthy@bartonwillmore.com

Encs

25 January to 5pm 8 March 2021
'Call for Sites 2021' Site Identification Form

St Albans City and District Council is in the process of preparing a new Local Plan 2020-2038. The 'Call for Sites' is an early opportunity for individuals, landowners and developers to suggest sites within the District for development over the next 15-20 years. The site suggestions received by us will be used to inform the preparation of the new Local Plan 2020-2038.

You are invited to put forward any new sites that you would like the Council to consider in its Housing Economic Land Availability Assessment (HELAA). These should be capable of delivering 5 or more dwellings, or economic development on sites of 0.25 hectares or more (or 500 square metres of floor space or more). The Council will take account of the Strategic Housing Land Availability Assessment (SHLAA) submissions previously received since 2009 and therefore there is no need to resubmit these unless circumstances have changed. Sites from previous SHLAAs will form part of the Council's assessment. Proposed land uses can include:

- Housing
- Gypsy & Traveller Housing
- Mixed Use
- Employment
- Renewable and low carbon energy and heat
- Biodiversity Improvement / Offsetting
- Green Belt Compensatory Land
- Land for Tree Planting
- Other

To enable sites to be mapped digitally, please provide GIS shapefiles of your site, where possible.

The consultation period runs for six weeks between Monday 25 January to 5pm on Monday 8 March 2021.

Unfortunately, we cannot treat any of the information you provide as confidential.

It is important to note that not all sites received through the 'Call for Sites' will be appropriate for consideration as part of the Housing Economic Land Availability Assessment (HELAA). As a general rule:

We encourage you to submit sites that are likely to become available for development or redevelopment between now and 2038.

Please do not submit sites that:

- Are already included as a housing allocation in the St Albans District Local Plan Review (November 1994) – i.e. sites that are listed in 'saved' Policies 4 and 5.

- Have already been submitted to the Council for consideration via previous 'Call for Sites' and Strategic Housing Land Availability Assessment (SHLAA) processes (unless information is updated/changed).
- Already have planning permission for development, unless a new and different proposal is likely in the future; or
- Are situated outside St Albans City and District's administrative area.

If you wish to update information about a site previously submitted please complete the form below.

Please return the **form and site location plan** to the Spatial Planning and Design Team. We strongly encourage digital submissions via our online portal.

By online consultation portal:

<http://stalbans-consult.limehouse.co.uk/portal/>

By e-mail to: planning.policy@stalbans.gov.uk

By post to: St Albans Council Offices, St Peters Street, St Albans, Hertfordshire, AL1 3JE

Due to COVID-19; offices being shut and officers working from home; submissions by post are discouraged.

Your Details	
Name	Mr John Boyd / Mr Justin Kenworthy
Company/Organisation	JB Planning Associates / Barton Willmore LLP
Address	Chells Manor, Chells Lane, Stevenage / 7 Soho Square, London
Postcode	SG2 7AA / W1D3QB
Telephone	01438 312130 / 0207 446 6888
Email	john.boyd@jbplanning.com / justin.kenworthy@bartonwillmore.co.uk
Your interest	<input type="checkbox"/> Site Owner <input checked="" type="checkbox"/> Planning Consultants <input type="checkbox"/> Registered Social Landlord <input type="checkbox"/> Local Resident <input type="checkbox"/> Developer <input type="checkbox"/> Community <input type="checkbox"/> Other

Site Details					
Requirements: <ul style="list-style-type: none"> • Delivers 5 or more dwellings or; • Provides economic development on sites of 0.25 hectares or more (or 500 square metres of floor space or more) 					
Site address/location (Please provide a map showing the site boundary)	Land at Chiswell Green, Chiswell Green Lane, Chiswell Green, St Albans.				
Site area (in hectares)	15.2ha				
Coordinates	<table border="1"> <tr> <td>Easting</td> <td>513106</td> <td>Northing</td> <td>204272</td> </tr> </table>	Easting	513106	Northing	204272
Easting	513106	Northing	204272		
Site Location Plan Attached	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
GIS mapping shapefile attached (in .shp file format)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Landownership (please include contact details if known)	Alban Developments Ltd - Freeholder of southern portion, which is under option to CALA Group Ltd Adrian Irving (Trustee) - Freeholder of northern portion, which is under option to Redington Capital				
Current land use	<p>The northern portion of the site includes grazing land, although it does also contain previously developed land, including Chiswell Green Farmhouse, yard and garden in the north-eastern corner of the Site boundary. An active livery yard, including the grazing of horses and riding tuition can be found in the north-west section of the northern portion of the site.</p> <p>The southern portion of the site includes land used as a compound for the storage of building materials, plant and machinery, following an Inspectors enforcement appeal decision (LPA Ref. P/ENF/253, PINS Ref. T/APP/C/97/E1930/647173).</p>				
Condition of current use (e.g. vacant, derelict)	As described above				

Suggested land use	<input checked="" type="checkbox"/> Housing <input type="checkbox"/> Gypsy & Travellers <input checked="" type="checkbox"/> Mixed Use (please specify) Primary school <input type="checkbox"/> Employment <input type="checkbox"/> Renewable and low carbon energy and heat <input type="checkbox"/> Biodiversity Improvement / Offsetting <input type="checkbox"/> Green Belt Compensatory Land <input type="checkbox"/> Land for Tree Planting <input type="checkbox"/> Other (please specify)
Reasons for suggested development / land use	Please see cover letter
Likely timescale for delivery of suggested development / land use	<input checked="" type="checkbox"/> 1-5 Years <input type="checkbox"/> 6-10 Years <input type="checkbox"/> 11-15 Years <input type="checkbox"/> 15+ Years

Site Constraints	Contamination/pollution issues (previous hazardous land uses)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Environmental issues (e.g. Tree Presentation Orders; SSSIs)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Flood Risk	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Topography affecting site (land levels, slopes, ground conditions)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Utility Services (access to mains electricity, gas, water, drainage etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Legal issues (For example, restrictive covenants or ownership titles affecting the site)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Access. Is the site accessible from a public highway without the need to cross land in a different ownership to the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no please provide details of how the site could be accessed. Without this information the site will not be considered to be deliverable).

	Other constraints affecting the site	<input type="checkbox"/> Yes (If yes, please specify) <input checked="" type="checkbox"/> No
Planning Status	<input type="checkbox"/> Planning Permission Granted <input type="checkbox"/> Planning Permission Refused <input type="checkbox"/> Pending Decision <input type="checkbox"/> Application Withdrawn <input type="checkbox"/> Planning Permission Lapsed <input type="checkbox"/> Pre-Application Advice <input checked="" type="checkbox"/> Planning Permission Not Sought <input type="checkbox"/> Other	
Other comments	Please see cover letter	

APPENDIX JK4

CALA Homes - Roman Park, Tring, Chiltern

Plot 209



Plot 140



Plot 138



CALA Homes – Design Overview

Cala is synonymous with exceptional design and build standards. Quality is at the heart of everything we do and you will see this across our developments.

Our design ethos is shaped by the desire to create homes and communities that reflect and enhance their setting and meet the needs of modern lifestyles.

Cala's in-house teams and external designers work closely with local planners and communities to create architectural solutions that ensure the aesthetics of our homes and the materials used are sympathetic to the local environment and leave a lasting legacy to be proud of.

Each of our developments follows a carefully considered brief reflecting the influence of the local environment, market research and community consultation.

Taylor Wimpey – Codicote Scheme



APPENDIX JK5

	St Albans City & District Council Area Decisions								Decision in Other LPA Areas							
	Appeal Scheme (391 homes)			Oaklands College (348 homes)	Roundhouse Farm, Bullens Green Lane (100 homes)	Sewell Park (150 homes)	Burston (124 retirement homes)	Orchard Drive (30 homes)	Huntington (970 homes)	Sun Lane (500 homes)	Codicote (167 homes)	Maitland Lodge (47 homes)	Kennel Lane (200 homes)	Clappers Lane (100 homes)	Rectory Farm (100 homes)	Little Chalfont (467 min, including 100 retirement beds)
	Appellants' Opinion	Officer's Opinion	Council's Opinion ¹													
Adopted Local Plan status	Out of date	Out of date	Out of date	Out of date	No reference	No reference	No reference	Out of date	Out of date	No reference	No reference	No reference	No reference	Limited weight	Out of date	Out of date
Evidence Base for Emerging Local Plan	Significant weight	No reference	No reference	Limited weight	No reference	Some weight	No reference	No reference	Very limited weight	No reference	No reference	No reference	No reference	No reference	No reference	Significant weight
5-YHLS Status	2.0 yrs	2.2 yrs	2.2 yrs	3.49 yrs (2017)	2.4 yrs (2021)	2.5 yrs (2020)	2.4 yrs	2.2 years (2021)	2.79-3.45 yrs (Dec 2022)	2.06 yrs	1.47 yrs	1.6 – 2.33 yrs	1.89 yrs	4.17 yrs	3.2 yrs	1.81 yrs
Presumption in favour / tilted balance engaged (para 11d)?	Yes	Yes	Not engaged	No reference	No reference	No reference	No reference	Yes	Yes	No reference	Yes	No reference	No reference	Yes	Yes	Yes
Harm (Reason for refusal no.1)	Weight	Weight		Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight			
Green Belt (Definition, openness & Purposes)	Substantial	Substantial	Substantial	Substantial	Substantial	Significant	Substantial	Substantial	Substantial	Substantial	Moderate to Significant	Substantial	Moderate	N/A	N/A	Substantial
Local landscape character	Limited (at most)	Limited	Substantial	Limited	Moderate	Limited	Moderate	Limited	Neutral	Highly limited	Limited - moderate	Limited	Limited	Substantial	Very little	Minor / moderate
Loss of agricultural land	Limited (at most)	Moderate	Substantial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Significant	N/A	Limited
Benefits	Weight	Weight		Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight	Weight			
Land for Education	Substantial	Substantial	Moderate	Heavily in favour	N/A	N/A	N/A	N/A	Significant	Very Substantial	Significant	N/A	N/A	N/A	N/A	N/A
Delivery of market sale homes	Very substantial	Very substantial	Substantial (combined)	Significant	Substantial	Very substantial	Very substantial	Very substantial	Significant	Very Substantial	Very Substantial	Very Substantial	Considerable Weight	Substantial	Very Significant (30%)	Substantial
Delivery of affordable homes	Very substantial (40%)	Very substantial		Significant (35%)	Very substantial (45%)	Very substantial (40%)	N/A	Very substantial	Significant (35%)	Very substantial (30%)	Very substantial (40%)	Very substantial (45%)	Very substantial (36%)	Substantial (30%)	Very Significant (30%)	Substantial
Socio-economics benefits <ul style="list-style-type: none"> Job creation (construction and permanent) Local economic revenue 	Substantial	Substantial		No benefit	No benefit	No benefit	Some weight	No benefit	No reference	Add further weight in support	Significant	Positive weight	Moderate	Significant	Significant	Significant
<ul style="list-style-type: none"> New homes bonus / Council tax revenue 	-	-		No reference	No reference	No reference	No reference	No reference	No reference		No benefit	No reference	No reference	No reference	No reference	No reference
Delivery of Self-build and Custom-build homes	Substantial (5%)	Substantial	N/A	Substantial (10%)	Substantial (5 x homes)	N/A	Substantial (1 x home)	No reference (5%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Substantial (15 homes)
Delivery of Open space and Children's play space (access to PROW)	Moderate	Moderate	No weight	N/A	N/A	N/A	N/A	N/A	Moderate	N/A	significant	N/A	N/A	Moderate	N/A	limited
Ecology improvements	Moderate (at least) (10% BNG)	Moderate	Limited	Moderate	Accords with policy	Moderate (10% BNG)	Moderate	Moderate (10% BNG)	Neutral (small net gain)	Significant	Limited	Significant (10%)	Moderate (19% BNG)	Moderate (10% BNG)	Significant	Substantial (20% BNG)

¹ Reference to weighting of harm and benefits have been taken from the Council's SOC

APPENDIX JK6

JK6.1 I do not consider the 'presumption in favour' will potentially be switched off in this case in the future as a result of WMS or potential amendments to the NPPF, for the following reasons:

- The WMS guidance and potential changes to the NPPF do not have any impact on the current 'decision-making process' when considering VSC, as set out in paragraphs 147 and 148 of the NPPF. The only Green Belt-related changes are focused on the 'plan-making process' and provide guidance on circumstances as to when to review the Green Belt during the plan-making process (draft paragraph 142). As such, I conclude that the presumption in favour would not be not be switched off in this decision making-related case even if the amendments to the NPPF were to be retained.
- Draft paragraph 11b)ii. potentially introduces the concept that the presumption in favour is switched off if:
 - There is adverse impacts such as densities significantly out of character with the existing area, taking into account any design codes which form part of the development plan or SPG for the area (footnote 8); and
 - There is clear evidence of a past over-delivery of homes in the area (physically constructed).

However, these amendments to paragraph 11b)ii. relate to 'plan making', not decision making. Nonetheless:

- Paragraphs 8.4.9 and 8.4.10 of the Council's Committee Report (**CD 3.4**) explain that:
 - the net residential density of the Appeal Proposals (circa. 45 dwelling per hectare) is consistent with that recommended for other Green Belt sites previously proposed for release and could be acceptably accommodated on the Appeal Site; and
 - the Appeal Proposals would provide for suitable amenity for future occupiers at the indicative density proposed and retaining space for significant landscaping.
- Table 2 of the Appellant's Fiver Year Housing Supply Study (**CD 2.3**) confirms that the Council's average annum housing delivery rate

(460 new homes per annum¹) is significantly below its annual housing delivery targets in the St Alban area (currently requiring 1,070 new homes per annum²).

As such, I conclude that the presumption in favour would not be switched off in this decision making-related case even if the amendments to the NPPF were to be retained.

- Draft paragraph 11d and draft footnote 9 potentially introduce the concept that the presumption in favour is switched off in the decision-making context if the housing requirement set out in the strategic policies are more than 5-years old, but have been found not needing to be updated. In this case, the Council last reviewed its housing strategic policies when parts of the Local Plan Review were 'saved' by the SOS's Direction dated 14th September 2007. As such, the presumption in favour would not be switched off in this case even if the amendments to the NPPF were to be retained.
- Draft paragraph 14 explains that the presumption in favour would potentially be switched off for application involving housing provision if that proposal would result in an adverse impact (by allowing development) that conflicts with the neighbourhood plan because it is likely to be regarded to be significantly and demonstrably to outweigh the benefits if the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made on the planning application. I note that part 3 of Policy S1 of the St Stephen Parish Neighbourhood Plan 2022 (**CD 5.12**) explains that residential development which demonstrates very special circumstances, as set out in paragraph 147 of the NPPF, will be supported. I conclude that VSC exist in this case and the presumption in favour would not be switched off in this case even if the amendments to the NPPF were to be retained.
- Draft paragraph 77 explains that where local planning authorities fail to deliver the 75% of its housing delivery target for the previous three years, the presumption in favour of sustainable development applies in addition to the requirement for an action plan. I note that the Council has only delivered

¹ Source: paragraphs 5.6 and 6.2 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

² Source: paragraphs 5.2 and 6.2 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

69% of its housing target over the last three years³, well the 75% threshold set out in draft paragraph 77 and the Council has not yet published an 'action plan' (nor has it need to). I conclude that, should the above situation not change, the presumption in favour would be switch on in this case if the amendments to the NPPF were to be retained.

JK6.2 I note also note that:

- Draft paragraph 61 explains that the outcome of the 'standard method'⁴ is an advisory starting-point for establishing a housing requirement for an area. This is a point of clarity on a matter that has always been accepted. I note that the standard method will still be used to determine the housing delivery targets in the St Alban area (currently requiring 1,070 new homes per annum⁵) and in the Housing Delivery Test (currently at 69%⁶) and the Council would be required by draft paragraph 61 to determine the minimum number of homes needed and strategic policies should be informed by the local housing need assessment, conducted using the standard method in the NPPF.
- Draft paragraph 75 will potentially remove the need for a 'buffer' in addition to the 5-year housing land supply target where the strategic policies are more than five years old. I note that even if the Council can reduce its housing need to exclude its current 20% buffer, the resulting figure would be 892 new dwellings per annum⁷ which is significantly more than the Council's annual delivery rate (460 homes per annum⁸).
- do not consider the WMS guidance nor the potential amendments to the NPPF to carry any influence (or weight) on the determination of the Appeal Proposals. This is because:

JK6.3 Even if the amendments to the NPPF are considered to carry some 'very limited weight' in the determination of the planning applications, this does not mean that time must standstill and that all the 'tap' relating to VSC cases are to be turned off.

³ Source: Table 1 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

⁴ Based on the 2014 household projections

⁵ Source: paragraphs 5.2 and 6.2 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

⁶ Source: paragraph 5.5 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

⁷ Source: paragraphs 5.2 and 6.2 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

⁸ Source: paragraphs 5.6 and 6.2 of the Appellant's Five Year Housing Supply Study (**CD 2.3**)

Yes, the flow from this tap can be turned down whilst the changes to the NPPF work their way through to formal adoption (if they remain at all), but the taps should not be turned off completely. This case is one of those cases that should continue be allowed.

APPENDIX JK7

JK 7.1 Tables A and B below provides a response to the matters raised by third parties, as well as the Chiswell Green Residents' Association; St Albans Civic Society; Campaign to Protect Rural England; St Albans and District Footpaths Society; Ramblers Association; and Park Street Residents' Association.

JK 7.2 These matters raised by the above are listed in Section 5.0 of the Council's Committee Report (**CD 3.4**).

JK 7.3 The matters of support for the Appeal Scheme are summarised in Table A below:

Table A: Support
Matters Raised:
<p>The representations in support are summarised as follows:</p> <ul style="list-style-type: none">• Delivery of much needed housing (including affordable) and land for a new school.• The land should be put to better use.• The lack of homes being delivered in the district is pushing up prices and making the area unaffordable for most people.• Application site is low quality agricultural land.• Biodiversity will increase once the development is complete.• Chiswell Green is not a village and is part of St Albans.• Proposals include a school and protected woodland.• The land is in disrepair and an eyesore.• It is a good location for motorway access and families.• It would bring great opportunities to the local area and local businesses.• The proposal is well-designed.• A primary school would welcome a younger generation.• The local community currently do not have access to the land as it is private.• The development would relieve pressure on the community, Council and Government.• The plans have retained attractive existing geographical features.• NIMBY culture stops people appreciating the value of growth.• Encouragement to cycle and use sustainable travel is good.• Chiswell Green is in danger of becoming a retirement village.• There is plenty of green space surrounding the village.• The site does not hold environmental value due to its monoculture and lack of biodiversity.• Cala is a reputable developer with high quality output.• It will help build the community.

JK 7.4 In respect of the objections to the Appeal Scheme (as summarised in Table B below), I note that:

- A large proportion of the objection letters from third-parties have been prepared using a standard template that has been distributed locally. The potential objector simply 'cuts and pastes' their reason for objecting;
- Where individual letters have been prepared by a third-party, some have raised objections that conflict with objections raised by others. For example, some objectors are concerned about not having enough education capacity and others consider local schools to be under-subscribed; and
- Most of, if not all, the third-party objections are not supported by robust evidence which can be tested at the Inquiry.

JK 7.5 Section 6 and paragraphs 8.4.19, 8.9.7, 8.12.4, 8.13.50, 8.17.1 to 8.17.17 and 8.19.7 of the Council's Committee Report (**CD 3.4**) explain that the Appeal Proposals will not result in additional harm purported by third party comments and this is considered to weigh neutrally in the planning balance.

Table B: Objections	
Matters Raised:	My Response:
<p>Objections in principle/relating to Green Belt:</p> <ul style="list-style-type: none"> • Objection in principle to inappropriate development on Green Belt land. • Harm to Green Belt not outweighed by the benefits/very special circumstances identified do not outweigh the harm. • A precedent would be set for more development in this area and the wider Green Belt. • Green Belt needed to stop urban sprawl. • The land could be useful for agriculture in a time when the country needs to become more self-sufficient. • Brownfield sites should be developed first. • It is unethical to destroy Green Belt land. • Boris Johnson pledged that no houses would be built on Green Belt land. • The land was purposefully mismanaged in order to get it released from the Green Belt. • The Green Belt should be used for countryside pursuits such as beekeeping. 	<ul style="list-style-type: none"> • See VSC case in section 6.0 of my evidence. • See section 6.0 of my evidence. Neutral position taken by the Council's policy team. • See section 7.0 of my evidence. • See VSC case in section 6.0 of my evidence. • See section 5.0 of my evidence. No objection from any statutory consultee on this matter. • See sections 3.0 and 7.0 of my evidence on urban capacity issues. • See VSC case in section 6.0 of my evidence. • National and local adopted policy allows for VSC. See VSC case in section 6.0 of my evidence. • See evidence of Miss Toyne (CD 3.19) and my VSC case in section 6.0 of my evidence. • See VSC case in section 6.0 of my evidence.

<p>Objections relating to landscape, open space and ecological impacts:</p> <ul style="list-style-type: none"> • Loss of open space which is important to local residents. • Area is vital for wildlife whose habitat would be lost. • The proposal would harm views across the site. • Wildlife corridors would be destroyed. • Where will the horses which currently occupy the site be re-located? • The site is rich in biodiversity and must be protected. • The land has aesthetic value. • Too many trees would be lost during and after the development. • The publicly accessible green space strategy is misleading and unrealistic. • The village does not have much other green space. • Concerns that the trees do not have Tree Preservation Orders. • The land is part of the Watling Chase plateau. • Widening Chiswell Green Lane will destroy the existing hedges and verges. 	<ul style="list-style-type: none"> • Not publicly accessible. See section 7.0 of my evidence. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • See evidence of Miss Toyne (CD 3.19) and my VSC case in section 6.0 of my evidence. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • Although no site has been identified, the riding school will be relocation to land between St Albans and Luton. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • See section 5.0 of my evidence (limited character landscape harm). • There will be a net increase in trees on the Appeal Site. See the SOCG. Also, no objection from the Council’s Tree Officer. • The Appeal Scheme will deliver a well-considered green space strategy. Ther is no outstanding objection from HCC’s Landscape Officer. • The Appeal Scheme will provide open space and play space. • Noted. No objection raised by the Council’s Tree Officer. • See evidence of Miss Toyne (CD 3.19) and section 5.0 of my evidence (limited character landscape harm). • The verge is currently being used for informal car parking. The Appeal Proposals will re-provide formal parking spaces and replacement landscaping.
<p>Objections relating to environmental impact (except for highways):</p> <ul style="list-style-type: none"> • Additional noise and air pollution. • Concerns about flooding. 	<ul style="list-style-type: none"> • No unacceptable harm. See Appellants Air Quality Assessment (CD 2.22.) and Noise Assessment (CD 2.21). No objection from the Council’s EHO. No objection from HCC’s Public Health Team. • No unacceptable risk of flooding. See Appellants FRA, including Drainage Strategy (CD 2.12). No objection from EA or HCC’s LLFA.

<ul style="list-style-type: none"> • Wildlife at the site will be harmed. • The proposal should be sustainable and include renewable energy generation, a range of uses and infrastructure. • Green Belt helps to reduce pollution. • Doubts that the proposal will provide a net gain in biodiversity. • Site is not low grade land. • Climate change issues would be worsened by building over open fields and introducing more vehicles. • Farmers are being encouraged to re-wild. • Increased carbon monoxide and carbon dioxide emissions. • Soil and river management and restoration could become more difficult. • The ecological surveys do not properly reflect the biodiversity at the site. 	<ul style="list-style-type: none"> • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • To be considered at the RMA stage. • No unacceptable harm. See Appellants Air Quality Assessment (CD 2.22). No objection from the Council's EHO. No objection from HCC's Public Health Team. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • See section 5.0 of my evidence (BMV). • Noted, but see VSC case in section 6.0 of my evidence. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England. • No unacceptable harm. See Appellants Air Quality Assessment (CD 2.22). No objection from the Council's EHO. No objection from HCC's Public Health Team. • No unacceptable risk of flooding. See Appellants FRA, including Drainage Strategy (CD 2.12). No objection from EA or HCC's LLFA. • See section 6.0 of my evidence (BNG). No objection from HCC Ecology and condition requested by Herts and Middlesex Wildlife Trust. No objection from Natural England.
<p>Objections relating to access, highways and transportation:</p> <ul style="list-style-type: none"> • Traffic congestion is already a major problem in the area, particularly on Watford Road. The area will become more congested and dangerous as a result of this development. • More traffic would lead to more accidents with particular risk to the young and elderly, including both pedestrians and cyclists. • Forge End and Long Fallow are used by children to play. • Not enough existing parking in the village for the shops and new residents would increase demand. • Cycling in the area is dangerous and therefore not feasible for residents of the proposed development. • The lack of cycle paths locally discourages cycling. 	<ul style="list-style-type: none"> • See section 7.0 of my evidence. No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • See above responses. • No objection from HCC Highways. No objections from National Highways. • The Appeal Proposals includes a contribution towards new cycle line improvements, as illustrated in the drawings submitted. No objection from HCC Highways. No objections from National Highways. • See above response.

<ul style="list-style-type: none"> • Could contribute to delays on the M1 and M25. • Stanley Avenue and Ragged Hall Lane would become more congested • Forge End is not a suitable through road due to its curves. • Difficulty crossing roads, especially for wheelchair users. • HGV access has not been assessed. • Tippendell Lane has a lorry ban. • Concerns the Transport Assessment is invalid as the report prepared by Glanville is outdated and unreliable. • Bikes get stolen, especially at the train station. • The proposed crossing would be an obstacle. • Doubts over availability of bridle paths and tracks suitable for carriage driving. • More pressure on surrounding rural roads towards Potters Crouch and Bedmond. • Concerns on the developments combined impact on traffic alongside Burston Care Facility and the potential Polo Fields development. • Doubts that the provision of electric vehicle charging points would guarantee electric cars are owned/used by future residents. • There is a tree obstructing the potential emergency access. • Widening Chiswell Green Lane to have a foot and cycle path would encourage more traffic. • The distance to reach the bus stops on Watford Road would exceed the national guidelines of 500m. 	<ul style="list-style-type: none"> • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • Tippendell Lane links Chiswell Green and Park Street. Lorries are more likely to travel along from and to the M25 / M1 via the A405 (North Orbital Road) rather than Tippendell Lane. This will also be determined by HCC and National Highway by way of a condition. • No objection from HCC Highways. No objections from National Highways. • Noted. This is a matter for transport police to resolve. • No objection from HCC Highways. No objections from National Highways. • Bridle paths and tracks are not currently present on the Appeal Site (it is privately owned land). • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways. • This would be the subject of RMAs / conditions. • Details to be agreed during RMA discussions. • No objection from HCC Highways. No objections from National Highways. • No objection from HCC Highways. No objections from National Highways.
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Objections relating to impact on social and physical infrastructure:

- Local GPs and schools are oversubscribed.
- It is already difficult to get an appointment at the local GP surgery.
- Local schools are undersubscribed so there is no need for a new school.
- The existing school infrastructure would not cope with an increased number of children.
- Horse riders often use Chiswell Green Lane, which will no longer be safe with additional traffic. The riding school in Chiswell Green Lane may therefore close.
- Concerns over activities for teenagers in the absence of the riding school.
- Insufficient infrastructure proposed to support the new population and existing local services will not be able to cope with so many new residents.
- More infrastructure is not needed in the village.
- Challenges integrating a large population increase into an existing community, leading to an 'us and them' situation.
- The demographics of Chiswell Green would change.
- Area becoming overcrowded.
- Harm to the residents mental health.
- New housing should be built closer to employment areas.
- Local people enjoy walking in the fields and experiencing the nature that lives there.
- The proposal fails to meet the needs of local people through only providing housing, rather than shops, doctors, dentists, a hospital, police station or leisure facilities.
- There are frequent power cuts in the area as the grid is already under too much pressure.

- Financial contributions will be used to improve GP and school capacity. Land will also be given to HCC to construct a new school.
- See above response.
- This is unsubstantiated. See section 6.0 of my evidence. See evidence of Mr Hunter (CD 3.21). Support for land for new school and financial contributions from HCC.
- Financial contributions will be used to improve GP and school capacity. Land will also be given to HCC to construct a new school.
- The Appeal Scheme includes the site used by the riding school off Chiswell Green. It will close to make way for the Appeal Scheme.
- Teenagers will be able to access the open space within the Appeal Scheme. They also have access to the sports facilities at Greenwood Park off Tippendell Lane.
- Financial contributions will be used to improve GP, school capacity, emergency services, library services, etc. Land will also be given to HCC to construct a new school.
- This is an opinion and does not need a response.
- This is an opinion and does not need a response.
- This is an opinion and does not need a response.
- This is an opinion and does not need a response.
- This is an opinion and does not need a response.
- See section 3.0 of my evidence. Only 14% of housing need can be accommodated on the urban areas. There is an overwhelming need to build homes in the GB next to existing settlements that can provide services and jobs.
- The Appeal Site is private land. The Appeal Scheme will provide new open spaces and routes to connect to PROW.
- Financial contributions will be used to improve GP, school capacity, emergency services, library services, leisure facilities, etc. The proposal will support local shops rather than compete.
- No objections raised by utility companies.
- No objections raised by utility companies, the EA nor HCC's

<ul style="list-style-type: none"> • Sewers and drains in the local area cannot cope with more houses. • Additional housing would worsen the local water pressure. • The site is good for exercise. • The existing water shortage would get worse. • Additional residents could increase the strain on Watford General Hospital. • Waste, refuse and grass cutting collections would not be able to cope. • Concerns about the developments combined impact with the proposed Rail Freight Terminal. • Concerns that the school would be removed from the proposal at a later stage. • The design of the school is not thought out. • Concerns on where to keep horses and the pressure on the local horse livery and riding school provision. • Concerns the proposal would restrict community activities such as Cub Scouts. • Internet provision could become even more unstable. • A lack of space could lead to violence. • The development of the site would result in less space to spend time with family and the community. 	<p>LLFA.</p> <ul style="list-style-type: none"> • No objections raised by utility companies, including Affinity Water. • The Appeal Site is private land and should not be used for such purpose. However, the Appeal Scheme will enable access to open space and connections to PROW. • No objections raised by utility companies, the EA nor HCC's LLFA. • Financial contributions will be used to improve GP and emergency services. No objection raised emergency services. • Financial contributions will be used to waste collection services. • See evidence of Mr Jones (CD 3.23). No objection from HCC's Highways Team or National Highways. • This is controlled by HCC and the legal obligation. • This will be subject of HCC's latter application to be determined by the Council in due course. • This is an opinion and does not need a response. • This is an opinion and does not need a response. • No objection from utility companies. It is the broadband provider that is responsible for upgrading their own infrastructure. Ironically, the more demand the better the broadband service! • This is an opinion and does not need a response. However, the Appeal Scheme will turn private land into areas that can be used by the public as open space and playspace. • See above response.
<p>Objections relating to history of site and the Local Plan process:</p> <ul style="list-style-type: none"> • No evidence to suggest the draft designation of the site contained in the withdrawn Local Plan would be taken forward in the new Local Plan. • Green Belt should only be removed through the Local Plan process. • The proposal is out of keeping with the surrounding area. 	<ul style="list-style-type: none"> • The existing Green Belt review would be used as a significant material consideration when preparing the new local plan and identifying appropriate Green Belt sites to be used to deliver much needed homes. • National and local policy allows for VSC. See my evidence in section 6.0 (VSC). • The Appeal Proposals have been designed to integrate with

<ul style="list-style-type: none"> • The development site conflicts with Local Plan Policy as Chiswell Green falls below the 500 dwelling threshold and is therefore not suitable to support the delivery of infrastructure or the creation of a new community. • Objections relating to Residential Amenity • Considerable visual impact. <ul style="list-style-type: none"> • Additional traffic will create noise pollution throughout the day and night. <ul style="list-style-type: none"> • Loss of privacy. • Impact on daylight and sunlight levels. • The construction and influx of people would reduce residents capacity to work from home due to noise. 	<p>the settlement and the countryside. No objections have been raised by the HCC and the Council in relation schemes character, which will be the subject of an RMA to be determined at a later stage. Also see Miss Toyne’s evidence (CD 3.19) on landscape character and appearance, which is considered in the planning balance in section 6.0 of my evidence.</p> <ul style="list-style-type: none"> • The threshold also related to site area (not just dwellings). <ul style="list-style-type: none"> • To be considered at the RMA stage. • See Miss Toyne’s evidence (CD 3.19) on landscape character and appearance, which is considered in the planning balance in section 6.0 of my evidence. • No unacceptable harm. See Appellants Noise Assessment (CD 2.21). No objection from the Council’s EHO. No objection from HCC’s Public Health Team. • To be considered at the RMA stage. • To be considered at the RMA stage. • Construction would be limited to normal working hours (see informative 2 of the Council’s Committee Report (CD 3.4) and noise mitigation measure set by the Council’s EHO. It will also be the subject of a Construction management Plan condition to be agreed by the Council prior to any work commencing on site.
<p>Objections related to COVID-19 impacts:</p> <ul style="list-style-type: none"> • Assessments covering things like traffic were not representational due to Lockdown • Local services are under stress due to COVID-19. 	<ul style="list-style-type: none"> • The Transport Assessment used data from before and during the COVID-19 pandemic. Its conclusions are therefore robust. No objection from HCC Highways. No objections from National Highways. • Financial contributions will be used to improve GP, school capacity, emergency services, library services, leisure facilities, etc.

Objections relating to housing provision:

- Current housing targets are based on out-of-date data and should be reconsidered.
- The housing targets for SADC could be significantly reduced following the release of the new Census data.
- Chiswell Green has an aging population and family homes could be released if developers built attractive and realistically priced downsizing properties.
- Reducing the price of a property by 20% does not make it affordable in this area given the high local prices.

- Pandemic related changes in working practices means providing more houses in the commuter belt is unnecessary.
- The houses may not be affordable or accessible to homeless families or young people.
- Driveway parking only would devalue the properties.

- The lack of infrastructure would force new residents to use private education and health care which renders the practicality of affordable housing void.
- The Council may sell the school land for even more houses.

- The declining birth rate, net emigration and exodus from London mean the need for housing in the South East has decreased.
- The houses may end up being second homes.

- Concerns that this development will be like those in Bricket Wood and Shenley where houses remain unsold.
- The housing could be low quality.

- Housing is not needed.

- The homes will not be carbon net zero.

- The targets are set using a standard methodology and regularly reviewed by the Government.
- See above response.

- Agreed. I consider this to be a potential benefit of the scheme.

- The Appeal Scheme will deliver a range of affordable housing homes that meet the definition for affordable homes.
- This is a matter of opinion. I do not need to respond to this comment.
- Social rented affordable homes are proposed which can be accessed through the Council housing waiting list.
- This is a matter of opinion. I do not need to respond to this comment.
- Financial contributions will be used to improve GP, school capacity, emergency services, library services, leisure facilities, etc. A land for a new school will also be provided.
- This would not accord with the terms of the land transfer agreement to HCC.
- The targets are set using a standard methodology and regularly reviewed by the Government.

- This is a matter of opinion. I do not need to respond to this comment. However, this is highly unlikely.
- See above comment.

- See my evidence in section 3.0 (Quality of Design). The Council would also control the quality of the homes when determining the RMAs.
- See my evidence in sections 4.0, 5.0 and 6.0 (Chronic under-delivery against 5YHLS).
- The development will be the subject of Building Regulation (Part L) requirements and any other carbon reduction requirements relevant at the time of determining the RMAs.

Objections – other issues:

- The charm and character of the village would be lost and it would feel more like a town.
- Construction pollution and pollution from additional cars would harm the health of local residents.
- Harm to the quality of life and health and wellbeing of local residents.
- The proposal is out of proportion to the local area.
- The identity of the village would be lost as it would merge with Bedmond and other areas.
- Property developers are greedy and money orientated.
- The history and character of St Albans and the wider county would be lost.
- The developers previously objected to developments in the area.
- The proposal could be at risk to significant change or planning 'drift'.
- Concerns over the duration of the build if given permission.

- The Appeal Proposals would not be visible from the village centre, thereby maintaining the existing charm and character. It has also been designed to be in-keeping with the existing character of Chiswell Green.
- Construction would be limited to normal working hours (see informative 2 of the Council's Committee Report (CD 3.4) and noise mitigation measure set by the Council's EHO. It will also be the subject of a Construction management Plan condition to be agreed by the Council prior to any work commencing on site. Also would be no unacceptable harm from the Appeal Scheme, as set out in the Appellants Air Quality Assessment (CD 2.22) and Noise Assessment (CD 2.21). No objection from the Council's EHO. No objection from HCC's Public Health Team.
- See above response.
- The Appeal Proposals have been designed to integrate with the settlement and the countryside. No objections have been raised by the HCC and the Council in relation schemes character, which will be the subject of an RMA to be determined at a later stage. Also see Miss Toyne's evidence (CD 3.19) on landscape character and appearance, which is considered in the planning balance in section 6.0 of my evidence.
- The Appeal Proposals has been designed to be in-keeping with the existing character of Chiswell Green. It would be contained by Chiswell Green Land and Miriam Lane and would not result in merge with other areas or villages.
- This is a matter of opinion. I do not need to respond to this comment. However, I disagree.
- The Appeal Proposals has been designed to be in-keeping with the existing character of Chiswell Green.
- I'm not sure what developers have objected to development on the Appeal Site. I have been promoting development on the Appeal Site for over 10 years.
- The Appeal Scheme will be the subject of parameters which will control the nature of the development approved via the RMAs. I not sure what drift that would not be controlled by this process.
- I'm not sure what concern this is. However, if the concern

<ul style="list-style-type: none"> • Concern that the consultants have a conflict of interest and are bias. • Concern that the Agricultural Land Classification Report, Air Quality Assessment and Arboriculture Impact Report are unreliable. • The 'Accident Overview' is not representative due to COVID and should cover more area. • The new houses could be five metres higher than the rest of the village. • Doubts that the land would be managed well shown by the Council's negligent attitude towards the butterfly world site. • Concerns of increased theft and crime, especially in the children's' playground/community space. • The development could reduce local house prices. • The development would become a deterrent for visiting St Albans. • The housing development would feel unsafe in the event of nuclear war. • Suspicions that those in support of the application have a conflict of interest due to their geographical distance and potential financial gain. • Local businesses will be negatively impacted during the construction period. Minor changes to the proposal and re-consultation change nothing fundamentally and seem designed to wear down the objectors. 	<p>relates to disturbance during construction, I can confirm this will be limited to normal working hours (see informative 2 of the Council's Committee Report (CD 3.4) and noise mitigation measure set by the Council's EHO. It will also be the subject of a Construction management Plan condition to be agreed by the Council prior to any work commencing on site. Also would be no unacceptable harm from the Appeal Scheme, as set out in the Appellants Air Quality Assessment (CD 2.22) and Noise Assessment (CD 2.21). No objection from the Council's EHO. No objection from HCC's Public Health Team.</p> <ul style="list-style-type: none"> • The 'consultants', including the Council's Planning Officers and witnesses, are the subject of professional accreditation. They are required to report matters of fact and should remain impartial, thereby access proposals on their merits. • See response above. • The Transport Assessment used data from before and during the COVID-19 pandemic. Its conclusions are therefore robust. No objection from HCC Highways. No objections from National Highways. • These are maximum height parameters. The eventual height of the new homes will be the subject of RMAs and will be determined by the Council in due course. • This is a matter of opinion. I do not need to respond to this comment. However, I disagree. • This is a matter of opinion. I do not need to respond to this comment. However, I disagree. • This is a matter of opinion and not a planning matter. I do not need to respond to this comment. However, I disagree. • This is a matter of opinion. I do not need to respond to this comment. However, I disagree. • This is a matter of opinion. I do not need to respond to this comment. • This is a matter of opinion. I do not need to respond to this comment. However, I disagree. • See section 6.0 of my evidence (socio-economic benefits). The Appeal Proposals will deliver economic benefits for the local economy during the construction and occupation stages.
---	--

- The amendments to the application during determination are only minor and do not change the fundamental objections raised.

- This is a matter of opinion. I do not need to respond to this comment. However, I disagree.

End

APPENDIX JK8

- 1.0 **Ground 1: The Proposal Constitutes Not Inappropriate Green Belt Development**
- 1.1 The Enforcement Notice relates to a Site of around 11ha. The Proposals Map of the District Local Plan Review 1994 shows the Site within the Metropolitan Green Belt, to the west of the Specified Settlement of Chiswell Green.
- 1.2 Planning permission was granted in February 2005 for the erection of a building for the exhibition of butterflies and plants in association with the adjacent Gardens of the Rose Site to the west under LPA Ref: 5/2003/1343. A copy of the application and decision notice is attached as Appendix A. With reference to the application forms, the approved buildings had a floorspace of nearly 10,000m², to include a rainforest biome with a diameter of 100m, which would have provided a habitat for butterflies and tropical plants. The biome included a public walkway, caves and watercourses and ancillary visitor and education facilities, such as a shop, coffee shop, restaurant and lecture theatre provided over 2-storeys. A total of 405 car parking spaces and a 12-space coach park were proposed. A new access was provided from Noke Lane to the south, via Miriam Lane, with that from Chiswell Green Lane, comprising the emergency site access.
- 1.3 The permission was implemented in 2008 and the Butterfly World attraction opened in 2009. The foundations for the biome were constructed at a cost of circa £6 million, but it has not been completed due to funding issues. The use ceased operation at the end of 2015.
- 1.4 Notwithstanding the above, it is clear that the 2005 planning permission has been implemented, such that the biome could still be completed. As such the Site constitutes Previously Developed Land (PDL) as defined in Annex 2 of NPPF. In addition to the partially constructed biome, there are also other structures relating to the attraction, such as large plant pots, walls housing bug homes, plus significant ground works and areas of hardstanding for footpaths. Account must also be taken of the two large areas of hardstanding within the northern part of the site accommodating car parking and bus stop areas. The Site access was also completed. The extent of the completed works is readily apparent from the aerial view dating from 24th March 2020 included as Appendix B.
- 1.5 NPPF paragraph 149 states that the erection of new buildings in the Green Belt constitutes inappropriate development, other than a limited number of exceptions, which includes: *“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;”*
- 1.6 If account is taken of the potential volume and visual impact of the approved biome, it is considered that the various uses the subject of the Enforcement Notice would better

Appendix A: Planning Application and Permission LPA Ref: 5/2003/1343

PLANNING APPLICATION FORM

Hertfordshire District & Borough Councils

This form may be used throughout Hertfordshire. Please complete ALL questions in BLOCK CAPITALS.
6 copies of forms / plans must be submitted. Photocopies of forms will be acceptable.

5/03/1343

PART 1 (to be completed in all cases)

1. Declaration (We apply for planning permission and declare that to the best of my/our knowledge all the information contained in this application and on the submitted plans is correct.)

Signed _____ In behalf of THE APPLICANT Date 23 JUNE 2003

2a. Name and Address of Applicant

THE ROYAL NATIONAL ROSE SOCIETY & THE BUTTERFLY WORLD TRUST
THE GARDENS OF THE ROSE, CHISWELL GREEN, ST ALBANS
HERTFORDSHIRE Postcode AL2 3NR

Tel. No. 01727 850461
Fax No. _____
E-mail Address _____

2b. Name and Address of Agent (if any)
(To whom correspondence will be sent)

RPS PLANNING TRANSPORT & ENVIRONMENT
3 THE MEADOW, MEADOW LANE, ST IVES
CAMBRIDGESHIRE Postcode PE27 4LG

Tel. No. 01480 496966
Fax No. 01480 494292
E-mail Address rawlingsj@rpsplc.co.uk

3. Full Postal Address of Application Site
(Edged in red on site plan)

THE GARDENS OF THE ROSE, CHISWELL GREEN, ST ALBANS, HERTFORDSHIRE
AL2 3NR

4. Brief Description of Proposed Development ERECTION OF BUILDING FOR THE EXHIBITION OF BUTTERFLIES AND ASSOCIATED PLANTS WITH RELATED HORTICULTURAL TRAINING AND RESEARCH COMPLEX, VISITOR CENTRE, CAFETERIA, COACH/CAR PARKING AND ACCESS DRIVE
(For development other than residential please also complete Part 2 of this form)

5. Fee (Please state fee submitted with application) £11,000

6. Plans (Please list all drawings and plans submitted) PLEASE SEE ATTACHED DRAWING SCHEDULE

7. State Whether the Applicant Owns or Controls any Adjoining Land (If Yes, edge in blue on site plan)

Yes No 23 JUN 2003

8. Present or Previous Use of Land/Buildings

a) Present use of land/buildings HORTICULTURE/AGRICULTURE
b) If vacant, the previous use and date when last used (if known)

9a. Site Area (Hectares) 25.26

9b. Floorspace (Sq. m. gross)

Current	Demolished	Retained	New	Resultant total
1179	n/a	1179	9680	10859

10. Trees
Does the proposed development involve the felling of any trees?
Yes No



11. Type of Planning Application (Please tick the appropriate boxes)

- a) Full planning application for **new building works** and/or **engineering works** and/or **other operations**
- b) Full planning application for a **change of use**
- c) **Outline** planning application
- d) **Reserved matters** application

Date of outline permission and application no.

Please indicate which of the following matters you wish to be considered as part of your outline or reserved matters application:

Siting Design External appearance Means of access Landscaping

- e) Application for **removal/variation of a condition**

Condition no. Previous application no.

- f) Application for **renewal of temporary planning permission**

Previous application no.

12. Contamination

To your knowledge is the site contaminated?

Yes No

If Yes, what measures are proposed to decontaminate the land?

13. Garaging/Car Parking (including parking for employees) (Please indicate the number of garaging and/or car parking spaces available or to be provided)

Existing 303 Retained 303 Proposed 102 Total 405

14. Transportation

- a) What measures are proposed to encourage cycling as an alternative mode of transport to and from the site?

CYCLE PARKING FACILITIES

- b) How is the development served by passenger transport? Please state the approximate walking distance to the nearest bus stop and train station

800 METRES (APPROX) TO BUS STOP. 3km TO RAIL STATION. 12 COACH PARKING BAYS ON SITE

15. Access to Roads and Other Public Rights of Way (Please tick the appropriate boxes)

- a) Will there be a new access to a highway?
- | | | |
|------------|---|-----------------------------|
| Vehicular | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Pedestrian | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
- b) Will any existing access to a highway be altered?
- | | | |
|------------|---|-----------------------------|
| Vehicular | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Pedestrian | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

If any new or altered access is proposed, state name(s) of highway(s) affected NOKE LANE
(Please show details of works involved on the submitted plans)

- c) Is there a public right of way crossing or abutting the site? Yes No
(If Yes, please show on the submitted plans)

16. Drainage

- a) How will surface water be disposed of? (e.g. public sewers, watercourses, soakaways, etc) SOAKAWAYS
- b) How will foul water be disposed of? (e.g. public sewers, cesspits, septic tanks, etc) MAIN SEWER

17. Materials (Please state the type and colour of materials to be used (if known)) PLEASE REFER TO THE ATTACHED

- a) Exterior walls b) Roof DESIGN STATEMENT
- c) Windows d) Boundary treatment

18. Are You a Member or Officer of the Council to Which the Application is Being Made?

Yes No

11. Type of Planning Application (Please tick the appropriate boxes)

- a) Full planning application for **new building works** and/or **engineering works** and/or **other operations**
- b) Full planning application for a **change of use**
- c) **Outline** planning application
- d) **Reserved matters** application

Date of outline permission and application no.

Please indicate which of the following matters you wish to be considered as part of your outline or reserved matters application:

Siting Design External appearance Means of access Landscaping

- e) Application for **removal/variation of a condition**

Condition no. Previous application no.

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To your knowledge is the site contaminated?

Yes No

If Yes, what measures are proposed to decontaminate the land?

13. Garaging/Car Parking (including parking for employees) (Please indicate the number of garaging and/or car parking spaces available or to be provided)

Existing 303 Retained 303 Proposed 102 Total 405

14. Transportation

- a) What measures are proposed to encourage cycling as an alternative mode of transport to and from the site?

CYCLE PARKING FACILITIES

- b) How is the development served by passenger transport? Please state the approximate walking distance to the nearest bus stop and train station

800 METRES (APPROX) TO BUS STOP. 3km TO RAIL STATION. 12 COACH PARKING BAYS ON SITE

15. Access to Roads and Other Public Rights of Way (Please tick the appropriate boxes)

- a) Will there be a new access to a highway? Vehicular Yes No

Pedestrian Yes No

- b) Will any existing access to a highway be altered? Vehicular Yes No

Pedestrian Yes No

If any new or altered access is proposed, state name(s) of highway(s) affected
(Please show details of works involved on the submitted plans)

NOKE LANE

- c) Is there a public right of way crossing or abutting the site? (if yes, please show on the submitted plans) Yes No

16. Drainage

- a) How will surface water be disposed of? (e.g. public sewers, watercourses, soakaways, etc) SOAKAWAYS

- b) How will foul water be disposed of? (e.g. public sewers, cesspits, septic tanks, etc) MAIN SEWER

17. Materials (Please state the type and colour of materials to be used (if known)) PLEASE REFER TO THE ATTACHED

- a) Exterior walls b) Roof DESIGN STATEMENT

- c) Windows d) Boundary treatment

18. Are You a Member or Officer of the Council to Which the Application is Being Made?

Yes No

18. Development Involving Residential Use (Including Conversion)

(Please give the number of **existing** residential units on the site)

Single family dwellings Self-contained flats and maisonettes Other (e.g. non-self-contained accommodation)
 Number vacant Number vacant Number vacant

(Please give the number and size (by number of bedrooms) of **proposed** residential units on the site. Do not include any non-self-contained units)

	Single family dwellings	Self-contained flats and maisonettes
1 bedroom	5/03/	13/4/3
2 bedrooms		
3 bedrooms		
4+ bedrooms		
TOTAL		

Are you proposing any non-self-contained units? Yes No If Yes, how many?

PART 2 (to be completed for development other than residential)

1. Please Give Details of the Existing and Proposed Floorspace (Sq. m. gross)

USE	EXISTING FLOORSPACE	PROPOSED FLOORSPACE			Resultant total floorspace
		Floorspace to be demolished	Floorspace to be retained	New floorspace	
Retail (Use Class A1)					
Financial & Professional Services (Use Class A2)					
Food & Drink (Use Class A3)					
Business (Use Class B1)					
General Industrial (Use Class B2)					
Storage or Distribution (Use Class B8)					
Other (Please specify) HORTICULTURE & RELATED USE	1179	0	1179	9680	10859

2. Employment

How many people are currently employed on the site?
 How many people in total will be employed on the site?

	FULL TIME	PART TIME
How many people are currently employed on the site?	15	
How many people in total will be employed on the site?	40 (30 permanent full time - 10 Seasonal full time)	15

3. Hazardous Materials

Will the proposal involve the use or storage of hazardous materials?

Yes No

If Yes, please give details including quantities

23 JUN 2003

4a. Transport

What provision has been made for the parking, loading, unloading and manoeuvring of service and goods vehicles within the site? (Please show the intended provision on the plans)

PLEASE REFER TO PLAN: 0203PL/AL1010

4b. How Many Vehicles are Likely to Visit the Site During a Normal Working Day? PLEASE REFER TO ACCOMPANYING TRANSPORT ASSESSMENT

Cars	No. a.m.		No. p.m.		Commercial vehicles	No. a.m.		No. p.m.	

(Please include all vehicles except those used by individual employees driving to work)

NOTE: Either Certificate A or Certificate B must be completed. Delete where appropriate

CERTIFICATE A

I certify that:

1. On the day 21 days before the date of the accompanying application nobody, except the applicant, was the owner* of any part of the land to which the application relates.
2. None of the land to which the application relates is, or is part of, an agricultural holding.

Signed Date

*On behalf of

CERTIFICATE B

(If completing this Certificate you must complete the notice below and serve that notice on all owners*)

I certify that:

1. *I have/~~XXXXXXXXXX~~ given the required notice to everyone else who, on the day 21 days before the date of the accompanying application, was an owner* of any part of the land to which the application relates.

Owner's name SEE ATTACHED LIST

Address at which notice was served SEE ATTACHED LIST

Date on which notice was served 23 JUNE 2003

2. None of the land to which the application relates is, or is part of, an agricultural holding.

Signed Date 23 JUNE 2003

*On behalf of THE ROYAL NATIONAL ROSE SOCIETY & THE BUTTERFLY WORLD TRUST

Please photocopy this notice and complete and send it to the owner(s) of the application site

NOTICE OF APPLICATION FOR PLANNING PERMISSION UNDER THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 ARTICLE 6

Proposed development at (insert address or location of the proposed development) THE GARDENS OF THE ROSE,
CHISWELL GREEN, ST ALBANS, HERTFORDSHIRE

I give notice that (insert the applicant's name) THE ROYAL NATIONAL ROSE SOCIETY & THE BUTTERFLY WORLD TRUST

is applying for planning permission to (insert name of Council) ST ALBANS CITY & DISTRICT COUNCIL

to (insert description of the proposed development) ERECTION OF BUILDING FOR THE EXHIBITION OF BUTTERFLIES AND ASSOCIATED PLANTS WITH RELATED 'HORTICULTURAL TRAINING' AND RESEARCH COMPLEX, VISITOR CENTRE, CAFETERIA, COACH/CAR PARKING & ACCESS DRIVE

Any owner* of the land who wishes to make representations about this application should write to the Council by (insert the date 21 days after the date of service of this notice) 14 JULY 2003

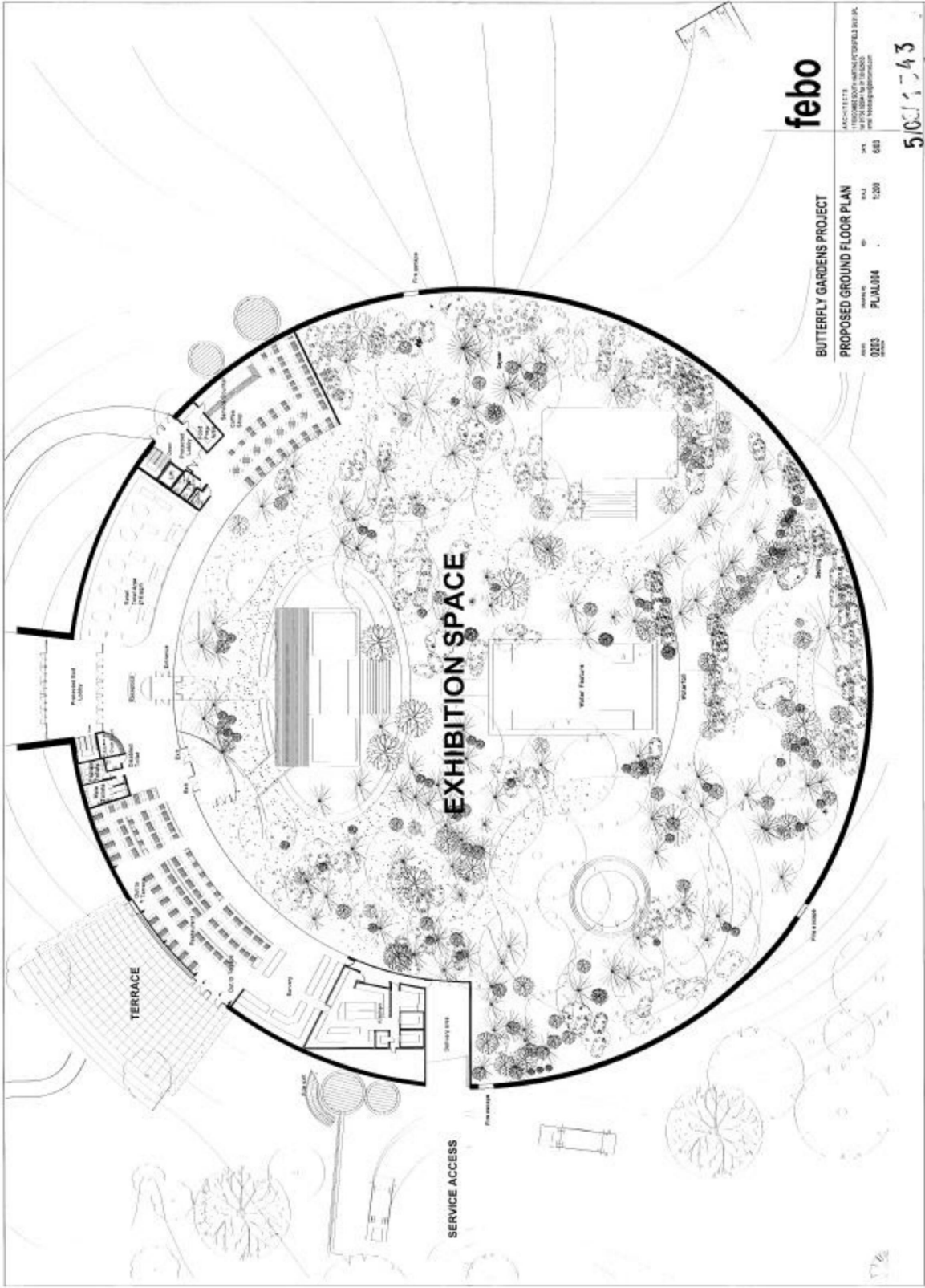
Signed Date 23 JUNE 2003

Statement of owners' rights: The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or lease.

Statement of agricultural tenants' rights: The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

* **Owner** means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years. Only the SOLE owner may complete Certificate A. If you are a leasehold owner you must always complete Certificate B and serve notice on the freehold owner. If you are a freehold owner with tenants whose unexpired lease is not less than 7 years you must serve notice on those tenants.

If you are unable to complete either Certificate A or Certificate B, please seek advice from the Council to which the application is being made.



febo

**BUTTERFLY GARDENS PROJECT
PROPOSED GROUND FLOOR PLAN**

ARCHITECTS: **MANUELA CORTESOLA PER SA**
 VIA PIEMONTE 10 • 10126 TORINO • ITALY
 WWW.MANUELA-CORTESOLA.COM

DATE: 08/03
 SCALE: 1:200
 DRAWING NO: PL/AL/014

5011743



5/03/1343

febo

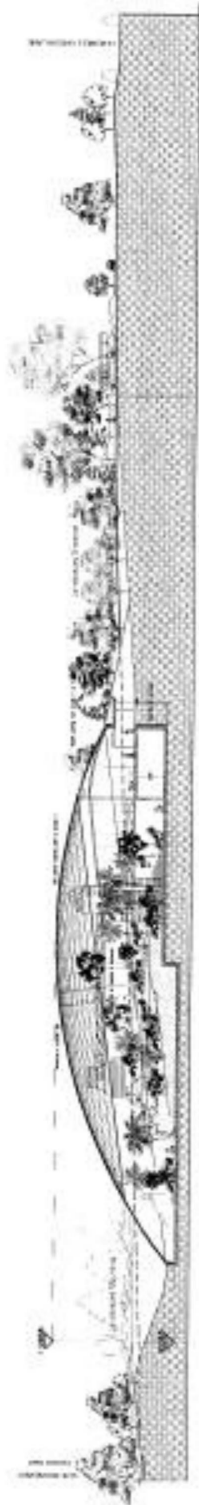
ARCHITECT
 1000 UNIVERSITY AVENUE
 SUITE 1000
 BOSTON, MA 02118

BATTERY COMMONS PROJECT

PROPOSED SITE AND ACCESS ROAD

DATE: 05/03/13
 SCALE: 1/8" = 1'-0"

10/13/13



PROPOSED SITE SECTION CASINO 12730



PROPOSED SITE SECTION CASINO 3038

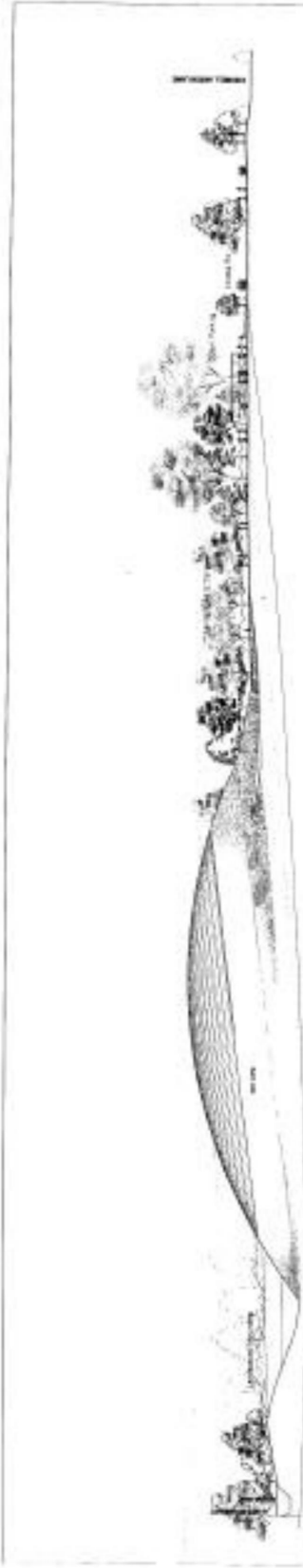
5/03/1343



febo

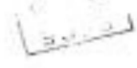
BATTERY / MACKAY PROJECT	
DATE SECTION	12/12
BY	FEBO
NO.	12730

ARCHITECT
 100 BATTERY ROAD
 SYDNEY NSW 2000



PROPOSED EAST ELEVATION

5/03/1343



PROPOSED NORTH-EAST ELEVATION

febo

BUTTERY SACRED PROJECT		11/11/13/14
RUSSELL MORN EAST ELEVATION		11/11/13/14
DATE	SCALE	1:100
11/11/13/14	A3/2011	1:100



Ref No. 5/03/1343
DC.3

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

James Rawlings
Pegasus Planning Goup
Trinity House
Cambridge Business Park
Cowley Road
Cambridge
Cambridgeshire
CB4 0WZ

APPLICANT

The Royal National Rose Society & Butterfly
World Trust
The Gardens Of The Rose
Chiswell Green Lane
St. Albans
Hertfordshire
AL2 3NR

PLANNING PERMISSION

Erection of building for the exhibition of butterflies and plants in association with the Gardens of the Rose, related horticultural training and research complex, visitors centre, cafeteria, coach/car parking and access drive

The Gardens of the Rose Chiswell Green Lane St Albans

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 23/06/2003 and received with sufficient particulars on 23/06/2003 and shown on the attached plan(s) subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition:

2. Notification shall be given in writing to the Local Planning Authority on commencement of the development hereby approved.

Reason:

2. To enable the Local Planning Authority to verify compliance with conditions in accordance with Policy 69 of the St. Albans District Local Plan Review 1994.

Condition:

3. Prior to the commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason:

3. To ensure that the development does not detract from the appearance of the locality. To comply with Policies 69, 70 and 85 of the St. Albans District Local Plan Review 1994.

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

Peter Lerner
Head of Paid Service

Strategic Director Enterprise & Civic Environment

Steve Welch
Strategic Director Community Services

Patricia Adley
Strategic Director Corporate Services



Ref No. 5/03/1343
DC.3

Condition:

4. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

4. To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 85 of the St. Albans Local Plan Review 1994.

Condition:

5. Details of the proposed finished floor levels of all buildings and the finished ground levels of surrounding property, shall be submitted to and approved in writing by the Local Planning Authority before any work commences.

Reason:

5. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development and the amenities of neighbouring occupiers, in compliance with Policy 69 of the St. Albans District Local Plan Review 1994.

Condition:

6. The development hereby permitted shall not be commenced until drawings showing existing levels and proposed slab levels have been submitted to and approved in writing by the Local Planning Authority.

Reason:

6. To enable the Local Planning Authority to exercise proper and considered control over the development as a whole, in compliance with Policy 69 of the S. Albans District Local Plan Review 1994.

Condition:

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), before any demolition, clearance, building or other works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the parts of the site to be used for the stationing of site huts, storage of materials, and plant and parking of employees cars during the construction period, and any proposal for fencing of a site compound. The compound and any fencing shall remain until building and clearance work have been completed.

Reason:

7. To ensure satisfactory provision in relation to adjoining property and circulation within the site. To comply with Policies 34 and 70 of the St. Albans District Local Plan Review 1994.

Condition:

8. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing

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Ref No. 5/03/1343
DC.3

with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

Reason:

8. To ensure that no obstructions to the public highway occur during the construction period. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Condition:

9. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

Reason:

9. In the interests of residential amenity. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition:

10. Prior to the commencement of development, details of the method of washing of vehicle wheels exiting the site shall be agreed in writing with the Local Planning Authority, and the agreed method shall be operated at all times during the period of site works.

Reason:

10. In the interests of highway safety and visual amenity. To comply with Policies 34 and 70 of the St. Albans District Local Plan Review 1994.

Condition:

11. No external loudspeaker systems shall be installed without the prior approval in writing of the Local Planning Authority.

Reason:

11. In the interests of the amenity of nearby properties. To comply with Policy 9 of the St. Albans District Local Plan Review 1994.

Condition:

12. This permission does not extend to the installation of external lighting. A scheme for such works shall be submitted to and approved in writing by the Local Planning Authority, before the development hereby approved is commenced.

Reason:

12. In the interests of amenity and highway safety. To comply with Policies 9, 34 and 80 of the St. Albans District Local Plan Review 1994.

Condition:

13. A methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved in writing by the Local Planning Authority before works are commenced.

The siting of plant and machinery shall be away from noise sensitive areas wherever possible.

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Ref No. 5/03/1343
DC.3

Vehicles and machines in intermittent use shall be shut down in the intervening periods between work, or throttled down to a minimum.

The contractor shall take all steps necessary to limit vibration caused by plant and machinery used on the site. In particular, no machine which uses a system of dropping a heavy weight, whether power assisted or by gravity, on the surface of paving or foundation, will be permitted for breaking up.

Reason:

13. To safeguard the amenities of nearby residential properties. To comply with Policy 82 of the St. Albans District Local Plan Review 1994.

Condition:

14. Airborne particulates from operations on the site shall be minimised by spraying with or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring for dust is to be carried out continuously.

Reason:

14. To protect the health and amenity of people in the vicinity. To comply with Policies 9 and 70 of the St. Albans District Local Plan Review 1994.

Condition:

15. No detriment to the amenity of nearby residents shall be caused by noise or other disturbance arising out of the use of the land and/or buildings and for purpose(s) hereby authorised.

Reason:

15. To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties. To comply with Policies 9, 82, 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition:

16. Before the development hereby permitted is commenced, a scheme indicating the provision to be made for disabled people to gain access to the 'biome' shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason:

16. To safeguard the interest of disabled persons. To comply with Policies 50, 69 and 81 of the St. Albans District Local Plan Review 1994.

Condition:

17. The use hereby permitted shall not be open to customers outside the following times: 0800 hours and 2300 hours on Mondays to Saturdays inclusive and 0900 hours and 2230 hours on Sundays and Public Holidays. Any customers remaining on the premises after those hours shall leave the premises not later than 23.30 hours on Mondays to Saturdays inclusive and not later than 2300 hours on Sundays.

Reason:

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

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17. To safeguard the amenities of the locality and residential occupiers. To comply with Policies 9 & 57 of the St. Albans District Local Plan Review 1994.

Condition:

18. The development shall not be occupied until the car parking and turning areas shown on the approved plan have been constructed, surfaced and permanently marked out. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason:

18. To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents. To comply with Policies 34 and 39 of the St. Albans District Local Plan Review 1994.

Condition:

19. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (BS 5837:1991). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason:

19. To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition:

20. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (a) proposed finished levels and contours; (b) means of enclosure; (c) car parking layouts; (d) other vehicles and pedestrian access and circulation areas; (e) hard surfacing materials; (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); (h) retained historic landscape features and proposals for restoration where relevant; (i) existing trees to be retained; (j) existing hedgerows to be retained.

Reason:

20. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition:

21. Soft landscape works required to be submitted under Condition 20 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.

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Reason:

21. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition:

22. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

~~22. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.~~

Condition:

23. No development shall take place until details of earth works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason:

23. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition:

24. A landscape management plan indicating long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

24. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply Policy 74 of the St. Albans Local Plan Review 1994.

Condition:

25. If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the Local Planning Authority gives its written consent to any variation. The tree or plant shall be planted within 3 months of felling/dying or if this period does not fall within the planting season by 31 January next.

Reason:

25. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

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Condition:

26. Prior to the commencement of development, a detailed schedule of works to the public footpaths, including surfacing, and tunnel structures and other clay works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

26. To comply with Policy 97 of the St Albans District Local Plan Review 1994.

Condition:

27. The proposed access road and widening of Noke Lane between the new access road and the A405 shall be constructed and laid out in accordance with further details to be submitted and approved in writing by the Local Planning Authority and shall be satisfactorily constructed prior to the commencement of any other part of the development hereby permitted.

Reason:

27. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

Condition:

28. The widening of Noke Lane between the new access road and the A405 shall include provision for cyclists.

Reason:

28. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

Condition:

29. Covered secure cycle parking provision for 30 bicycles shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

29. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

Condition:

30. A detailed routing programme for all vehicles relating to the construction of the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Details of all intended signs shall be as agreed by the Local Planning Authority prior to installation.

Reason:

30. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

Condition:

31. No motor vehicles shall access the site via Chiswell Green Lane except for emergency or management purposes.

Reason:

31. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

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Condition:

32. Details of the surfacing material to the emergency access drive and method of preventing visitor access to Chiswell Green Lane shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of site works.

Reason:

32. To comply with Policy 34 of the St Albans District Local Plan Review 1994.

Condition:

33. Prior to the commencement of development the following should be submitted and approved in writing by the Local Planning Authority.

- a full land survey including indicative contours.
- a full landscape survey
- a habitat survey
- a soil survey
- a vegetation survey
- detailed landscape and earthwork proposals
- land drainage assessment.

Reason:

33. To comply with Policies 69, 74 and 106 of the St Albans District Local Plan Review 1994.

Condition:

34. No importation of earth, or other land fill or material to the site or exportation of earth or excavated material from the site shall occur without the prior written approval of the Local Planning Authority.

Reason:

34. To comply with Policies 69 and 34 of the St Albans District Local Plan Review 1994.

Condition:

35. Sales of food or drink to customers shall only take place on the premises between 09.00 hours and 22.30 hours and prior to 23.00 hours on any day all customer and visitor vehicles shall leave the premises.

Reason:

35. To comply with Policy 69 of the St Albans District Local Plan Review 1994.

Condition:

36. The development hereby permitted shall be used only for purposes directly related to the use of the site for horticulture, horticultural training, research, butterfly keeping and for visits by the public to the Gardens and Butterfly World and for no other purpose without the prior approval in writing of the Local Planning Authority.

Reason:

36. To comply with Policies 1 and 69 of the St Albans District Local Plan Review 1994.

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Condition:

37. A detailed programme of rose displays garden arrangements and associated works together with any garden layout changes shall be submitted in writing to the Local Planning Authority before 31st January each year.

Reason:

37. To comply with Policy 1 of the St Albans District Local Plan Review 1994.

Condition:

38. Prior to the commencement of development a bat survey shall be carried out and the details and any associated works carried out agreed in writing by the Local Planning Authority.

Reason:

38. To comply with Policy 106 of the St Albans District Local Plan Review 1994.

Justification for the grant of planning permission

In conclusion the proposal is inappropriate development in the Metropolitan Green Belt. There are however very special circumstances to justify the proposal and outweigh the harm caused. These include the importance of maintaining the tourist attraction, improved amenity for residents in Chiswell Green Lane and the highway improvements. The proposal provides opportunity for landscaping and provides adequate parking. There is no change to highway safety subject to improvements that will be sought. It is considered the proposal, subject to conditions and a Section 106 Agreement will comply with Policies in the Hertfordshire County Structure Plan Review 1991-2011 and Alterations 2001-2016 (1, 2, 5, 20, 22, 25, 27, 29, 38 and 48) and the St Albans District Local Plan Review 1994 (Policies 1, 34, 39, 69, 74, 97, 104 and 143A).

Signed


Dean Goodman
Head of Planning & Building Control *DW*

Dated 16th February 2005

SEE ATTACHED SHEET FOR NOTES

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

The attention of the applicant is drawn to the requirement for all food businesses to be registered with the Council. Application forms can be obtained from the Council's Head of Environmental Health.

The attention of the applicant is drawn to the advisory notes on extraction and filtration systems for food premises available from the Council's Environment and Health Department.

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Appendix B: Aerial View of the Appeal Site – Google Earth 24th March 2020

