

REGISTERED NUMBER:	5/2022/0927/LSM
APPLICANT:	Alban Developments & Alban Pearson, CALA Homes (Chiltern) & Redington Capital Ltd
PROPOSAL:	Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements.
SITE:	Land South Of Chiswell Green Lane St Albans Hertfordshire
APPLICATION VALID DATE:	03/05/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	No
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	St Stephen

RECOMMENDATION	<p>A. That the applicant, within three months of the date of this committee meeting, enter into a legal agreement, pursuant to s106 of the Act in relation to the provision of: 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity net gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school.</p> <p>B. That planning permission be GRANTED subject to conditions. And in the event that the s106 agreement is not completed within three months of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason: “In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of 40%</p>
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	<p>affordable housing provision; 3% self-build dwellings; 10% biodiversity net gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2021 and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.”</p>
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1. Reasons for Call in to Committee

- 1.1. The application has been called-in for consideration by the Planning (Development Management Committee) by Councillor Jirasek and Councillor Fry if minded to grant.
- 1.2. Councillor Jirasek gave the following reasons:

The proposed development encroaches into the metropolitan green belt. The previously proposed St Albans City and District Local Plan marked the location of this site as suitable for the development. However, this plan was withdrawn and as such the current plan from 1994, with Saved Policies and Correction, November 2004, is still valid and designates the site area as green belt.

Additionally, the Neighbourhood Plan (NB) states objective 6: “Enhance and preserve valued green and open spaces, fields, trees and woodlands, ponds, lakes and water courses, within and around each village.”. The policy S1 states:

2. Development proposals outside the Built-Up Area Boundary will not be supported unless:

- i. it is on sites allocated for those uses in the St Albans District Local Plan or in any successor; or*
- ii. it relates to necessary utilities infrastructure and where no reasonable alternative location is available; or*
- iii. it relates to uses that are appropriate in the Green Belt.*

3. Residential development which meets either the exceptions to inappropriate development in the Green Belt as set out in paragraphs 145 and 146 of the National Planning Policy Framework, or demonstrates very special circumstances, as set out in paragraph 147 of the National Planning Policy Framework, will be supported. Where very special circumstances can be demonstrated, development of the following types will be supported:

- i. affordable housing; or*
- ii. smaller units for younger people; or*

- iii. properties tailored to the ageing population; or*
- iv. provision of additional community benefit*

I believe that this planning application in its current form does not satisfy the “exceptional circumstances” test and is not supported by the current and in-force St Stephen Neighbourhood Plan, for these reasons:

- 1. This site has not been allocated for the site Development in the current St Albans City and District Local Plan and as such NB policy S1 2.i does not apply*
- 2. There is no need for the infrastructure on this site and as such NB policy S1 2.ii does not apply*

3. The proposed use of the Green belt is not appropriate as the Green belt would be lost and as such NB policy S1 2.iii does not apply

4. Exceptional circumstances:

- a. The proposed development does not satisfy the NPF paragraphs 145 and 146*
- b. The exceptional circumstances are not satisfied by the planning applications, as defined in the NPF paragraph 147-149*

For these reasons, I want to call in this planning application for determination by the committee.

1.3. Councillor Fry gave the following reasons:

The proposed development encroaches into the metropolitan green belt. The previously proposed St Albans City and District Local Plan marked the location of this site as suitable for the development. However, this plan was withdrawn and as such the current plan from 1994, with Saved Policies and Correction, November 2004, is still valid and designates the site area as green belt.

Additionally, the Neighbourhood Plan (NP) as recently voted in, on the May 2022 referendum, has 10 objectives to achieve.

I believe that this planning application, in its current form, does not satisfy the current and in-force, St Stephen Neighbourhood Plan, for the following reasons:

- 1. Ensure that development is sensitively designed to be attractive, mitigate climate change, promote biodiversity and reduce the Parish’s carbon footprint.*
 - A development of this size would have a negative carbon impact, based on the number of vehicles associated with the housing, the heating associated with these houses and the as yet, unconfirmed ability to deal with sewage water.*
- 2. Enhance and preserve valued green and open spaces, fields, trees and woodlands, ponds, lakes and water courses, within and around each village.*
 - The size of this development would automatically reduce the green space, especially for those current houses located at Forge End, Long Fallow and Hammers Gate. There is also additional potential impact with disrupting the unique river Ver and its chalk stream properties to the North West of the development.*
- 3. Protect and increase wildlife habitats.*
 - This development’s close proximity to the river Ver, puts it, and its associated chalk stream wildlife under threat. Recent polluting issues, highlight the need to*

put in a robust plan for sewage, which Thames water have so far indicated requires infrastructure investment to cover this new development.

4. Improve transport and movement, in particular through further development of public transport provision and other non-car travel modes, whilst ensuring a safe environment for pedestrians, cyclists and horse-riders as well as motorists.

- The singular vehicular access at the northern end of Forge End, looks to be impractical and combined with the two entrances along Chiswell Green Lane, would cause increased congestion to the peak hour traffic on the Watford Road.*

5. Ensure that the provision of local amenities and infrastructure is sufficient to address the needs of existing and future residents.

- There is a provision for a 2FE school, however, due consideration confirms that all the local schools are nowhere near capacity and have been asked by HCC to review their PANS numbers, with a view to allowing some primary schools to drop from double form entry to single. This "Space for a school" may well be developed into further housing and exacerbate the issues objected to in my previous comments.*

For these reasons, I want to call in this planning application for determination by the committee.

2. Relevant Planning History

2.1. 5/2021/2905 (EIA Screening) – Development of between 415 and 450 residential dwellings, a new two form entry primary school, landscaping and support infrastructure. Screening Opinion dated 9 December 2021 stated that EIA is not required.

2.2. 5/2005/1407 – Stationing of portable building in association with riding school and livery use (retrospective). Refused 24 August 2005.

2.3. 5/1986/0223 – Erection of horse stables, feed and hay store and tack room. Approved 9 May 1986.

2.4. 5/1984/0301 – Erection of 60 dwellings at Chiswell Green Farm. Appeal dismissed 15 July 1985.

2.5. 5/1984/1748 – Outline application for residential development. Appeal dismissed 15 July 1985.

2.6. St Stephens Green Farm, Chiswell Green Lane

2.6.1. 5/2021/3194 - Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions. Refused Planning Permission on 25 October 2022 for the following reasons:

- 1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a*

result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.*

2.7. Other recent relevant planning decisions referenced in this report

- 2.7.1. 5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath St Albans AL4 0FU - Additional documents omitted from original submission - Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works- no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission for the following reasons:

1. *The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.*
2. *The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.*
3. *It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from*

the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.

- 4. Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.*
- 5. The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.*
- 6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.*
- 7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms of the impact of the proposal on the historic environment cannot be made and, consequently, the proposal would be contrary to Policy 111 of the St Albans Local Plan Review and the National Planning Policy Framework 2019.*
- 8. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2019, and Policies 7A and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the Council's Affordable Housing Supplementary Planning Guidance.*

Appeal allowed – 14 June 2021.

- 2.7.2. 5/2021/0423 - Land To Rear Of 112-156B Harpenden Road St Albans Hertfordshire - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.
- 2.7.3. 5/2020/3022 - Land To Rear Of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire - Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new

retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works. Refused on 26 May 2021 for the following reasons:

- 1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.*
- 2. The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.*
- 3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.*

Appeal allowed – 31 January 2022.

- 2.7.4. 5/2021/2730 - Land Off Orchard Drive Park Street St Albans Hertfordshire - Outline application (access only) - Construction of up to 30 dwellings with garages

and associated parking, landscaping and access works. Pending – resolved to Grant Conditional Permission subject to completion of a s106 Legal Agreement at 20 December 2021 Committee.

3. Site Description

- 3.1. The site, of approximately 14.02ha in area, is within the Metropolitan Green Belt and largely comprises greenfield agricultural land, separated into four distinct fields by trees. The site also comprises the former Chiswell Green Farm buildings in the north east and Chiswell Green Riding School in the north west. The land falls gradually from north to south and is within the Watling Chase Community Forest. The site area of 14.02ha includes 0.06ha of land located on the south side of Chiswell Green Lane which is designated highway land controlled by Hertfordshire County Council (HCC) Highways.
- 3.2. The fields in the north of the site are currently used for horse grazing, whilst the fields to the south are unmanaged grassland. Chiswell Green Riding School is in operation, providing horse riding lessons and livery.
- 3.3. The northern boundary is formed by Chiswell Green Lane, the residential properties 59 to 71 Chiswell Green Lane and the traveller site at 73 Chiswell Green Lane. The eastern and south-eastern boundaries of the site are bordered by the rear gardens of residential properties on Woodlea, Hammers Gate, Forge End and Long Fallow. These properties form the settlement edge of Chiswell Green. There is a small woodland area the east of the site which is protected by a Tree Preservation Order (TPO) and is not included within the site boundary.
- 3.4. The now closed Butterfly World, a former visitor attraction, and its associated access road (Miriam Lane) is located to the west of the site. To the west beyond Miriam Lane is open fields which are generally free of built development.
- 3.5. The application site is bounded in parts by mature trees, shrubs and hedges. There are a number of trees protected by three different TPOs within the site.

4. The Proposal

- 4.1. The proposal is for the demolition of the existing buildings and the construction of up to 391 dwellings (Class C3), the provision of c. 1.89ha of land for a new two form-entry primary school (Class F1), the provision of publicly accessible open space and play space and the construction of new accesses and highway works including the provision of a 3m wide shared footway/cycleway on Chiswell Green Lane and works to junctions.
- 4.2. The planning application is in outline with all matters reserved except for access. As such, it is the principle of the development that is under consideration, plus the details of 'Access'. Details relating to the other reserved matters of 'Appearance', 'Landscaping', 'Layout' and 'Scale' would be provided under future application(s) for approval of reserved matters, if this outline application were approved. As such, the application is accompanied by parameter plans for the proposed development and detailed plans showing the proposed accesses.
- 4.3. The proposal includes the following housing tenures:
 - 156 affordable units (40%). The precise tenures are to be confirmed and secured through a Section 106 agreement (s106); and

- 229 private market units (60%), of which 12 are proposed to be plots for self-build.

- 4.4. An indicative residential mix is provided with the application, however the precise mix would be determined at a later stage through subsequent reserved matters application(s).
- 4.5. In terms of proposals for access, two vehicular accesses are proposed to be created off Chiswell Green Lane, one in the north west corner of the site and another towards the centre of the site in the north. These accesses would serve the northern part of the proposed residential development and future primary school. The proposals include localised widening of the existing carriageway on Chiswell Green Lane to 6.1m to accommodate the additional traffic flows associated with the proposed development. The northern footway on Chiswell Green Lane would be widened to 2m outside of nos. 46 and 48.
- 4.6. A vehicular access is also proposed to be created off Forge End to the east of the site, providing access to the southern part of the proposed residential development. A pedestrian/cycle access is also proposed off Forge End, with a further pedestrian/cycle and emergency vehicle access off Long Fallow.
- 4.7. Notwithstanding that all matters except access are reserved, the applicant has submitted parameter plans which seek to guide the scope of reserved matters submission(s), these parameter plans deal with extent of built development, green infrastructure provision, building heights, the internal road structure and the extent of land for a new primary school.
- 4.8. Any grant of planning permission for this application can be conditional upon future reserved matters applications according with approved parameter plans and this is an approach that is widely used for outline applications of significant scale.

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed	Date	12/05/2022	Expiry Date	04/06/2022
Press Notice Displayed	Date	12/05/2022	Expiry Date	04/06/2022

5.2. Adjoining Occupiers

- 5.2.1. Occupiers of adjoining properties were notified on 06/05/2022 and again on 23/09/2022 and 28/10/2022 following the submission of scheme revisions in response to consultee comments.
- 5.2.2. At the time of writing this report, representations in objection have been received from a total of 844 addresses, comprising 683 from within the District, 133 outside the District but within the UK and 28 from outside the UK. These addresses are listed below in turn.
- 5.2.3. Representations have been received from the following 683 addresses within the District:
- Nos. 9, 10, 11, 12, 15, 19, 22, 24, 26, 27, 28, 30, 31, 35, 38, 46, 48, 61, 63, 65, 67 and The Mansion House, Chiswell Green Lane;

- Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 37a, 37b, 37c, 38, 40, 42, 44, 45, 46, 49, 50, 51, 52, 54 and 56 Forge End;
- Nos. 4, 8, 10, 11, 14, 15, 16, 17, 18, 20, 22, 23, 25, 27, 29, 31, 33 and 35 Hammers Gate and nos. 2, 6, 7, 8, 9 and 12 Woodlea, Hammers Gate;
- Nos. 28, 30, 34, 36, 38, 39, 40, 41, 43, 44, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 62, 63, 65, 67, 68, 69 and 71 Long Fallow;
- Nos. 1, 5 and 9 Noke Side;
- Nos. 1, 2, 4 and 5 Rosedene End;
- Nos. 4, 6, 10, and 14 Abbey Avenue;
- No. 17 Abbey Mill Lane;
- No. 50 (2 St. George's House) Adelaide Street;
- Nos. 6, 12, and 17 Allandale;
- No. 6 Althorp Road;
- No. 6 Antonine Gate;
- No. 1 Anvil Place;
- No. 3 Ashdales;
- Nos. 3, 6, 8 and 11 Barry Close;
- No. 1 Hill End Farm Cottages, Beechtree Lane;
- Nos. 5, and 18 Belvedere Gardens;
- No. 13 Birch Copse;
- Nos. 1a, 4, 8, 9 and 55 Birchwood Way;
- No. 26 Black Boy Wood;
- No. 1 Black Green Wood Close;
- Potters Crouch Farm, Blunts Lane;
- No. 45 Boundary Road;
- No. 19 Brackendene;
- Nos. 5 and 40 Branch Road;
- No. 6 Brinsmead;
- Nos. 22 and 43 Bucknalls Drive;
- No. 6 Butterfield Lane;
- Nos. 6 and 20 Butt Field View;
- Nos. 10, 16 and 21 Burston Drive;
- No. 8 Cardinal Grove;
- Nos. 5, 11, 12, 15 and 16 Carisbrooke Road;
- No. 33 Cavendish Road.
- No. 44 Centauras Square.
- No. 16 Chandlers Road;
- Nos. 2, 6, 9, 12, 21, 23, 25, 27, 31, 33 and 35 Cherry Hill;
- Nos. 2, 3 and 5 Compton Gardens;
- Nos. 3, 8 and 12 Corby Close;
- No. 16 Corinium Gate;
- No. 10 Cottonmill Crescent;
- Nos. 1, 4, 6, 7, 8, 18, 19, 20, 22, 23, 25, 26, 28, 34, 35, 36, 37, 39, 41, 47, 56, 57 and 67 Cuckmans Drive;
- No. 32 Claremont;
- Nos. 2, 2a, 4, 5, 10, 11, 11a, 12, 14, 15, 20, 21, 23, 28, 31, 32, 40, 43, 44 and 45 Driftwood Avenue;
- No. 7 Edmond Beaufort Drive;
- Nos. 1, 1a, 5, 7, 9, 14, 15, 16, 18, 19, 22, 23, 25, 26, 27, 28a and 31 Farringford Close;
- No. 8 Fairway Close;
- No. 44 Five Acres;

- Nos. 6, 13 and 14 Forefield;
- Nos. 1, 3 and 9 Four Trees;
- No. 24 Francis Avenue;
- Nos. 3, 16, 23 and 33 Gillian Avenue;
- No. 9 Gladeside;
- No. 37 Gorham Drive;
- No. 2 Grasmere Road;
- No. 26 Ziggurat House, Grosvenor Road;
- No. 3 Grovebury Gardens;
- No. 69 Harpenden Road;
- No. 4 Handley Gate;
- Nos. 4, 22 and 26 Hawthorn Way;
- No. 4 Hazel Road;
- No. 37 Hazelwood Drive;
- No. 10 Heritage Close;
- No. 18 High Elms;
- Nos. 9, 22, 25 and 28 Holly Bush Avenue;
- No. 96 Holyrood Crescent;
- No. 16 Homestead Close;
- No. 25 Hazelmere Road;
- No. 41 Hunters Ride;
- No. 17 Jenkins Avenue;
- Nos. 13, 19, and 25 Jerome Drive;
- Nos. 18 and 33 Jordan's Way;
- Nos. 18 and 53 King Harry Lane;
- Nos. 5, 9, 26, 27, 32, 34 and 38 Laburnum Grove;
- Nos. 1, 4, 9, 10, and 12 Larks Ridge;
- No. 2 Lattimore Road;
- No. 8 Leyland Avenue;
- Nos. 18 and 34 Lindum Place;
- Nos. 99 and 105 London Road;
- No. 1 Magnolia Close;
- Nos. 2a, 7, 8 and 13 Manor Drive;
- No. 7 Mansdale Road;
- No. 90 Maplefield, Park Street;
- Nos. 107 and 146 Marshalswick Lane;
- Nos. 24a and 47 Mayflower Road;
- Nos. 10a and 47 Meadow Close;
- Nos. 1 and 11 Meauty;
- Nos. 3, 21, 40 and 42 Midway;
- No. 22 Minister Court;
- No. 32 Mount Drive;
- No. 163 Mount Pleasant Lane;
- Nos. 83 and 85 Mortimer Crescent;
- No. 26 Netherway;
- Little Daneswick, Wayside and no. 1 Noke Farm Cottage, Noke Lane;
- No. 9 Noke Side;
- Nos. 1, 2, 12 and 14 North Close;
- No. 3 North Cottages;
- Nos. 12 and 32 Oakwood Road;
- No. 4 Jakes View, Off Penn Road;
- No. 13 Old Oak;

- No. 30 Old Orchard;
- No. 10 Old Sopwell Gardens;
- Nos. 57, 75, 77a and 103 Old Watford Road;
- No. 17 Oliver Close;
- Nos. 40 and 48 Orchard Drive;
- No. 42 Park Street;
- Nos. 53, 71, 152 and 222 Park Street Lane;
- No. 36 Partridge Road;
- No. 22 Pegasus Place;
- No. 32 Penn Road;
- No. 17 Pilgrim Close;
- No. 50 Radlett Road;
- Nos. 4, 6, 14, 15, 54, 61, 62 and 65 Ragged Hall Lane;
- No. 40 Ringway Road;
- Nos. 15, 25, 29, 43, 48, 84, 92 and 96 Robert Avenue;
- No. 32 Rosemary Drive;
- Nos. 12, 23 and 50 Rowlatt Drive;
- No. 7 Samian Gate;
- No. 1 Savoy Mews;
- No. 157 Shenley Lane;
- No. 66 Sleapscross Gardens;
- No. 42 Slimmons Drive;
- No. 1 Smallford Lane;
- No. 3 Soothouse Spring;
- Nos. 2, 5, 7, 8, 9, 10, 11, 17, 22, 25, 27, 28, 30, 31 and 34 South Close;
- No. 1 Spinneys Drive;
- No. 66 Spooners Drive;
- No. 20 Spruce Way;
- Nos. 2, 11, 16, 22 and 38 St Stephens Avenue;
- Nos. 2, 2b, 3, 4, 5, 6, 8, 9, 11, 16, 19, 27, 29, 33, 35, 36, 37, 42, 45, 47, 52, 53, 54, 57, 58, 59, 64, 66, 68, 69, 72, 73, 76, 77, 83, 85, 86, 87, 88, 89, 94, 98, 100, 102, 103, 105, 106 and 107 Stanley Avenue;
- No. 14 Stanmore Chase;
- Nos. 2a, and 3 Stanmount Road;
- Nos. 11, 26, 36 and 39 Sunnydell;
- No. 16 Temple View;
- Nos. 2 and 62 Tennyson Road;
- Nos. 29 and 52 The Beeches;
- Nos. 2, 3, 7, 9, 11, 21, 23 and 29 The Croft;
- Nos. 3, and 4 The Ramparts;
- No. 4 The Pastures;
- No. 6 Tithe Barn Close;
- Nos. 10, 20, 24, 32, 42, 46, 48, 50, 56, 72, 76 and 104 Tippendell Lane;
- No. 12 Townsend Drive;
- No. 21 Upton Close;
- No. 38 Vesta Avenue;
- Nos. 45, 48, 76, 78, 80, 90, 92, 95, 101, 104, 106, 107, 115, 117, 123, 122, 121, 125, 127, 129, 130, 133, 134, 136, 137, 141, 144, 145, 146, 149, 150, 153, 155, 156, 159, 162, 165, 166, 168, 169, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 186, 189, 195, 199, 201, 203, 205, 246, 248, 250, 254, 256, 258, 264, 266, 268, 272, 272a, 274, 278, 280, 286, 288, 292, 294, 296, 298, 304, 309, 314, 315, 317, 319, 321, 322, 323, 324, 324a, 326, 327, 328, 334, 336, 337, 340, 342, 344, 347, 353, 355, 357, 359, 365, 367,

369a, 371, 373, 379, 383, 385, 387a, 392, 397, 401, 403, 405, 407, 507a, 515, 517, 519, 525, 533a and 537 Watford Road;

- Nos. 54 and 79 Watling Street;
- No. 61 Watling View;
- No. 86 Waverly Road;
- Nos. 1a, 1b, 2, 3, 7 and 10 West Avenue;
- Nos. 9, 14, 30, 48, 50 and 60 Westfields;
- No. 12 Wetherall Mews;
- No. 25 Whitebeams;
- No. 37 Whitecroft;
- Nos. 2, 28 and 90 White Hedge Drive;
- No. 82 Windmill Avenue;
- Nos. 9 and 24 Willow Way;
- No. 8 Windridge Close;
- Nos. 3 and 7 Wood End; and
- No. 22 Woodlands.

5.2.4. At the time of writing this report, representations have been received from the following 133 residential addresses from outside the District but within the UK:

- No. 1 Maryland Road, Woodgreen, London;
- No. 1 Rowan Court, Nottingham;
- No. 1 The Warren, Radlett;
- No. 1 Fern Way, Watford;
- No. 10 Bradwell Road, Milton Keynes;
- No. 10 Dacres Gate, Dunmow Road, Fyfield;
- No. 10 Epsom Avenue, Towcester, Northampton;
- No. 10 Pitwood Green, Epsom;
- No. 11 Heath Lane, Hemel Hempstead;
- No. 110 Bridleway, Colehill, Dorset;
- No. 116 Stoneleigh Park Road, Epsom;
- No. 12 Grampian Way, Luton;
- No. 12 Green Lane, Watford;
- No. 13 Alexandra Road, Kings Langley;
- No. 13 Avebury Court, Hemel Hempstead Industrial Estate;
- No. 13 Beckford Road, Cowes, Isle of Wight;
- No. 14 Larch Close, Hitchin;
- No. 14 Meadow Lane, Hook, Hampshire;
- No. 142 The Bramblings, Amersham;
- No. 147 Lawn Lane, Hemel Hempstead;
- No. 15 Byron Avenue, Borehamwood;
- No. 15 Hitchens Close, Hemel Hempstead;
- No. 15 Hitchens Close, Hemel Hempstead;
- No. 16 Hawk Court, Hemel Hempstead;
- No. 16 Letchmore Road, Radlett;
- No. 16 New Road, Croxley Green, Rickmansworth;
- No. 160 Bellingdon Road, Chesham;
- No. 162 Balmoral Road, Watford;
- No. 17 Brookfield Avenue, London;
- No. 17 Craigmount, Radlett;
- No. 17 Fairmont Close, Belvedere, Kent;
- No. 17 Seville Street, Brighton;
- No. 170 Claymore, Hemel Hempstead;

- No. 18 Cliff Road, Borehamwood;
- No. 18 Fennel Drive, Leighton Buzzard;
- No. 18 Flora Close, Stanmore;
- No. 18 Leamington Lodge, Leamington Road, Luton;
- No. 184D Willesden Lane, London;
- No. 19 Hens Lane, Welwyn Garden City;
- No. 19 Penscroft Gardens, Borehamwood;
- No. 2 Cart Path, Watford;
- No. 2 Magellan Close, Kettering;
- No. 20 Balmoral Road, Abbots Langley;
- No. 20 Hurn Road, Christchurch;
- No. 20 Park Road, High Barnet;
- No. 21 Nightingale Road, Bushey;
- No. 21 Wolves Mere, Woolmer Green;
- No. 22 Longman Court, Hemel Hempstead;
- No. 22 Oakfield Avenue, Hitchin;
- No. 23 Norfolk Avenue, South Croydon;
- No. 24 Cooper Drive, Leighton Buzzard;
- No. 24 Farm Close, Borehamwood;
- No. 24 Kingfisher Drive, Apsley;
- No. 24 Messaline Avenue, London;
- No. 24 Pannal Green, Pannal, North Yorkshire;
- No. 25 Farm Avenue, Cricklewood;
- No. 25 Fort Street, Sandown, Isle of Wight;
- No. 25 Orchard Way, Luton;
- No. 251 Long Drive, South Ruislip;
- No. 26 Albone Avenue, Arlesey;
- No. 26 Stangate Crescent, Borehamwood;
- No. 27 Boundary Road, Surrey;
- No. 275 Nine Mile Ride, Berkshire;
- No. 28 Breakspear Gardens, Dorking;
- No. 28 Coltsfoot Green, Luton;
- No. 2a Cedar Drive, Pinner;
- No. 3 Junction Cottages off Blakemere Road, Welwyn Garden City;
- No. 3, Tiverton Road, Potters Bar;
- No. 32 Ridge Lea, Hemel Hempstead;
- No. 33 Silverthorn Drive, Leverstock Green;
- No. 34 Holts Meadow, Redbourne;
- No. 34 Lauderdale Road, Kings Langley;
- No. 36 Avon Castle Drive, St. Ives;
- No. 36 Buckingham Gate, London;
- No. 37 The Vale, London;
- No. 37 The Vale, London;
- No. 38 Durham Road, Leighton Buzzard;
- No. 38 Oakfield Avenue, Hitchin;
- No. 39 Buttercup Avenue, Cambridgeshire;
- No. 4 Compton Avenue, Luton;
- No. 4 St. Margaret's, Hemel Hempstead;
- No. 407 Oakley Road North, London;
- No. 41 Beechfield Road, Kent;
- No. 42 Hyde Green, Beaconsfield;
- No. 42 New Road, London;

- No. 42 Sandy Lane, Manchester;
- No. 43 Copse Avenue, Swindon;
- No. 48 Curzon Avenue, Stanmore;
- No. 49 Cassiobridge Road, Watford;
- No. 49 Coldharbour Lane, Bushey;
- No. 49 Manor Crescent, Wendover;
- No. 5 Bullhead Road, Borehamwood;
- No. 5 Dunnock Drive, Leighton Buzzard;
- No. 5 Glebe Road, Sandy;
- No. 5 Niven Close, Borehamwood;
- No. 5 Southcliffe Drive, Chalfont St Peter;
- No. 5 Southville road, Bournemouth;
- No. 5 Tyburn Glen, Didcot;
- No. 5 Wilmington Close, Hassocks;
- No. 50b Park Road, Ashford;
- No. 52 Hervey Park Road, London;
- No. 56 Williams Grove, London;
- No. 596 Kenton Lane, Harrow;
- No. 60 Chalk Down, Stevenage;
- No. 60 High Street, Bristol;
- No. 61 Copse Wood Way, Northwood;
- No. 65 Brook Court, Radlett;
- No. 7 Copse Hill, Welwyn;
- No. 7 Hawthorns, Welwyn Garden City;
- No. 7 Tyburn Glen, Didcot;
- No. 70 Brickmakers Lane, Hemel Hempstead;
- No. 72 Clarkfield, Rickmansworth;
- No. 73 Escourt Road, Watford;
- No. 75 Kings Road, Flitwick;
- No. 781 St. Albans Road, Watford;
- No. 79 Wallis Drive, Leighton Buzzard;
- No. 8 Namu Road, Bournemouth;
- No. 8 Riverford Close, Harpenden;
- No. 82 Heather Way, Hemel Hempstead;
- No. 84 Donnybrook Road, Streatham, London;
- No. 9 Holly Tree Close, Ley Hill;
- No. 9 Moffats Close, Brookmans Park;
- No. 90 Harewood Street, Leicester;
- No. 98 – 100 High Street, Hitchin;
- Laurel Cottage, Brindley, Cheshire;
- Lower Sheering, Sawbridgeworth;
- Old Toll Cottage, Crowborough;
- Orchard House, Sarratt;
- Rose Cottage, Mayfield, East Sussex;
- Rotherfield Lane, Mayfield, East Sussex;
- Silvertrees, Kings Langley;
- Sospiri, High Wycombe; and
- The Bothy, Maidenhead.

5.2.5. At the time of writing this report, representations have been received from the following 28 residential addresses from outside the UK:

- No. 10 Cornish Street, Victoria, Australia;

- No. 100 Hemmellbuurt, Hem, The Netherlands;
- No. 102 Hofholzallee, Kiel, Germany;
- No. 12 Josef Kehrer Strasse, Altotting, Germany;
- No. 1271 Weller Way, Maryland, USA;
- No. 13 Golfplatzstrasse, Puchenau, Austria;
- No. 13 Stofling, Timelkam, Austria;
- No. 13 Via Donizetti, Milan, Italy;
- No. 13/5 Plac Legionow, Wroclaw, Poland;
- No. 1337 Hunters Ridge East, Illinois, USA;
- 13s803 Clifford Estates, Guangdong, China;
- 17/3/26 Paulasgasse, Vienna, Austria;
- No. 227 Bis Rue du Blanzat, Clermont- Ferrand, France;
- No. 2535 Pascal Street North, Minnesota, USA;
- No. 259 Birkenweg, Golling, Austria;
- No. 26 Salisbury Terrace, Australia;
- No. 31 Museumstrasse, Innsbruck, Austria;
- No. 42 Notingerweg, Hohenbrunn, Germany;
- No. 50 Rue Anatole France, Luxembourg;
- No. 56 Kochanowskiego, Olesnica, Poland;
- No. 56a Goldbacherstrasse, Steyr, Austria;
- No. 6 Pleasant Place, Lagana, Australia;
- No. 616 Hinimbura Road, Galle, Sri Lanka;
- No. 707 Persiaran Senyum Bintang, Malaysia;
- No. 8 Walker Avenue, Melbourne, Victoria, Australia;
- 8a/1/107 Boerhaavegasse, Vienna, Austria;
- Chaudhry House, Eminabad, Pakistan; and
- Shiga Ken, Higashi, Japan.

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

5.2.7. Objections in principle/relating to Green Belt

- 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.

5.2.8. Objections relating to landscape, open space and ecological impacts

- 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.

5.2.9. Objections relating to environmental impact (except for highways)

- Additional noise and air pollution.
- Concerns about flooding.
- 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.

5.2.10. Objections relating to access, highways and transportation

- 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.
- High levels of pollution locally discourages cycling and walking.
- Applicant's prediction that cycling will be the preferred method of transport for future residents is too optimistic.
- The closest footpath to the development is unfit for purpose.
- Buses are infrequent and unreliable. It is unrealistic to think future residents at the site would use buses over cars.
- Buses could not easily access the proposed development or navigate it once inside.
- Surrounding streets, such as Long Fallow and Forge End, risk becoming overspill car parks for the proposed development.
- No certainty that the 321 bus would be diverted and stop within the proposed development.
- Buses are expensive which would deter potential users who would instead use cars.
- Train stations are not within walking distance of the site.

- The Abbey Flyer train is unreliable and infrequent without appealing destinations.
- Chiswell Green Lane is unsuitable for additional traffic during the construction and operation of the proposal.
- Vehicle access onto Forge End would be dangerous and add to local congestion.
- The proposed narrow access roads are not suitable for a development of this scale.
- Access from Miriam Lane would be preferable to Forge End and Chiswell Green Lane.
- Existing highway infrastructure cannot cope with the current number of residents, let alone an additional 1,000 people.
- Watford Road is the busiest B road in Hertfordshire.
- Stanley Avenue would likely be used as a 'rat run' by future residents at the site to avoid congestion on Watford Road.
- Cars waiting to turn into Forge End cause queues along Watford Road.
- A school being built at the site would worsen traffic.
- Congestion delays the movement of emergency service vehicles on Watford Road and surrounding roads.
- 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.

5.2.11. 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.
- 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.

5.2.12. Objections relating to history of site and the Local Plan process

- 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.
- 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.
- Additional traffic will create noise pollution throughout the day and night.
- 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.

5.2.13. Objections related to COVID-19 impacts

- Assessments covering things like traffic were not representational due to lockdown.

- Local services are under stress due to COVID-19.

5.2.14. 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.

5.2.15. 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.
- 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.
- The amendments to the application during determination are only minor and do not change the fundamental objections raised.

5.2.16. At the time of writing this report, representations in support have been received from the following 26 addresses, comprising 6 from within the District and 20 from outside the District but within the UK. These addresses are listed below in turn.

5.2.17. Representations have been received from the following 6 addresses within the District:

- No. 46 Forge End;
- No. 3 North Cottages, Napsbury;
- No. 1 Hill End Farm Cottages;
- No. 44 Five Acres;
- No. 2 Grasmere Road;
- No. 13 Jerome Drive, St Albans; and
- No. 146 Marshalswick Lane.

5.2.18. Representations have been received from the following 20 addresses outside the District but within the UK:

- No. 10 Epsom Avenue, Towcester;
- No. 13 Avebury Court, Mark Road, Hemel Hempstead;
- No. 15 Sheering Lower Road, Sawbridgeworth;
- No. 17 Brookfield Avenue, London;
- No. 17 Fairmont Close, Belvedere, Kent;
- No. 2 Magellan Close, Kettering;
- No. 22 Oakfield Avenue, Hitchin;
- No. 23 Norfolk Avenue, South Croydon, Surrey;
- No. 24 Cooper Drive, Leighton Buzzard;
- No. 36 Avon Castle Drive, St Ives;
- No. 38 Oakfield Avenue, Hitchin;
- No. 42 New Road, London;
- No. 5 Southville Road, Bournemouth;
- No. 5 Wilmington Close, Hassocks;
- No. 56 Williams Grove, London;
- No. 82 Heather Way, Hemel Hempstead;
- No. 98-100 High Street, Codicote, Hitchin;
- No. Laurel Cottage, Kidderton Lane, Brindley, Cheshire;
- No. Old Toll Cottage, Uckfield Road, Crowborough, East Sussex; and
- No. Rose Cottage, Rotherfield Lane, Mayfield.

5.2.19. The representations in support are summarised as follows:

- 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.

5.2.20. In addition, a number of representations (in objection and support) were received from parties not providing their full address; these were not displayed on the website in accordance with our standard procedures.

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

- Chiswell Green Residents' Association;
- St Albans Civic Society;
- Campaign to Protect Rural England;
- Keep Chiswell Green, including a separate Transport Note prepared on behalf of Keep Chiswell Green;
- St Albans and District Footpaths Society;
- Ramblers Association; and
- Park Street Residents' Association.

5.3. The application site is within the St Stephens Parish Council area. A response was received from them dated May 2022.

Strong Objection: *Development in an unsustainable location in the Green Belt for which Very Special Circumstances do not exist.*

The developer erroneously claims that the Parish Council would be supportive of the application by misinterpreting the index map in the Neighbourhood Plan. This plan states that policies will apply in the present (as shown below Policy S1) Built Up Area or what, prior to the failure of its Local Plan, the District Council was expected to designate as a Built-Up Area. It does not seek – nor could it – to extend the current Built-Up Area through Green Belt release.

Unlike the larger areas proposed for Green Belt release in the District Council's submitted Local Plan, which were of sufficient size to justify local facilities, this development represents only additional houses in Chiswell Green and should be judged as such. It is, therefore, too dense when compared with the surrounding area, which is characterised by properties on larger plots.

There is no present need for a school at the location as the nearby Killigrew Primary School is undersubscribed. The Parish Council notes that directing resources to existing schools via section 106 would not provide the same revenue to HCC as the sale for housing of an unneeded site that had been removed from the Green Belt. It suggests that if the development is permitted to go ahead, the 'school site' is retained in Green Belt.

The Parish Council is concerned that if the development is permitted, substantial improvements to Chiswell Green Lane and its junction with Watford Road will be required on land outside the applicant's control.

5.4. Chiswell Green Residents' Association

Object to Proposal

Comments made on behalf of the Chiswell Green Residents Association (CGRA). Chiswell Green is a village and should be kept as such.

Many people reside here because of the specific charm and character the village has.

This development will irreparably harm and change the character of our village. We will literally become a town overnight.

The St Albans Green Belt needs to be protected to stop an urban corridor being created between London and Luton.

New residents of this development are more likely to travel by car to their work destinations rather than cycle due to good access routes to the M25, M1 and A414 thus increasing traffic significantly when there is already too much traffic in Chiswell Green.

If this is ever a problem on the above mentioned roads the Watford Road becomes a solid traffic jam.

According to teaching professionals, it's our understanding that Chiswell Green's schools are under-subscribed, therefore negating the need for an additional school in the area.

Many residents are concerned that their roads, especially Forge End, Long Fallow and Chiswell Green Lane will become car parks due to the factor new estates do not provide adequate parking facilities for modern living.

We understand Cala are approaching Arriva in relation to diverting the 321 bus route for which there is no safe scope to do so as the roads in question are completely unsuitable for a bus route.

The proposed access routes to the development are not suitable, refuse lorries find them difficult to navigate, therefore with a significant increase in traffic this only going to exasperate an existing problem.

St Albans and Chiswell Green do not have the infrastructure to support this development with medical and dental services already hugely over-subscribed.

Several roads are already used as "rat runs" by people trying to avoid the Watford Road, the new develop will automatically use these roads, primarily Stanley Avenue and Chiswell Green Lane making them even more dangerous.

There is currently inadequate parking in the village for shops, therefore this development is only going to make the problem worse.

If this development goes ahead it will result in more developments being build on protected Green Belt land.

On behalf of CGRA we do not support this planning application.

5.5. St Albans Civic Society

We OBJECT to this proposal for inappropriate development in the green belt. The proposal is premature pending adoption of a new local plan.

Under the National Planning Policy Framework green belt boundaries are only to be altered in exceptional circumstances, and then only through the local plan review process.

Permitteing the development would set a precedent for similar green belt sites in the locality.

5.6. Campaign to Protect Rural England

I write with regard to the above application to which CPRE Hertfordshire objects strongly for the following reasons.

1. The site lies in the London Metropolitan Green Belt as defined in the St Albans District Local Plan Review where development is inappropriate unless very special circumstances can be demonstrated, according to the National Planning Policy Framework (NPPF). It is noted that the site was previously included in site allocations for the withdrawn Publication Draft St Albans Local Plan.

2. This previous proposed allocation is cited in the Applicant's Planning Statement as justification for this application, quoting supporting assessments and the lack of five year housing land supply as very special circumstances. Reference is also made to recent planning appeals and decisions in St Albans and adjacent areas which suggest that housing need considerations can overcome the protection afforded by the designation of land as Green Belt.

3. We believe that this position is profoundly mistaken, and recent draft legislation and Ministerial statements, which carry policy weight, continue to re-emphasise the importance of the Green Belt, and that its designation should act as the major constraint intended in the NPPF. The proposed development is a clear encroachment into the countryside, affecting its openness and leading to a reduction in open land between settlements in the immediate area.

4. The Green Belt in the area adjacent to Chiswell Green affected by this proposal is particularly susceptible to degradation and in our view requires management as open countryside for the benefit of the public, both local and visitors, as originally intended by its designation. A plethora of recent planning applications, citing planning appeal and committee decisions, provides the context for a wholesale

attack on the Green Belt which is causing considerable local community and wider concerns.

5. Far from providing justification for this application, the withdrawal of the Publication Draft Local Plan offers the opportunity for a wide-ranging review of all previously allocated sites in the light of both changed circumstances and local conditions, and recent and intended legislation. It continues to be the case that Paragraph 11 of the NPPF (and footnote 7) enables Local Plan housing targets to take account of policy constraints relating to designated protected land but certain recent decisions have obscured this responsibility by quoting 'housing need' which is itself calculated using outdated population and household projections.

6. The recently published Levelling Up and Regeneration Bill and supporting policy information re-emphasises the importance of protection of the Green Belt, and forthcoming amendments to technical guidance should clarify the significance of this protection. It is increasingly clear that where all open land is designated as protected, such as the St Albans City & District Council area, there need to be special measures and the re-balancing of development away from what the Levelling Up and Regeneration White Paper referred to as 'over-heated areas'.

7. The very considerable and growing local community response, together with the potential damage to highly valued open countryside accessible to all, indicates the need to review previous site allocations. The increasing pressures on local services and facilities from further development are undeniable and these should also be taken into account.

8. The site also lies in the area identified as part of the Watling Chase Community Forest, originally supported by Hertfordshire County Council, St Albans City and District Council and others, and with the increasing challenges relating to the loss of biodiversity and the amelioration of climate change, this designation should play an increasing role in public policy. The recent enactment of the Environment Act 2021 and Climate Change Acts will require significant actions for the recovery of nature, and already designated areas should play an increasing role in achieving the objectives of legislation. We urge the Council to refuse this application for inappropriate development in the Green Belt.

5.7. Keep Chiswell Green

5.7.1. Narrative in opposition to the development (dated 23 June 2022) set over 102 paragraphs under the following headings:

- Introduction
- Policy Context
- Green Belt
- Land as an essential natural asset
- Transport
- Facilities and Services
- Summary and Conclusions

5.7.2. The points raised are reflected in the list above of summary points of public objections.

5.7.3. The submission concludes:

91. *The focus of the application to be determined is the principle of development on the Metropolitan Green Belt and the site access. The applicant asserts that the current inability of the Council to demonstrate how the City and District will satisfy Government-imposed housing targets provides the very special circumstances sufficient to override the legal protection of the Green Belt, and asserts that recent case history supports this postulation. The applicant also asserts that the application site only makes a partial contribution to one of the purposes of the Green Belt.*

92. *KCG refutes these arguments; the application site sits firmly within the Metropolitan Green Belt and outside of the Built-Up Area Boundary as is verified by the “saved policies” of the St Albans District Local Plan 1994 and the newly made St Stephen Neighbourhood Plan.*

93. *The applicant claims that work done in formulating previous drafts of the St Albans District Local Plan implies that the application site will be removed from the Green Belt in the next Local Plan and the site should therefore be considered as removed. KCG reminds the Council that the recently withdrawn Local Plan has no legal status, and that all sites proposed for consideration for the next version of the Local Plan have equal status until each has been assessed against strict criteria.*

94. *With so many English local authorities across the country unable to demonstrate how their local housing targets will be achieved, this situation could be considered to be “the norm”. In the Home Counties in particular, a rising ground-swell of public and political opinion in favour of protection of the Green Belt is causing Government to reconsider whether achievement of their housing targets is feasible or even appropriate. Mounting pressure from multiple erudite sources may soon lead to a recalculation of housing targets or to their abandonment at a national level, and to the determination of planning applications against new measures which include climate, biodiversity, beauty, and health and well-being. KCG dismisses references to appeal decisions with regards to other planning applications as immaterial and asserts that to determine this application under current circumstances is premature and inappropriate.*

95. *In terms of the outline application, KCG strongly believes that no very special circumstances have been demonstrated to justify the release of the Green Belt and that no areas of Green Belt should be considered for development until all brownfield sites have been utilised. The most appropriate place for considering the required amount of future housing land, and the allocation of sites, is the Local Plan. It is only fair that the debate on the issue should be at the public examination of the Local Plan, chaired by an independent Inspector.*

96. *Contrary to the views of the applicant, KCG contends that the application site to the South of Chiswell Green Lane emphatically serves all five purposes of the Green Belt as set out in the NPPF. As illustrated by this statement, an essential characteristic of the site is its openness, both visual and spatial. Additionally, it fulfils an essential function as a critical natural asset to mitigate climate change, it provides an environment for the ecosystems which underpin all human life and activities, it serves a vital function in mitigating the risks of flooding, and continues to offer its traditional benefits to the community of green and open space for recreation and community activities.*

97. *In respect of the natural environment, KCG asserts that the applicant has failed to provide a true and accurate assessment of the range and number of insect, bird and animal species, including some rare and protected species, that*

inhabit the application site, and its surroundings. Consequently, the applicant has singularly failed to demonstrate that its proposal can compensate fully for the destruction of these wildlife assets. KCG asserts that the applicant's suggestion that the development proposal will result in a net gain of 10% in biodiversity is risible.

98. The application in question seeks permission to access the application site at 5 access points – two at Chiswell Green Lane, one vehicular access and one pedestrian via Forge End, and one pedestrian and emergency access via Long Fallow. KCG contends that none of these access points is suitable or viable for the inevitable and significant volume of traffic that this proposed development would generate, that the applicant's aspirations of reducing car usage will fail due to the lack of suitable public transport and local employment opportunities, and the practical nature of modern life.

99. Additionally, KCG considers that the traffic that would be generated by the proposed development has not been assessed in view of the changes in road layout that will result from the approved development at Burston Nurseries, nor the increased vehicular volume that will result from the approved Strategic Rail Freight Terminal. The addition of a significant volume of traffic to an already over-burdened road network will have a substantial and material negative impact on the quality of life, health and therefore happiness of the existing population.

100. Additionally, the imposition of a new population number equivalent to one third of the existing residents will turn Chiswell Green into a town, causing it to lose its village feel and character – the very reason many of the residents live here. The new development will be out of keeping with the rest of the village, which includes a significant number of bungalows, and will be very prominent due to the elevated position of the application site in the topography of the local area. Furthermore, the sudden addition of a large number of new residents has been shown in other locations to create an “us and them” situation which does not aid the integration of the incoming population into their new surroundings.

101. For all the above reasons, KCG considers the application site to be totally inappropriate for development and urges the Council to refuse this application.

102. In conclusion, Keep Chiswell Green respectfully reminds the local planning authority that a decision in favour of the applicant is not just final, but fatal. On behalf of the residents of the village of Chiswell Green, who will have to live with the consequences of an approval to build, KCG appeals to the Council to consider the impact of removing nearly 15 hectares of prime Green Belt – the harm that will be done to air quality, the destruction of nature and the ecosystem, the contribution this will have to climate change. In the words of the CPRE, “countryside, not concrete”. Please Keep Chiswell Green.

5.7.4. A Transport Note – A Review of the Highway and Transport Issues Prepared for Keep Chiswell Green (dated October 2022) was also submitted by Keep Chiswell Green. The Transport Note relates to both this application and the recently refused application at St Stephens Green Farm (5/2021/3194) and is broken down in to the following sections:

- Introduction;
- The highway and transport features of the two planning applications;
- Transport policy and guidance;
- Commentary on highway and transport issues; and
- Conclusions and recommendation.

5.7.5. The report makes the following conclusions and recommendation:

We have reviewed the highways and transport aspects of the two planning applications against current policy, best practice standards and guidance. Our investigations lead us to conclude that:

- The local highway network, and particularly the double mini roundabout in the centre of the village, is operating at capacity at present. The additional traffic arising from either one, or both, of the proposed developments will lead to a significant worsening of the situation.*
- Both applicants, and the LHA, have ignored the significant traffic impact and instead focussed on providing improved provision for pedestrians, cyclists and bus users in an attempt to mitigate the transport impacts of the proposed developments.*
- We consider that a more balanced approach is needed that merges highway improvements (ie junction improvements) with increased provision to support sustainable modes of travel.*
- We think it is unrealistic to expect sustainable transport initiatives on their own to satisfactorily overcome the major transport impacts arising from these developments in an area where the car is, and will remain, the primary mode of transport for most people, most of the time.*
- We note that in the last census only 1% of residents travelled to work by cycle, only 5% used public transport and only 5% walked. Clearly sustainable modes of travel are not realistic options in this area.*
- The two application sites which are located in the Green Belt beyond the boundary of the built-up area of Chiswell Green are unsustainable locations in transport terms*
- The sites only have access on foot to a limited range of services and facilities. Again this is primarily because the two sites are located in open countryside beyond the urban area.*
- The sites have relatively poor cycle access despite the proposed new cycle lanes to be provided along Watford Road.*
- The sites have poor access to the bus network primarily because the distance residents will have to walk to their closest bus stop is excessive.*
- These factors when taken together mean that there is unlikely to be a genuine choice of transport modes available to the new residents.*
- If permitted then the developments would lead to the creation of car-based dormitory communities.*
- The proposal to fund more frequent bus services along Watford Road for a period of 5 years is a highway benefit. Whether or not these services remain financially viable once the funding runs out is uncertain.*
- The proposed developments (either individually or collectively) will exacerbate the already serious highway safety and capacity concerns on the local highway network and particularly at the Watford Road/Chiswell Green Lane/Tippendell Road double mini roundabout junction.*
- The additional traffic arising from the proposed developments will change the function and character of Chiswell Green Lane from that of a “street” to a “road” with an emphasis on its traffic carrying capabilities rather than its place function.*

5.2 The development proposals are therefore contrary to local and national policy that seeks to create safe, attractive sustainable communities where the overall need to travel is reduced and where residents have a genuine choice of transport modes.

5.3 *The proposed development will provide highway benefits by way of the improvements to the pedestrian and cycle facilities in the village and by funding an increased bus frequency along Watford Road for 5 years.*

5.4 *However, the serious transport and highway issues must override any benefits arising from the provision of housing and the sustainable transport initiatives.*

Recommendation

5.5 *If the sites are to be brought forward for development then we suggest that this should be done through the Local Plan process. The transport modelling process and overall site assessment procedure will ensure that the highway and transport networks can easily and safely accommodate the proposed developments and that the transport and social infrastructure is in place to support the development.*

5.8. St Albans and District Footpaths Society

The St Albans & District Footpaths Society is a charity whose main objective is to protect and preserve public rights of way, particularly footpaths, in St Albans City and surrounding areas.

The Society object to this development on the basis that this is inappropriate development within the Green Belt. A housing development on this land will destroy the openness of the Green Belt, and reduce people's enjoyment of the views. The fact that the District Council do not have a five year plan for the supply of housing land is not, of itself, a sufficient reason to approve this proposal.

However, should the District Council be minded to approve this application, the developer needs to provide additional access points for pedestrians –onto Miriam Lane to allow access onto Noke Lane, and onto Chiswell Green Lane where the present drive to the farm is located. The Access and Movement Parameter Plan shows three pedestrian access points-and two access roads which will presumably have footpaths –none of which are on the west side of the development. Access at these two extra points will make it easier for resident's to make use of the wider public footpath network around Chiswell Green. The footpaths to these access points should be dedicated as public rights of way, so that the existing residents in Chiswell Green would be able to use them.

5.9. Ramblers Association

*The Ramblers is a national charity which works to protect the countryside and to safeguard and enhance the places where people walk. We **oppose this application** because it is for inappropriate development in the Green Belt and will result in the loss of valuable open countryside.*

However if this development should be approved we offer the following comments. The estate roads and paths will probably not be adopted by HCC and will therefore remain private. The general public may not have any right to use these routes which will primarily benefit the residents of the new houses. But the cross site paths linking Long Fallow and Forge End with Chiswell Green Lane will have a much wider potential benefit for Chiswell Green residents as they will provide shorter and less busy routes from existing houses to the public right of way network off Chiswell Green Lane.

In addition a route through the proposed central green space could provide a future connection to Miriam Lane which in turn could provide a route to Noke Lane. This would open up the possibility of circular walking routes using the rights of way linking Noke Lane and Chiswell Green Lane. Although Miriam Lane is a private road it is included in the HCC Rights of Way Improvement Plan as a suggested route for pedestrians and cyclists (ROWIP reference 6/282).

To ensure that both pedestrians and cyclists from the wider community will have the right to use these cross site paths any planning permission for this site should require them to be dedicated as public bridleways. This would be consistent with national and county policies and with policies and aspirations in the St Stephen Neighbourhood Plan which was approved by a large majority in the recent referendum. Details of these policies are attached.

5.10. Park Street Residents Association

This site is valuable greenbelt land with endangered species inhabiting it. There is no need for such a huge development on a rural site when brownfield land is available. It will lead to yet more congestion on the A405 and at The Noke roundabout. The lungs of this area will be clogged and lost forever. will ruin the "village" feel of Chiswell Green.

6. Consultations:

6.1. Affinity Water

6.1.1. Initial response received on 29 July 2022 as follows:

Water quality

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

Water efficiency

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

Infrastructure connections and diversions

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

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

6.1.2. Second response received on 12 October 2022 as follows:

Water quality

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

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

6.2. Community Services

6.2.1. Response received on 4 July 2022 seeking a financial contribution towards leisure and cultural centres. The below table provides a summary of the obligations that the Council considers it appropriate to request because of the need generated by the proposed development:

Type of Provision	(A) Local Standard of Provision	(B) Cost per square metre	(C) Contribution Per Person	(D) Total Contribution	Project to Which Contribution Will Be Applied
Play Areas	600 m ² per 1000 population (see note 1)	£213 per square metre (see note 2)	£127.80 (excluding 1 beds)	£0	
Parks and Open Spaces	12,000 m ² per 1000 population (see note 3)	£17 per square metre (see note 4)	£204	£0	
Leisure & Cultural Centres	82.58 m ² per 1000 population (see note 5)	£3,908 per square metre (see note 6)	£322.72	£298,355	Greenwood Park Community Centre & Pavilion
Total = £298,355					

6.3. District Archaeologist

6.3.1. Initial response received on 31 May 2022 as follows:

Archaeological Recommendation: Archaeological evaluation and follow on excavation.

1. Archaeological evaluation and archaeological excavation

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

Reason:

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

2. Publication and Dissemination

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

Reason:

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

This advice is in line with paragraph 205 of the NPPF (2021).

Archaeological Background

The proposed development lies within a potentially sensitive area identified by the desk based assessment. The desk based assessment submitted with the application states 'Based on current evidence, a low to moderate archaeological potential has been identified at the site for the Roman period and for Saxon or Medieval period agricultural activity or land division. A localised potential associated with the Post Medieval hamlet at Chiswell Green can be anticipated at the northern site boundary'. The limited information retained on the Historic Environment Record within this area may largely be due to the limited development that has occurred in the area.

6.3.2. Second response received on 3 October 2022 as follows:

Archaeological Recommendation: Archaeological evaluation and follow on excavation.

1. Archaeological evaluation and archaeological excavation

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

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Reason:

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6.3.3. Third response received on 14 November 2022 as follows:

Thank you for reconsulting St Albans Archaeological Advisors regarding the above application. Our recommendations remain the same as on the earlier proposals.

Archaeological Recommendation: Archaeological evaluation and follow on excavation.

1. Archaeological evaluation and archaeological excavation

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

Reason:

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

2. Publication and Dissemination

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

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This advice is in line with paragraph 205 of the NPPF (2021).

Archaeological Background

The proposed development lies within a potentially sensitive area identified by the desk based assessment. The desk based assessment submitted with the application states 'Based on current evidence, a low to moderate archaeological potential has been identified at the site for the Roman period and for Saxon or Medieval period agricultural activity or land division. A localised potential associated with the Post Medieval hamlet at Chiswell Green can be anticipated at the northern site boundary'. The limited information retained on the Historic Environment Record within this area may largely be due to the limited development that has occurred in the area.

6.4. Design and Conservation

6.4.1. Response received on 27 October 2022 as follows:

Previous advice was given at pre-app stage – PRE/2021/0177 when much more limited detail was provided.

This is an Outline consent – access only, all other matters reserved. I am making comments based on the Indicative Masterplan, The Design & Access Statement and the Building Height parameter plan.

As per my previous comments, I have not found a cogent argument for the siting of the school. Given the potential for large buildings on this highest part of the site, I think that we would need to be convinced that this is sited in the optimum place. I seem to be missing the 'Figures' from the LVIA, so can make no further judgement as to whether the siting of the school would cause undue harm to the wider Green Belt.

The road hierarchy has been clarified by further information in the D&A, and there does seem to be a structured approach in terms of the different road characters. However, there remains a plethora of cul-de-sacs, which do inhibit vehicular permeability. Whilst there is some pragmatic reason for splitting the development into two halves (land ownership?), this does not present well in terms of creating a single community. That being said, the central green space, as a focus for both 'halves' is a positive element in the scheme, as is the landscaped corridor that runs through the two parts.

The buildings that surround this central green space will need to be carefully designed to remove the confusion of 'backs and fronts'. The surveillance of the central space is welcome. I do wonder how the defensible space for the ground

floor flats will be handled and what physical boundaries there will be between the public green space and their windows. The reduction in height from 4 (pre-app) to 3 storeys is welcome, but it should be noted that the height of 12.8m should be clarified at this stage before we accept the Building Height Parameters Plan. This is a height that would accommodate a fourth storey in the roof. Similarly, 10.5 metres is tall for a two storey house – again this is a 2.5 storey house with substantial accommodation in the roof.

In terms of appearance, there seems to be hardly any difference in the appearance of the built development, even though the applicant has defined 4 character areas. The design of the proposed houses is rather pedestrian and unexciting.

I concur with the comments of Landscape colleagues who have stated that boundaries which abut open countryside should be strongly reinforced with planting to screen the development from wider views.

6.5. East of England Ambulance Service

6.5.1. Response received dated 24 June 2022, stating that a contribution of £95,013 would be required towards the creation of additional ambulance services to support the population arising from the proposed development. Recommendations for the detailed design of the proposed development were also provided.

6.6. Enforcement

6.6.1. Response received on 3 October stating no comments on the application.

6.7. Environment Agency

6.7.1. Initial response received on 18 May 2022 as follows:

Thank you for consulting us on the above application on 6 May 2022. We have no objection to the proposal and have the following comments to make:

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

The site is situated in a vulnerable groundwater area within Source Protection Zone 2 and a principal aquifer. These proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.

Where land contamination may be an issue for a prospective development, we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.

Advice for LPA/Applicant

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk

management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

- *No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g., soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).*
- *Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.*

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.

4. Refer to the contaminated land pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g., British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- *BS5930:2015 Code of practice for site investigations;*
- *BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;*
- *BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;*
- *BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);*
- *BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;*
- *BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;*
- *Use MCERTS accredited methods for testing contaminated soils at the site;*

- *Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.*

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

- 6.7.2. Second response received on 4 November 2022 as follows:

Thank you for consulting us on this additional information. We have reviewed the information submitted but it does not change our advice provided in our last response reference NE/2022/134483/02-L01 dated 18 May 2022.

- 6.8. Environmental and Regulatory Services

- 6.8.1. Response received from the Contaminated Land Officer on 16 September 2022 as follows:

I have reviewed the phase 1 desktop contaminated land assessment which has been submitted in support of the above application for the construction of construction of up to 391 dwellings, a primary school and associated landscaping. The desktop assessment confirms that potential localised contamination risks have been identified across the proposed development site and therefore a Phase 2 (Intrusive) Contamination Assessment is necessary to assess the significance of potential pollutant linkages. The proposed intrusive site investigation will include a combination of trial pits and windowless sampling boreholes to assess the underlying ground conditions and to target any potential contamination as a result of the previous uses of the site. Information gathered during the site investigation will then be used to inform a risk assessment and enable a remediation strategy to be developed.

To ensure that the required level of site investigation is undertaken to ensure that the proposed development is suitable for future users the following conditions should be included on any decision notice:

1.Site investigation

Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to the phase 1 assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination*
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines*

and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

2. Options appraisal and remediation strategy

The results of the site investigations and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

3. Verification report

Before the development is occupied, a verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

- 6.8.2. Comments received from the Environmental Compliance Officer on 9 September relating to noise, as follows:

We have reviewed the CASS ALLEN Noise Assessment RP01-21618-R2 and at this stage would suggest the following conditions in relation to noise, should this application be minded for approval.

Condition:

Further noise assessment is required at the detailed design stage to demonstrate compliance with BS8233.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition:

CASS ALLEN advice in Noise Assessment RP01-21618-R2, which reviews the development design in relation to measured noise levels, provides for potential acoustic design improvements which shall be followed and extended where

appropriate to Chiswell Green Lane (North Eastern edge of site) along with Miriam Lane (Western edge of site):

1. Configure the internal layouts of the units to minimise habitable rooms overlooking Chiswell Green Lane (North Eastern edge of site) & Miriam Lane (Western edge of site)
2. Acoustically attenuate the facades overlooking the road in these areas to reduce noise levels in habitable rooms.
3. Minimise maximum noise levels in gardens on the North Eastern & Western edge by acoustically screening them from the road with suitable acoustic fencing (close boarded 1.8m high).

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition:

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition:

A full overheating assessment and specification of suitable glazing and ventilation systems to achieve acceptable internal noise levels with windows open (as per ProPG guidance) will be provided at detailed design stage.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

BS4142: 2014 assessment – Plant and Machinery

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the (plant/machinery/specify) that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the (plant/machinery/specify) does not, at any time, increase the ambient equivalent continuous noise level.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

- 6.8.3. Comments received from the Environmental Compliance Officer on 14 September 2022 relating to air quality. The Officer recommended an air quality condition with the following wording:

The site is considered to be at high risk for dust and a Dust Management Plan should be submitted as part of the Construction Management Plan required by

condition [TBC]. The plan must incorporate the highly-recommended mitigation measures described in the IAQM construction dust guidance (as outlined at section 7 of the submitted Air Quality Assessment dated 15 February 2022).

6.9. Hertfordshire County Council Growth and Infrastructure Unit

6.9.1. Initial response received dated 17 July 2022 as follows:

Education

The requirement for a new two form entry (2fe) primary school within Chiswell Green, was based upon the growth scenario contained in the Publication Draft St Albans Local Plan, which was consulted on in September 2018 and subsequently withdrawn by the district council in November 2020. The delivery strategy for Chiswell Green within the withdrawn plan included the application site as a broad location for approximately 365 dwellings. The new primary school would have accommodated the potential pupil yield arising from the broad location as well as wider demand from the surrounding area, given the pressure on places St Albans was experiencing.

The county council's response to the consultation therefore supported the delivery strategy, as the proposed level of growth for Chiswell Green and the surrounding area necessitated the need for a new primary school site to be identified to ensure that future demand could be met. There is only one existing primary school within Chiswell Green, Killigrew Primary and Nursery School, which is currently full or nearly full in the majority of year groups. The school does not currently have the capacity to accommodate the potential level of new demand arising from the development site, especially if further development comes forward in the area.

Due to the uncertainty currently surrounding the emerging St Albans Local Plan, in relation to an emerging growth scenario and housing target for the district, the county council cannot therefore commit to a timescale regarding the potential delivery for a new primary school and be certain as to when additional places will be needed. Therefore, HCC will be looking to safeguard a site for a new primary school within the application site, as opposed to seeking a detailed application for a new school at the reserved matters stage, should this outline planning application be approved.

The county council notes that approximately 2ha of land has been set aside for a 2fe primary school on the north-western portion of the site, with access onto Chiswell Green Lane. Although the size of the site would appear to be in line with the county council's education land specification for a school of this size, it is noted that it has been situated within an area of the application site that is not flat and has existing structures and topographical features within it. In line with the county council's education land specification, HCC would normally only accept a site that has less than a 1:20 gradient and is free of physical landscape, or topographical features, as these may constrain its development and use for its intended purpose. HCC would not therefore be looking to re-use any of the existing structures that are currently on-site as part of any future primary school.

Primary Education towards the expansion of Killigrew Primary and Nursery School or any primary school with expansion potential in the area (£3,024,011 index linked to BCIS 1Q2020). Please note that the amount quoted above is for indicative purpose 3 only, it is expected that the final amount to be included in the S106 agreement and the terms and conditions with regards to the safeguarding serviced site will be set out through further discussion.

Nursery Education included in the primary school provision above.

Secondary Education towards the expansion of Marlborough Science Academy/ Samuel Ryder Academy or any secondary school with expansion in the area (£3,312,434 index linked to BCIS 1Q2020)

Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) (£378,030 index linked to BCIS 1Q2020)

Library Service towards increasing the capacity of community spaces in St Albans Central Library (£38,000 index linked to BCIS 1Q2020)

Youth Service towards re-provision of the St Albans Young People's Centre in a new facility to accommodate larger numbers of young people £105,959 (index linked to BCIS 1Q2020)

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

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

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development". Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

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

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

Necessary to make the development acceptable in planning terms. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

Directly related to the development.

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

Fairly and reasonably related in scale and kind to the development.

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

6.9.2. Second response received dated 13 October 2022 as follows:

Thank you for notifying HCC on the re-consultation of the above outline planning application on Land South of Chiswell Green, Chiswell Green. The applicant has not revised the development mix for this application, which means the contributions outlined in our response, dated 17 July 2022, have not been amended and still remain valid. However, it should be noted that if the tenure or mix of dwellings changes, this may entail an alteration to the contributions that have been sought.

The Draft Heads of Terms that are contained within appendix 3 of the accompanying Planning Statement, outline HCC's requests for contributions that should be based upon the obligations outlined in our previous letter. Therefore, the list should include 'primary school education' as this is also a contribution sought, as outlined in our previous response.

It should be reiterated that a site for a new primary school may only be needed if a revised local plan growth scenario contains additional sites that creates wider demand from the surrounding area. Therefore, HCC will be looking to safeguard a site for a new primary school within the application site, as opposed to seeking a detailed application for a new school at the reserved matters stage, should this outline planning application be approved.

Since our previous response to you, HCC has received a topographical plan showing the gradient of the proposed school site as being 1:25. This appears to comply with the county council's education land specification which states that HCC would not normally accept a site that is steeper than a 1:20 gradient. It should be noted that the proposed school site should be free of physical landscape, or topographical features, as these 2 may constrain its development

and use for its intended purpose. HCC would not therefore be looking to re-use any of the existing structures that are currently on-site as part of any future primary school should it be required.

6.9.3. Third response received dated 7 November 2022 as follows:

Thank you for notifying HCC regarding the revised Land Use Parameter Plan, in relation to the above site that shows a slight reduction in size of the suggested primary school site from 2.03ha to 1.89ha.

In circumstances where a site for a new primary school is proposed within a larger development site, where the land is not considered to be previously developed, HCC would expect the new primary school site to conform with the education land specification as much as possible that's outlined in appendix 2 of the adopted Guide to Developer Infrastructure Contributions.¹ This includes the site being 2.03ha for a 2fe primary school.

The county council will normally seek to deliver a new primary school that is compliant with 'Building Bulletin 103: Area Guidelines for Mainstream Schools' (BB103). The parameter plan is unclear as to whether such a compliant school site can be delivered within the revised site boundary, without further work being undertaken at this stage. Therefore, there is a risk that a reduction in site size could result in there being insufficient space to provide sports pitches.

As stated in our previous response, it should be reiterated that a site for a new primary school may only be needed if a revised local plan growth scenario contains additional sites that creates wider demand from the surrounding area. Therefore, HCC will be looking to safeguard a site for a new primary school within the application site, as opposed to seeking a detailed application for a new school at the reserved matters stage, should this outline planning application be approved.

6.9.4. Fourth response received on 8 November 2022 as follows:

I have been in discussions with Childrens Services with regard to the acceptability of the slight reduction in size of the proposed primary school site. Table 1 in appendix 2, of the adopted Guide to Developer Infrastructure Contributions, outlines HCC's site areas for new schools. For a two form entry primary school, this is 2.03ha and is based upon the maximum net site area contained within 'Building Bulletin 103 (BB103): Area Guidelines for Mainstream Schools.' The county council requests the maximum net site area, in order to ensure that a fully compliant school can be delivered on a site that takes into account a number of site specific factors, including abnormalities that could potentially restrict the possible layout of a new school, in the absence of a detailed feasibility study being undertaken.

However, it should be noted that the county council assesses sites on a site-by-site basis and subject to further feasibility that includes a suggested site layout, the reduction in site area to 1.89ha may therefore be considered acceptable, should a site for a new primary school be needed at this location in the future. The primary school site appears to comply with a number of the other requirements outlined in the county council's education land specification that includes the site's gradient, shape, flood zone allocation and adjacent to a highway. Other requirements can be assessed through surveys and other related site investigations.

6.10. Hertfordshire County Council Ecology

6.10.1. Initial response received on 25 August 2022 as follows:

Summary of advice

I have no objection to the principle of development at this site.

Ecological survey reports provide sufficient information for determination.

The development delivers 10% Biodiversity Net Gain (BNG) as demonstrated in the BNG Assessment report.

A Landscape and Ecological Management Plan (LEMP) should be provided at the relevant stage of the planning process.

Revised BNG metric and calculations will be required at the Reserved Matters / Full application stage when landscaping details are known.

Comments

The Site in the Application Form is described as agricultural land, a farmyard with stables and equine facilities, and a derelict farmhouse and outbuildings. I am pleased to see a number of ecological reports have been submitted in support of this outline application:

Preliminary Ecological Appraisal, September 2021

Reptile Survey Report, 2021

Ecological Impact Assessment, February 2022

Biodiversity Net Gain Assessment, March 2022

Bat Emergence Surveys – Full Report, May 2022

And

Tree Survey and Arboricultural Impact Assessment

The Primary Ecological Appraisal describes the site as comprising four distinct areas of fields separated by mature treelines, with a collection of farm buildings in the north-eastern and north-western corners. The northern fields were intensively horse grazed, the field in the south were unmanaged rank grassland at time of site visit on 15 September 2021.

Reptile surveys (following best practice survey guidelines) undertaken between 22 September to 15 October 2021 found no reptiles on site.

Bat surveys undertaken in September 2021 (2 emergence / re-entry surveys) and May 2022 (3 emergence / re-entry surveys) recorded bats flying across the site but no emergence from, or re-entry to, any of the buildings. Roosting is not confirmed, and no further surveys or mitigation is required (at least until the data expires in June 2024).

The PEA and species reports provide an adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is low, but the report suggests reasonable precautionary measures to ensure that legally protected species are not harmed.

Reasonable and sensible enhancement measures for reptiles, bats and birds; and high distinctiveness habitats such as traditional orchard, wildlife sowing and native species planting, ponds and wetland habitat, have been suggested and these should be collated and included within a LEMP at the appropriate stage of the planning process.

The Design & Access Statement and The Landscape Framework Plan show areas of structural vegetation; parkland-, street-, feature- and orchard- trees; and SUDS features.

I welcome the plan to introduce new trees and develop a green core and green corridors around existing treelines. The long-term (at least 5 years but ideally 10 years) maintenance and management of these ecological mitigation and enhancements should also be included in the LEMP.

The Tree Report states 101 individual trees, and 21 groups of trees were surveyed, including 20 grade A trees and 25 grade B trees, and 1 group considered as grade A and 9 groups considered as grade B. Several trees are covered by TPOs. As many of these trees as possible should be retained. I understand felling of one grade B tree, and partial removal of two groups of grade B trees, is necessary, as well as some of the lower grade trees. Grade B (and A) and any mature (plus) trees should be replaced on a two-for-one basis.

I welcome to intention to provide habitat space and the offer of a contribution to enhance habitats offsite to achieve 10% Biodiversity Net Gain (covering letter Carter Jonas, 5 April 2022). The Biodiversity Net Gain Assessment report includes the headline results from the metric (para 3.9) which demonstrate a net biodiversity loss of -15.97 habitat units (-29.39%) [incidentally, the report text confusingly says -27.57%] and a net biodiversity gain of 2.72 hedgerow units (+42.32%).*

**original metric spreadsheet not submitted at this time.*

In addition, given the overall loss, the trading rules for High and Medium distinctiveness habitats have not been met. The net gain loss and trading rules will need addressing.

Some net gain can be achieved onsite; however the remaining shortfall of Biodiversity Units (currently 21.4 BU) needs to be secured with an offsite solution. This can ideally be either through habitat creation and land management on local land within the applicant's ownership, or through a financial contribution at a tariff that will ensure the required net gain and number of BU can be delivered and secured for at least 30 years.

However, before accepting the option of a financial settlement, the LPA must be aware that it will become responsible for not only finding a suitable receptor site (Herts Ecology may be able to help with this) but also delivering the habitat creation and ensuring the suitable management of the site is carried out over the minimum 30 year period to establish and sustain the quality of habitats required. This can be challenging, and the LPA is under no obligation to accept such a proposal.

If a financial contribution is acceptable to the LPA, this provides the opportunity to deal with the issue.

As this is an Outline application, details of final layout and landscaping plans are not yet known; however in principle it is shown that 10% BNG can be delivered onsite and offsite from the development.

Any changes to the proposals in the future are likely to require a revised biodiversity metric and follow the national and local policies at that time, and the calculations and figures should reflect these.

To conclude, I have no objection to the principle of development at this site if appropriate and sufficient biodiversity mitigation, compensation, enhancement and

net gain measures can be addressed and secured at the relevant stages of the planning process.

6.10.2. Second received on 7 September 2022 as follows:

Summary of advice

- *I have no objection to the principle of development at this site.*
- *Ecological survey reports provide sufficient information for determination.*
- *The development delivers 10% Biodiversity Net Gain (BNG) as demonstrated in the BNG Assessment report.*
- *A Landscape and Ecological Management Plan (LEMP) should be provided at the relevant stage of the planning process.*
- *Revised BNG metric and calculations will be required at the Reserved Matters / Full application stage when landscaping details are known.*

Comments

The Site in the Application Form is described as agricultural land, a farmyard with stables and equine facilities, and a derelict farmhouse and outbuildings. I am pleased to see a number of ecological reports have been submitted in support of this outline application:

- *Preliminary Ecological Appraisal, September 2021*
- *Reptile Survey Report, 2021*
- *Ecological Impact Assessment, February 2022*
- *Biodiversity Net Gain Assessment, March 2022*
- *Bat Emergence Surveys – Full Report, May 2022*
- ***Biodiversity Metric 3.0 Calculation Tool – provided 26 August 2022***
- *And*
- *Tree Survey and Arboricultural Impact Assessment*

The Primary Ecological Appraisal describes the site as comprising four distinct areas of fields separated by mature treelines, with a collection of farm buildings in the north-eastern and north-western corners. The northern fields were intensively horse grazed, the field in the south were unmanaged rank grassland at time of site visit on 15 September 2021.

Reptile surveys (following best practice survey guidelines) undertaken between 22 September to 15 October 2021 found no reptiles on site.

Bat surveys undertaken in September 2021 (2 emergence / re-entry surveys) and May 2022 (3 emergence / re-entry surveys) recorded bats flying across the site but no emergence from, or re-entry to, any of the buildings. Roosting is not confirmed, and no further surveys or mitigation is required (at least until the data expires in June 2024).

The PEA and species reports provide an adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is low, but the report suggests reasonable precautionary measures to ensure that legally protected species are not harmed.

Reasonable and sensible enhancement measures for reptiles, bats and birds; and high distinctiveness habitats such as traditional orchard, wildlife sowing and native species planting, ponds and wetland habitat, have been suggested and these

should be collated and included within a LEMP at the appropriate stage of the planning process.

The Design & Access Statement and The Landscape Framework Plan show areas of structural vegetation; parkland-, street-, feature- and orchard- trees; and SUDS features.

I welcome the plan to introduce new trees and develop a green core and green corridors around existing treelines. The long-term (at least 5 years but ideally 10 years) maintenance and management of these ecological mitigation and enhancements should also be included in the LEMP.

The Tree Report states 101 individual trees, and 21 groups of trees were surveyed, including 20 grade A trees and 25 grade B trees, and 1 group considered as grade A and 9 groups considered as grade B. Several trees are covered by TPOs. As many of these trees as possible should be retained. I understand felling of one grade B tree, and partial removal of two groups of grade B trees, is necessary, as well as some of the lower grade trees. Grade B (and A) and any mature (plus) trees should be replaced on a two-for-one basis.

I welcome to intention to provide habitat space and the offer of a contribution to enhance habitats offsite to achieve 10% Biodiversity Net Gain (covering letter Carter Jonas, 5 April 2022). The Biodiversity Net Gain Assessment report includes the headline results from the metric (para 3.9) which demonstrate a net biodiversity loss of -15.97 habitat units (-29.39%) [incidentally, the report text confusingly says -27.57%] and a net biodiversity gain of 2.72 hedgerow units (+42.32%).

In addition, given the overall loss, the trading rules for High and Medium distinctiveness habitats have not been met. The net gain loss and trading rules will need addressing.

*Some gain can be achieved onsite; however the remaining shortfall of Biodiversity Units (currently 21.4 BU) needs to be secured with an offsite solution. **As this cannot be through habitat creation and land management on local land within the applicant's ownership in this instance, the only other option currently available is through a financial contribution to the LPA to go towards a local biodiversity net gain project.***

If a financial contribution is acceptable to the LPA, this provides the opportunity to deal with the issue.

As this is an Outline application, details of final layout and landscaping plans are not yet known; however in principle it is shown that 10% BNG can be delivered onsite and offsite from the development.

Any changes to the proposals in the future are likely to require a revised biodiversity metric and follow the national and local policies at that time, and the calculations and figures should reflect these.

To conclude, I have no objection to the principle of development at this site if appropriate and sufficient biodiversity mitigation, compensation, enhancement and net gain measures can be addressed and secured at the relevant stages of the planning process.

6.11. Hertfordshire County Council Highways

6.11.1. Comments received on 20 October 2022, providing the following recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

6.11.2. The response recommends 11 conditions, which are all included at section 11 of this report. The response also sets out a number of recommended informatives, which are outlined at section 12 of this report.

6.11.3. An extensive discussion of the application is included in the consultation response, the summary of which states:

6.11.4.

The Highway Authority has reviewed the Transport Assessment (dated March 2022) in support of a residential led development on land to the south of Chiswell Green Lane. The Highway Authority has also considered the addendum document dated September 2022 prepared by the transport consultant. The Highway Authority has also conducted a number of meetings with the applicant's transport consultant.

The Highway Authority is content with the principle of the development and the junction access strategy.

A key element of making the development acceptable in planning terms and compliant with LTP4 is the package of mitigation works on Chiswell Green Lane, Watford Road and enhancements to existing bus services between St Albans/Watford. The Highway Authority note that the proposed package of off-site highways works is set out within the TAA.

In summary, the Highway Authority does not wish to restrict the grant of planning permission, subject to the aforementioned planning conditions and Advisory Notes.

6.11.5. A further response was received on 7 November 2022 following HCC Highways reviewing the Transport Note prepared on behalf of Keep Chiswell Green. The response was as follows:

I can confirm that the fundamental principle of accepting a sustainable transport scheme over and above a highway capacity solution (which the report majors on), is one that we remain content with.

6.12. Hertfordshire County Council Landscape

6.12.1. Initial response received on 5 August 2022 as follows:

The site lies within landscape character area St Stephens Plateau

With regards to the site, the landscape character assessment identifies the 'Small areas of pasture are located either around farmsteads...on urban edges, e.g. Chiswell Green, where other suburban uses are present, including recreation grounds and allotments.' 'The raw built edges of Chiswell Green...represent significant suburban impact.'

The condition is assessed as moderate and the strength of character is assessed as weak, the overall strategy for managing change is to 'improve and reinforce.'

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

- *promote **hedgerow restoration and creation** throughout the area to provide visual and ecological **links between existing and proposed woodland** areas. Pattern to follow historic field boundaries where possible*

- promote the creation of a network of new woodlands in the open arable landscape, particularly with a view to visually integrating the intrusive motorways and existing urban fringe development. **Develop a mix of medium to large woods near the motorways and urban areas** (developing the existing pattern to the north) and also smaller copses linking with hedgerow restoration on the open arable areas, emphasising topographical variation
- **promote appropriate woodland management** for existing plantation woodlands, including encouraging the replacement of softwoods with indigenous native deciduous communities, hedgebank management and re-establishing a rich ground flora

PREVIOUS LANDSCAPE ADVICE

PRE/2021/0177 - The demolition of existing structures and construction of up to 450 dwellings (class C3), provision of land for a new 2FE Primary School, open space provision and associated landscaping and new access arrangements

Landscape report dated 14 JAN 2022, concluded that

- The intention to produce any further **assessment of landscape and visual effects** requires clarification.
The proposed mitigation measures identified in the LVA are supported however need to be carried forward more strongly within the masterplan.
- The submitted '**Arboricultural Constraints Summary**' is not complete and requires updating to address the whole site and its context.
- The approach to the **existing woodland block** requires clarification.
- There is fundamental concern that the emerging masterplan is not delivering sufficient **landscape mitigation and enhancement measures** – as identified through local policy and the submitted LVA – especially in this sensitive green belt location.
- There is concern for the potential poor character, quality, and functionality of the proposed **open space network** – a high quality and multi-functional open space network should be planned as an integral part of the development (not left-over space), and be well connected, and positively fronted.
- **Community play areas** should be located in areas that are easily accessible to all local residents, based on appropriate walking/cycling distances.
- Further information to demonstrate approach to '**green routes**' – e.g typical cross sections.

LANDSCAPE & VISUAL IMPACT ASSESSMENT

The following comments are given with reference to the submitted Landscape and Visual Impact Assessment (LVIA), April 2022, Barton Willmore now Stantec.

DESCRIPTION OF DEVELOPMENT

- The description of the development doesn't refer to the proposed building heights parameters (as shown on the submitted 'Building Heights Parameter Plan, McBains, REDC01-MCB-ZZ-ZZ-DR-A-0222 D5 Rev P3). Confirmation of the building heights assessed by the LVIA is therefore required.
- The proposed school site is likely to comprise large-scale building blocks, which the heights plan confirms will be up to 15.5m high. The LVIA doesn't appear to provide any assessment of the school site, which is of particular concern considering its location in the most elevated part of the site. Indeed there doesn't appear to be any reference to testing potential options for the location of the school site within the overall development area.

- *At this stage there is concern for the potential landscape and visual effects of the school, which requires appropriate assessment, as it is likely to impact upon the approach to the wider development layout and design.*

LANDSCAPE

LANDSCAPE RECEPTOR	BASELINE			EFFECTS		
	Value	Susceptibility	Sensitivity	Magnitude of change	Year 1	Year 15
NCA 111: Northern Thames Basin	Med	Low	Low	V Small	Neg - Ad	Neu - Ad
Character of Site & Immediate Vicinity	Low	Med	Med	Large	Maj - Ad	Neutral
LCA St Stephens Plateau	Med	Low	Med	Small	Min - Ad	Neg - Ad
Open Fields	Low	High	Med	Large	Maj - Ad	Min - Ad
Native Hedgerow	Low	Low	Low	Small	Neg - Ad	Mod - Be
Canopy Trees	Med	Med	Med	Small	Neutral	Maj - Be

- *In summary, the LVIA concludes that ‘the proposed development...would extend the existing settlement edge into the site...be at an appropriate location and...scale to be successfully assimilated into the existing settlement of Chiswell Green, with limited effect upon the wider landscape to the west.’*

It identifies that two landscape receptors, the ‘open fields’ and ‘the character of the site and the immediate vicinity,’ are likely to experience significant adverse effects at year 1 (completion of the development) becoming insignificant in year 15 (post completion of the development), largely due to the introduction of positive landscape features and the establishment of the proposed planting across the site.

- *In carrying out the assessment it is felt that the trees and in particular the native hedgerows are likely to be of greater sensitivity to the proposed changes. For example the LVIA refers to existing orchards to the east and west, and various trees subject to tree preservation orders, which will be of higher cultural value. In addition hedgerows are likely to be more sensitive as linear features that rely on their continuity and undisturbed margins to function effectively, for example as a wildfire corridor, and the proposed development will sever them in places and completely change their context.*
- *Despite the above concern, the conclusion of the landscape assessment is broadly supported, providing that effective mitigation is delivered (see next comment below). The site is contained within a distinct parcel of grassland, the settlement edges to the*
- *north, east and south, and the highways of Chiswell Green Lane to the north and Miriam Lane to the west, provide a distinct limit to the extension of the settlement.*
- *With regards to mitigation, the LVIA acknowledges the requirement to deliver a robust and defensible landscape buffer along the western site boundary. As a greenfield site, there should be capacity to deliver this aim, however with reference to LVIA Figure 7 ‘Landscape Framework Plan, 04.04.2022, 23536 LN-LP-07 Rev C’ the planting shown along this edge is very poor and is not considered sufficient. A much more robust landscape response is therefore required along the western edge of the site.*

VISUAL

VISUAL RECEPTOR	BASELINE			Magnitude of change	EFFECTS	
	Value	Susceptibility	Sensitivity		Year 1	Year 15
Residents of properties on the settlement edge of Chiswell Green	Low	High	Med	Large	Mod - Ad	Neg - Ad
Users of Chiswell Green Lane	Low	Med	Med	Large	Mod-Ad	Neg - Ad
Users of Long Fallow, Forge End and Woodlea	Low	Low	Low	Small	Neutral	Min - Be
Pedestrians on PRow St Stephen 082	Low	High	Med	V small	Neg - Ad	Neutral
Pedestrians on PRow St Stephen 028	Low	High	Med	V small	Neg - Ad	Neutral
Pedestrians on PRow St Stephen 022	Low	High	Med	V small	Neg - Ad	Neutral
Workers at the commercial estate on Miriam Lane	Low	Low	Low	Small	Min - Ad	Neg - Ad

- *In summary, the LVIA concludes that ‘Views of the proposed development would largely be limited to close range filtered views...for visual receptors on roads and at residential and commercial properties to the north and east...as well as very limited medium to long distance views from footpaths to the west and south of the Site...the proposed development...would not appear out of character, reflecting components and characteristics of existing views from within the existing residential edge or towards it.’*

It identifies that two visual receptors, ‘the residents of properties on the settlement edge of Chiswell Green’ and ‘users of Chiswell Green Lane,’ are likely to experience significant adverse effects at year 1 (completion of the development) becoming insignificant in year 15 (post completion of the development), largely due to the establishment of the proposed planting, softening, and integrating the new development with its context.

- *The conclusion of the visual assessment is broadly supported, providing that effective mitigation is delivered (see next comment below). The viewpoint assessment shows that the area from which the development is actually visible is relatively localised, due to the screening effect of the wider intervening sloping topography and vegetation.*
- *As stated above with regards to landscape effects, the LVIA acknowledges the policy requirement to deliver a robust and defensible landscape buffer along the western site boundary, however the planting shown along this edge is not considered sufficient.*
- *The provision of a robust landscape response along here is critical for the delivery of visual softening along the settlement edge. At the pre-application stage it was suggested that photomontages should be provided to illustrate proposed views, however none have been provided. Photomontages would be useful to demonstrate the impact of the proposed landscape and visual mitigation measures.*

GREEN INFRASTRUCTURE, OPEN SPACE & MOVEMENT NETWORKS

The following comments are given with reference to the submitted Design and Access Statement, LHG61860 – April 2022, version P2.’ (DAS).

PROPOSED DENSITIES

- *LVIA Figure 6 ‘Opportunities and Constraints Plan, 04.04.2022, Rev B’ shows the proposed densities, which generally shows four distinct sub-development areas each with a denser core and lower density edge. The northern most sub-*

area has a broader area of lower density development at its northern end at the proposed access with Chiswell Green Lane.

There is concern that this approach to densities is not reflected in the emerging masterplan that appears to be of a relatively consistent density throughout. This could impact on the availability of open space, the rationale underpinning this approach, and an understanding of how it translates within the emerging layout and design, is required.

PEDESTRIAN & CYCLE MOVEMENT

- The proposal to provide a new north to south pedestrian/cycle route is welcomed, however it is not clear how it branches out into each of the four sub-development areas to provide maximum permeability and priority for pedestrians and cyclists. See also comments with regards to the green infrastructure networks below.*
- The DAS refers to the provision of 'strategic green views.' This approach is supported in principle; however they currently appear to be focused on the main vehicular routes. In the interest of sustainability and encouraging pedestrian/cycling it is suggested they should be focused on the main pedestrian/cycle routes that should permeate throughout the sub-development areas.*
- The 'southern space – swale/meadow' refers to it being accessible with footpath linkages and boardwalks. However, this space doesn't appear to link with anywhere, there doesn't appear to be any aspirations within the DAS to deliver a pedestrian/cycle path in this location. This highlights the question as to whether the provision of a recreational perimeter route around the site has been explored.*

GREEN INFRASTRUCTURE & OPEN SPACE NETWORK

- The proposed 'green spine' is a strong concept and has the potential to deliver a strong sense of place and identity. However, as mentioned above in relation to pedestrian and cycle movement, there does not appear to be any meaningful green infrastructure (GI) networks permeating throughout each of the sub-development blocks. Indeed these appear to be shown as entirely blank areas on the submitted LVIA figure 7 'Landscape Framework Plan,' or with a few scattered trees on the Landscape Structure plan in the DAS.*

It is vital that meaningful structural GI is provided throughout the built areas to provide multiple important environmental benefits such as shading and urban cooling, filtering of air pollution, noise attenuation, surface water management, habitats for wildlife etc. (It is noted that the DAS refers to the provision of incidental open space throughout the residential areas – however they don't appear to be shown on the plans).

In relation to this there needs to be a much greater balance of structural planting within the public realm and the streetscene, that is not at risk of removal by residents, which can be managed and maintained in the long term. This should include structural planting that can achieve a decent mature canopy that will break up the built horizon.

- The 'green core' and 'community amenity area', the principle public open spaces, appear to be dominated by SuDS attenuation/retention features. As raised at the pre-application stage, the technical requirement for these features will have a fundamental impact on the character, function and amenity of the*

open space and requires further clarification to ensure that objectives for high quality placemaking can actually be realised. It is understood that linear SuDS feature will be delivered throughout the urban areas however they don't appear as part of the landscape structure, it is vital to consider the space they require now before the layout is set.

- There is concern for the 'community amenity area' that is physically and visually isolated and could be subject to anti-social behaviour, raising issues of security. It is noted that the ivy established on the tree trunks provides a screen to views between the site and the wider area.*
- There remains concern for the community play area to the front of the school. As raised at the pre-application stage, the area is enclosed by highways, and there is concern for the potential conflict between people and vehicles crossing the space – especially at peak flow times. The masterplan indicates the provision of a community play area, within a strip of land associated with the existing tree line. This area is not positively fronted or well-overlooked and therefore lacks passive surveillance and security. In addition, any development will need to protect the root protection area and canopy spread of the existing trees.*
- The proposed orchards provide a strong narrative link to the local cultural heritage, however it is not clear where these or the food production areas are.*

6.12.2. Second response received on 28 September 2022 as follows:

PREVIOUS LANDSCAPE ADVICE

PRE/2021/0177 - The demolition of existing structures and construction of up to 450 dwellings (class C3), provision of land for a new 2FE Primary School, open space provision and associated landscaping and new access arrangements - various issues raised see landscape letter dated 14 JAN 2022.

5/2022/0927 OUT - Outline Application (access sought) – Demolition of existing structures and construction of up to 391 dwellings (Use class C3), provision of land for a new 2FE Primary School, open space provision and associated landscaping, new access arrangements and highway works - various issues raised see landscape letter dated 05 AUG 2022.

Landscape meeting with applicant/consultants – 12 SEPT 2022.

Further information including an 'LVIA Note of Clarification (Sept 2022)' has now been submitted and is discussed below.

FURTHER LANDSCAPE INFORMATION

The previous landscape comments of relevance are copied below in italics, and further comments in response to the submitted 'LVIA Note of Clarification' (NoC) are provided in green bold text.

LANDSCAPE & VISUAL IMPACT ASSESSMENT1

1 Comments are given in line with Guidelines for Landscape and Visual Impact Assessment Third edition,' Landscape Institute and Institute of Environmental management and Assessment (GLVIA3)

The following comments are given with reference to the submitted Landscape and Visual Impact Assessment (LVIA), April 2022, Barton Willmore now Stantec.

DESCRIPTION OF DEVELOPMENT

- The description of the development doesn't refer to the proposed building heights parameters (as shown on the submitted 'Building Heights Parameter Plan, McBains, REDC01-MCB-ZZ-ZZ-DR-A-0222 D5 Rev P3). Confirmation of the building heights assessed by the LVIA is therefore required.*

The NoC confirms that the LVIA is based on the building heights parameter plan referenced above – support suggestion to include in LVIA.

- *The proposed school site is likely to comprise large-scale building blocks, which the heights plan confirms will be up to 15.5m high. The LVIA doesn't appear to provide any assessment of the school site, which is of particular concern considering its location in the most elevated part of the site. Indeed there doesn't appear to be any reference to testing potential options for the location of the school site within the overall development area.*

At this stage there is concern for the potential landscape and visual effects of the school, which requires appropriate assessment, as it is likely to impact upon the approach to the wider development layout and design.

The NoC confirms that, 'The school is explicitly referenced in the description of the proposed development, and identified on the Parameters Plan, although not explicitly mentioned in the commentary for each of the landscape and visual receptors,' and goes on to say that the summary of effects includes the assessment of the school in accordance with the building heights parameter plan.

There remains concern that there is no explicit reference to the school in the commentary for each receptor, however, it is understood that its associated parameters have informed the judgement of effects and should therefore represent worst case scenario. It is therefore suggested the level of assessment provided is adequate at this outline stage, however a site level landscape and visual analysis will be required for the school site when it comes forward. Page 3 of 4

LANDSCAPE

- *In carrying out the assessment it is felt that the trees and in particular the native hedgerows are likely to be of greater sensitivity to the proposed changes. For example the LVIA refers to existing orchards to the east and west, and various trees subject to tree preservation orders, which will be of higher cultural value. In addition hedgerows are likely to be more sensitive as linear features that rely on their continuity and undisturbed margins to function effectively, for example as a wildlife corridor, and the proposed development will sever them in places and completely change their context.*
- *Despite the above concern, the conclusion of the landscape assessment is broadly supported, providing that effective mitigation is delivered (see next comment below). The site is contained within a distinct parcel of grassland, the settlement edges to the north, east and south, and the highways of Chiswell Green Lane to the north and Miriam Lane to the west, provide a distinct limit to the extension of the settlement.*
- *With regards to mitigation, the LVIA acknowledges the requirement to deliver a robust and defensible landscape buffer along the western site boundary. As a greenfield site, there should be capacity to deliver this aim, however with reference to LVIA Figure 7 'Landscape Framework Plan, 04.04.2022, 23536 LN-LP-07 Rev C' the planting shown along this edge is very poor and is not considered sufficient. A much more robust landscape response is therefore required along the western edge of the site.*

VISUAL

- *The conclusion of the visual assessment is broadly supported, providing that effective mitigation is delivered (see next comment below). The viewpoint assessment shows that the area from which the development is actually visible is relatively localised, due to the screening effect of the wider intervening sloping topography and vegetation.*

- *As stated above with regards to landscape effects, the LVIA acknowledges the policy requirement to deliver a robust and defensible landscape buffer along the western site boundary, however the planting shown along this edge is not considered sufficient.*

The provision of a robust landscape response along here is critical for the delivery of visual softening along the settlement edge...

The NoC states that ‘The existing vegetative buffer along the western site boundary is proposed to be reinforced to a minimum width of 5 m, tying into the width of the existing boundary vegetation which in some places is substantially wider. This is secured in the Land Use Parameter Plan.’

There remains concern for the width of the planting here, which at a minimum of 5 m could be quite narrow (only a single tree width) in places and struggle to provide effective mitigation. Policy2 requires large trees and native hedgerows, and consideration should be given for the widths required to accommodate a mature canopy spread and rooting areas, and a decent undeveloped margin alongside native hedgerows. For clarity, it is emphasised that a single hedgerow with trees is not considered to be of adequate depth, a more robust ‘belt’ of planting two to three trees deep is being sought. It is therefore advised that the min requirement along the edge should be 10 m.

...At the pre-application stage it was suggested that photomontages should be provided to illustrate proposed views, however none have been provided. Photomontages would be useful to demonstrate the impact of the proposed landscape and visual mitigation measures.

The NoC satisfactorily addresses this point.

GREEN INFRASTRUCTURE, OPEN SPACE & MOVEMENT NETWORKS

The previous landscape comments generally comprised detailed matters that can be addressed at the Reserved Matters stage.

At this stage, the key consideration is for the ability of the site to accommodate the various land uses, including an acceptable network of strategic GI and open space, and landscape and visual mitigation planting. Overall, providing that a more robust solution can be delivered along the western edge of the site then this is deemed acceptable.

It is noted that the NoC confirms that additional areas of GI/open space (not currently) shown on the land use plan will be provided within the residential areas at the detailed design stage. On the land use plan it is requested if the key for ‘Residential Use’ can be amended to clarify that the area will include networks of GI and open space.

6.13. Hertfordshire County Council Lead Local Flood Authority (RAB Consultants)

6.13.1. Owing to the ongoing capacity issues at the Lead Local Flood Authority, RAB Consultants was consulted on the application (funded by the applicant).

6.13.2. Initial response received on 4 August 2022 as follows:

The application documents as submitted are insufficient for the Local Planning Authority to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- *In line with the Environment Agency position statement G13 (The Environment Agency’s approach to groundwater protection document published in 2018), a robust treatment train must be present prior to discharging surface water runoff*

(from roads, car parks, and public or amenity areas). The proposed design has utilised permeable pavement, but not for all road surfacing. In addition, the FRA produced by Glanville and dated March 2022 states that Due to the surface water disposal from the infiltration basins via deep boreholes distributed at different locations of the base, it is concluded that pollutant mitigation measures from the infiltration basins could be comparable with those of 'detention' basins. Detention basins contain the water via detention whereas in this case the basins would infiltrate which poses a risk of pollutants migrating to the ground water. Given the extent of the development and the sensitivity (site within SPZ2) of the ground water

- *Table, the applicant should demonstrate a robust treatment train, which should consider the installation of proprietary treatment devices upstream of all inlets to the proposed basin(s) and for each drainage catchment. Such devices should offer a mitigation index higher than the site hazard index, in line with the 2015 CIRIA SuDS Manual. The Environment Agency have stated: In order to protect groundwater quality from further deterioration:*
 - *No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g., soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).*
 - *Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.*
- *No results for deep infiltration (falling head tests but preferably a constant head test) testing at the proposed infiltration basin/deep bore soakaway locations have been provided in the FRA produced by Glanville (dated March 2022). A robust indication for the rate of infiltration at the proposed infiltration basin locations, or as close as reasonably possible, of the deep bore soakaways must be provided to demonstrate viability of the proposed method of discharge. The design has estimated a rate of infiltration that can be unreliable and may increase long-term flood risk at site level. Updated Microdrainage calculations are required using the revised deep infiltration rate at each relevant proposed infiltration basin location. This is in line with the Hertfordshire County Council LLFA Summary Guidance for developers (Updated August 2021).*
- *The pipeline between proposed chambers S10 – S13 is shown outside the red line boundary. This would need to be located within the red line boundary extents or the applicant should provide evidence that this pipeline can be located outside of the red line boundary on third party land.*
- *Microdrainage calculations include overflow (offline) controls but it is unclear how this would work based on the drainage drawing included in the FRA submitted as part of this application. Pipe numbers 1.009 & 1.010 loop to pipe number 1.017 at a control rate of 6 l/s and 7 l/s, respectively, However, there is no pipe number 1.017 on the drawing; presumably this dummy pipe represents the losses to infiltration but applicant should confirm such an assumption. There are also pipe numbers with flow controls in the Microdrainage calculations (pipe number 20.007 & pipe number 23.003), but these are not shown on the drawing provided in the FRA produced by Glanville and dated March 2022. The applicant should provide further details of these pipes on the drawing and more clarity regarding the hydraulic model as a result of these comments.*
- *The drainage drawing does not identify exceedance flows and how exceedance will be managed at site level. The applicant should map exceedance routes on the drawing, identify and mitigate associated risk of*

flooding from exceedance events. This is in line with the Hertfordshire County Council LLFA Summary Guidance for developers (Updated August 2021).

- *Consequently, we advise that there is insufficient information for the Local Planning Authority to provide a detailed assessment of the proposals at this time. In order to satisfy the requirements of Local Planning Authority, the applicant should ensure that the details (as discussed in detail above) are submitted.*

6.13.3. *Second response received on 8 September 2022 as follows:*

The applicant has submitted updated information, in response to the original review comments. Following the submission of the updated drawings (ref: 8210856 – SK01/B Revision P9 & 8210856 – SK01/A Revision P10) and the falling head infiltration tests, the proposed development would be considered acceptable to St Albans District Council, as the Local Planning Authority.

The proposed development would be considered acceptable to St Albans District Council as the Local Planning Authority if the following planning condition is attached to any permission granted:

1. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the utilisation of above ground attenuation and conveyance sustainable drainage techniques (SuDS), with the incorporation of sufficient treatment trains to maintain or improve the existing groundwater quality, as per the Flood Risk Assessment produced by Glanville (dated March 2022) and updated submission information. The scheme shall also include the following:

a. No development approved by this planning permission shall take place until such time as a detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

b. No development approved by this planning permission shall take place until such time as detailed hydraulic modelling calculations of the proposed surface water drainage scheme that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year return period event and up to the 1 in 100 year return period event (including the correct allowance for climate change) have been submitted to, and approved in writing by, the Local Planning Authority.

c. No development approved by this planning permission shall take place until such time as full details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater both locally and downstream of the site, especially from proposed parking and vehicular areas have been submitted to, and approved in writing by, the Local Planning Authority. Surface water treatment techniques should include both natural SuDS structures and also proprietary devices, such as advanced vortex separators.

d. No development approved by this planning permission shall take place until such time as detailed construction drawings of all proposed SuDS features, including details of flow controls and piped network, have been submitted to and approved in writing by the Local Planning Authority.

e. No development approved by this planning permission shall take place until such time as detailed construction drawings of the proposed deep bore soakaway structures have been submitted to, and approved in writing by, the Local Planning Authority.

f. No development approved by this planning permission shall take place until such time as a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. This plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

g. No development approved by this planning permission shall take place until such time as details for the provision of any temporary drainage during construction has been submitted to and approved in writing by the Local Planning Authority. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.

h. No development approved by this planning permission shall take place until such time as detailed construction drawings of the proposed foul water drainage network have been submitted to and approved in writing by the Local Planning Authority.

Consequently, we advise that the proposed development is considered acceptable to St Albans District Council if the above planning condition is attached to any permission granted.

6.14. Hertfordshire County Council Minerals and Waste

6.14.1. Initial response received on 5 July 2022 as follows:

Minerals

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

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 5 further states that:

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

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

The above information was also provided in Hertfordshire County Council's response to an EIA Screening Opinion (5/2021/2095 – 12 November 2021).

The Minerals Planning Authority therefore object to the proposed development and request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral

sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD).

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA. If opportunistic extraction is undertaken the relevant issues could be covered within an EIA supporting the proposed development.

However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may also result in an objection from the county council.

Waste

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

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service; • the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

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

A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and

its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments. We would request the following condition be attached to any approved planning permission:

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

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

Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

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

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition, and provide comment to the District Council.

The HCC Minerals and Waste team was re-consulted on 31 August 2022 following the submission of a Minerals Resource Assessment by the applicant to address the Minerals and Waste team's objection (as detailed above). A response to the re-consultation was received on 6 September 2022, as follows:

After consideration of the submitted Minerals Resource Assessment (MRA) dated 15th August 2022, the County Council, as the Minerals Planning Authority recognises the limitations to prior extraction of the site due to the proximity to residential land and economical viability. Given this, the County Council, as the Minerals Planning Authority, insists that the applicant explores further the opportunistic use of the deposits across the site should permission be granted.

Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make for sustainable use of these valuable resources.

We would now withdraw our earlier objection subject to the recommendation that the following condition be applied, if officers are minded to approve:

Condition: Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated 15 August 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals recovery strategy. The minerals recovery strategy must include the following:

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and*
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and*
- c) a method to record the quantity of recovered mineral (re-use on site or off-site).*

REASON: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.

6.14.2. Second response received on 6 September 2022 as follows:

After consideration of the submitted Minerals Resource Assessment (MRA) dated 15th August 2022, the County Council, as the Minerals Planning Authority recognises the limitations to prior extraction of the site due to the proximity to residential land and economical viability. Given this, the County Council, as the Minerals Planning Authority, insists that the applicant explores further the opportunistic use of the deposits across the site should permission be granted. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make for sustainable use of these valuable resources.

We would now withdraw our earlier objection subject to the recommendation that the following condition be applied, if officers are minded to approve:

Condition: *Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated 15 August 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals recovery strategy. The minerals recovery strategy must include the following:*

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and*
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and*
- c) a method to record the quantity of recovered mineral (re-use on site or off-site).*

REASON: *In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.*

6.15. Hertfordshire County Council Public Health

6.15.1. Initial response received on 9 August 2022 as follows:

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance¹, Public Health England's Spatial Planning for Health evidence resource² and the NHS England 'Putting Health into Place, 10 Principles' Guidance document 2019³. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the wider determinants of health as a diverse range of social, economic and environmental factors which influence people's mental and physical health⁴, and would demonstrate that an application for development has been positively prepared.

National and local policy

The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 92 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 92c).

Health Impact Assessment

In November 2019, Herts County Council adopted a HIA Position Statement. The Position Statement includes guidance on the quality assurance framework that will be used to assess HIAs that are submitted with planning applications. The HIA Position Statement and supporting appendices can be downloaded from the weblink below: <https://www.hertfordshire.gov.uk/healthyplaces>.

Public Health would like to stress that HIA Position Statement recommends using Wales Health Impact Assessment Support Unit (WHIASU) assessment methodology. In England, there is no national methodology on HIA and HIA is not mandatory in England. WHIASU offers detailed national methodology and tools and HIA is mandatory in Wales. WHIASU methodology is suitable for both urban and rural areas. WHIASU methodology also addresses issues of health inequality, and WHIASU tools are widely recognised and used in England.

Public Health also recommends that the HIA is to be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

Specific Comments on the Proposal

In terms of the development design, there are some points for consideration detailed below:

Air quality: *The effects of air pollution on health have been intensively studied in recent years. The results of these studies showed that air pollution harms human health and particularly is harmful for those who are already vulnerable because of their age as children and older people or existing health problems. Ambient air pollution has been associated with a multitude of health effects, including mortality, respiratory and cardiovascular hospitalizations, changes in lung function and asthma attacks. Whilst it is better to reduce air pollution at source than mitigate the consequences, every new development will have an impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented*

and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

The submitted Air Quality Assessment June 2022 is carried out as per industry standard guidelines and practice, with the Air Quality Objectives and their Limit Values forming the basis of the air quality assessment of the proposed development. The air pollution-human health landscape is changing however, not least with the evidence presented, and eventual outcome, of the recent Coroner's Inquest concerning the death of Ella Kissi-Debrah (December 2020). In particular, the reiteration from expert witnesses that air pollution is a public health risk regardless of legal threshold limits - whereas standard assessments are predicated by EU thresholds. To this end, and also, given that there is substantial inter-individual variability in exposure and in the response in a given exposure (as demonstrated by the recent Coroner's Inquest outcome), it is important to use the standard-setting process 3 during air quality assessment with the overall aim of achieving the lowest concentrations possible in the context of local constraints, capabilities and public health priorities.

Air quality assessments for planning purposes most often focus on mitigation of increased emissions generated by new development - and often by 'soft' measures. What often isn't considered is the mitigation of exposure of new communities to air pollution regardless of its source, nor the mitigation of exposure of existing communities to increased air pollution arising from the development itself. With that in mind, the Public Health view is that as the development proposals for emerge, consideration is given to Public Health England's 2019 "net health gain" principles which, if adopted, intend to deliver an overall benefit to people's public health. In effect this means that any new development should be clean by design, incorporating interventions into design to reduce emissions, exposure to pollutants and contribute to better air quality management; applicable irrespective of air quality assessments. Public Health recommend that these principles are considered in addition to standard methodologies.

In addition, it is advised that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes the allocation of the proposed schools and older persons housing where air pollution is expected to be at its lowest and careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

Indoor air quality: Exposure to poor indoor air quality can impact negatively on health ⁵. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149)⁶.

Creating access for all: To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).

Adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

Active Design: The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>.

In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. Public Health also recommends consulting Sport England on any proposals for residential development over 300 units.

Provision of healthy, affordable food: We seek to encourage affordable, healthy food choices and a balance in the range of food outlets occupying the retail space to enable individuals to make healthy choices, whilst promoting local commercial diversity.

The environment in which we live, work and play has a considerable influence on our food choices⁷. Easy access to affordable, healthy food choices can help to support a balanced diet and prevent unhealthy weight in the population⁸. We look to the local planning authority to consider licencing restrictions for food outlets within this development to provide a balance of food choices available.

Contributions towards modal shift and active recreation: We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel. It is encouraging to see some provision has been provided as part of this development to encourage active travel/play. We recommend developer contributions are made to improve local play areas close to the proposed development.

Information provided

Public Health notes that the developer consulted the Public Health team at Hertfordshire County Council at the stage of an EIA Scoping Opinion (October 2021). It is positive to see the developer has submitted an HIA (August 2022).

After completing a quality assurance review of the submitted HIA, several areas have been identified where the HIA could be strengthened which the developer should address (please refer to Annex 1). Until the areas listed in Annex 1 are addressed, Public Health cannot be satisfied that these issues have been considered robustly as part of the application. Public Health, therefore, would like to recommend for the planning authority to consider for the developer to address the areas identified by Public Health in Annex 1.

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the district.

If you would like to discuss the points raised, please do not hesitate to contact me (HealthyPlaces@hertfordshire.gov.uk).

6.15.2. Second response received on 7 October 2022 as follows:

Health Impact Assessment information provided

Public Health notes that several improvements have been made to the HIA Supplementary Report September 2022. However, Public Health notes that the applicant has not followed its recommendations to use Wales Health Impact Assessment Support Unit (WHIASU) assessment methodology in accordance with

the HCC HIA Position Statement (see PH response of 9 August 2022). As a result, the applicant has not adequately considered issues of health inequality.

Furthermore, in terms of the development design, it is also unclear how the applicant gave consideration to the principles of Active Design, e.g. achieved maximised opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design> as per Public Health recommendations of 9 August 2022. In particular, the updated HIA does not include the checklist set out in the Active Design guidance that can be applied to developments.

Given the above, Public Health requests that additional information to be provided in the HIA report outlining how health inequalities have been considered. HIA should demonstrate an understanding of how health inequalities apply in the context of the development proposal and details to be submitted and approved which demonstrate how impact on vulnerable population groups been considered. Until these areas are addressed, Public Health cannot be satisfied that these issues have been considered robustly as part of the application.

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the district.

In addition, Public Health requests a planning condition to be imposed requiring details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. The Active Design guidance includes a checklist that can be applied to developments, and it is recommended that the checklist is used to inform the provision of such details and included in the HIA report. A suggested planning condition is as follows:

"For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met."

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.

If you would like to discuss the points raised, please do not hesitate to contact me (HealthyPlaces@hertfordshire.gov.uk).

6.16. Hertfordshire County Council Rights of Way

6.16.1. Response received on 7 September 2022 as follows:

I am writing further to our discussion today regarding the proposed development at Chiswell Green , I can confirm that there are no Definitive Rights of Way recorded on the Definitive Map & Statement of Public Rights of Way in Hertfordshire through the application site . I have however attached the Rights of Way Improvement Plan extract (ROWIP) for this area which does recorded a desire for access with in the application site (see below) .The ROWIP for Hertfordshire is a requirement of the Countryside & Rights of Way Act 2000 and a daughter document to the Local Transport Plan .

The suggestion list which accompanies the ROWIP, part of which is attached came out of a public consultation exercise and on-going work with the St Albans Access Forum (STAAF), a representative group of all our statutory consultees in rights of way matters including walkers, cyclist and equestrian users . As you are aware this group is facilitated by both HCC and St Albans City & District Council. A desire line has been identified for a Definitive Right of Way , I also understand from the STAAF (we discussed this informally this week) that a similar connection to the east would also be desirable . They have also questioned the legal status of the estate road systems and asked will they be dedicated as public highways as they have concerns around what legal rights walkers and cycle users would have when traveling through the development .

I have included our Design Guide for your reference, I trust that this information is of use .

6.17. Hertfordshire Constabulary – Architectural Liaison Officer

6.17.1. Initial response received on 18 May 2022 as follows:

Thank you for sight of this outline application, on which I comment from a crime prevention perspective only. I have read the supplied documentation and I know the area well.

Whilst I would have no major concerns with the intention to build substantial housing at this location, I did comment at an earlier stage regarding the need for security to be taken seriously and some form of commitment made in this respect. This was all the more important given the knowledge of neighbouring proposals that will have a cumulative effect in this area making the need security even more necessary.

I did stipulate that if this application does go forward, I would certainly be looking for assurances around security in general and Secured by Design (SBD) in particular, and any support given would be very much dependent on this serious matter being given the detail it needs and deserves.

It is therefore very reassuring to see the following statement within supplied Design and Access Statement supplied-

5.7 SECURED BY DESIGN

Following discussions with the Hertfordshire Constabulary Principle Crime Prevention Design Advisor, it is intended that the scheme will be designed to comply with the requirements of ‘Secured By Design’ and that certification would be applied for as part of the detailed design stage. A number of key principles are outlined below:

ACCESS & MOVEMENT

The illustrative layout has a simple movement framework that allows for direct, well-lit access to all units for both pedestrians and vehicles. Segregation of routes has been avoided, as have alleyways and short cuts. Rear access to plots will have lockable gates enclosed by 1.8 m fence or masonry walls. The development is proposing to utilize shared surfaces in part to enable the residents to take possession of both footpath and roadway. This method will engender a sense of guardianship over the streets by local residents.

STRUCTURE

All properties throughout the development will front a defined access route. The number of sides fronting the public realm is reduced and assists in creating 'active frontages' which promote natural surveillance.

SURVEILLANCE

As previously described the movement framework of the development allows for good natural surveillance. Every opportunity will be taken to avoid 'inactive frontages'. The well defined routes reduce areas for potential criminal activity. Any criminal activity would attract attention, and with many overlooking properties and an established sense of guardianship action is more likely to be taken. Car parking is located in areas under natural surveillance from adjoining properties.

OWNERSHIP

We envisage that the development as designed will promote a sense of ownership, respect, territorial responsibility and community. By designing clearly defined public, semi-private and private spaces we wish to encourage residents and users to generate a sense of ownership and responsibility for their properties and the development as a whole.

I would therefore ask that Secured by Design accreditation be a condition of any future approval.

Based on this I would be able to give this application my full support in the knowledge that security will be designed in from the very beginning to the benefit of all future occupants of the new homes.

6.17.2. Second response received on 18 May 2022 as follows:

Thank you for sight of this application on which I have commented from a crime prevention perspective on previous occasions I have read the supplied documentation and I have attended the location.

Whilst I would have no major concerns with the intention to build substantial housing at this location, I did comment at an earlier stage regarding the need for security to be taken seriously and some form of commitment made in this respect.

This was all the more important given the knowledge of neighbouring proposals that will have a cumulative effect in this area making the need security even more necessary.

If this application does go forward, I would certainly be looking for assurances around security in general and Secured by Design (SBD) in particular, and any support given would be very much dependent on this serious matter being given the detail it needs and deserves.

It is therefore very reassuring to see the following statement within supplied Design and Access Statement supplied-

5.7 SECURED BY DESIGN Following discussions with the Hertfordshire Constabulary Principle Crime Prevention Design Advisor, it is intended that the scheme will be designed to comply with the requirements of 'Secured By Design' and that certification would be applied for as part of the detailed design stage

I would therefore ask that Secured by Design accreditation be a condition of any future approval.

Based on this I would be able to give this application my full support in the knowledge that security will be designed in from the very beginning to the benefit of all future occupants of the new homes.

6.18. Herts Valley Clinical Commissioning Group

6.18.1. Response received dated 11 May 2022 as follows:

This development of 391 dwellings would result in approximately 938 additional residents.

Due to its proximity, it will mainly impact on the Midway Surgery in Chiswell Green, which is already operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

There are also factors, which intensify the impact:

- Firstly, there is a major housing growth planned in the area (according to the previous draft Local Plan) and any capacity that there is, is likely to be exhausted in the near future.*
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.*

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

As stated above, the closest practice to the proposed development is the Midway Surgery. The size of their current building is 524m² and their patient list as of 1 April 2022 was 13,237.

Department of Health’s Principles of Best Practice stipulate that a surgery with 13,000 patients is recommended to have approx. 820 m² NIA (net internal area) of floor space, which is circa 300m² more than this practice currently occupies, therefore demonstrating significant constraint. It should be noted that the Principles of Best Practice is only concerned with the GP core services and does not provide size guidance for extended services, which most surgeries are offering and the volume of which is set to increase as explained above.

It is possible to extend the building in order to cope with an increase in patient population and the practice is currently working up an outline proposal.

For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling towards providing additional primary care capacity in the area, potentially at the Midway Surgery.

391 dwellings x 2.4= 938 new patients
938/ 2,000 = 0.469 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")
0.469 x 199m2 = 93.331 m2 additional space required
93.331 x £5,410 (build costs including land, fit out and fees) = **£504,920.71**
£504,920.71 / 391 = £1,291.91 ~ **£1,290 per dwelling**

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

6.19. Herts and Middlesex Wildlife Trust

6.19.1. Initial response received on 13 May 2022 as follows:

Objection: Full biodiversity metric not supplied, substantial net loss demonstrated, bat surveys not completed, definitive mitigation and compensation not supplied. HMWT are pleased to see that a biodiversity net gain assessment has been supplied. However, the full metric upon which it was based has not been supplied. This must be supplied. This is necessary to verify the figures generated and to estimate the amount and character of the habitat required to offset the impacts. The proposal should not be decided until this has been supplied and appraised. Irrespective of this, the metric reveals a substantial net loss. NPPF requires proposals deliver a net gain, the Environment Act sets this level at 10%, which is accepted in the ecological reports. When the final figure has been approved via the requested metric, the biodiversity offset tabs can be used to generate a minimum offset figure, including what habitats will be required to satisfy the trading rules. This will generate a required offset to achieve net gain. The LPA should then either place a condition on the proposal that states that development cannot proceed until the developer has produced details of a legitimate biodiversity offset project for the required amount, or the LPA could request that the applicant provide via a commuted sum the required funds for the LPA to provide this on their behalf. This must be fully and transparently costed for the habitats required and not based on average offset figures for all habitats. Currently the proposal is not compliant with NPPF because it shows a significant net loss to biodiversity. The bat surveys have not been completed. ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. This obligation was recently reiterated by planning appeal decision APP/Y1945/W/20/3261681 which confirmed that surveys must be completed before a decision can be made. This application should not be decided until these surveys have been completed and mitigation and compensation definitively proposed.

Most of the mitigation and compensation measures that have been supplied are suggestions of what could happen rather than what will happen. BS 42020 Biodiversity Code of Practice for Planning and Development states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer. Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

The ecological report should state exactly what the proposal will deliver in order to achieve net gain and be compliant with BS 42020. When this is supplied, the measures can be conditioned in the planning decision.

As well as the offsite compensation required, onsite measures will need to be secured by a LEMP. The LEMP should link directly to the number of habitat units claimed onsite through the submitted metric. It must contain details of exactly how the required habitat and condition will be achieved and the establishment and management required to do this, together with details of the funding mechanisms required to secure the required condition in perpetuity.

6.19.2. Second response received 1 September 2022 following a review of the submitted bat survey and biodiversity metric, as follows:

I have looked at the full metric and the bat survey and have the following comments to make. I have copied to Herts Ecology so they can offer their views, I notice their comments predate the supply of the full metric so they may have more comments to make, which I hope these comments will assist.

The site is currently predicted to result in a net loss of 29.39% or 15.97 habitat units. To comply with policy and deliver a biodiversity net gain it must provide a minimum of 21.4 habitat units offsite. This must be sufficient to satisfy the trading rules of the metric and take account of the existing value of the offsite habitat. I have attached an updated biodiversity metric which shows the current situation and what is required by way of offsite compensation – I have populated the offsite habitat tabs to demonstrate what this looks like.

In accordance with the example provided it will require 4.6 hectares of poor condition modified grassland to be converted to 4.1 hectares of other neutral grassland in moderate condition, with an additional 0.5 hectares of scrub. Without an undertaking that this offset must be provided or sourced by the applicant this application is not compliant with policy and cannot be approved. This leaves 2 options.

A condition should be applied to the decision that states that no development works can start until details of a legitimate biodiversity offset has been supplied by the applicant and approved by the LPA, that delivers a minimum of 21.4 habitat units of uplift and satisfies the trading rules of the metric. The offset must be fully described with an offset management plan and include existing habitat survey, uplift required to satisfy metric, establishment methodology including species mixes, management strategy, monitoring strategy, contingency strategy, persons responsible for implementing the plan, which should cover a period of at least 30 years.

The alternative solution is for the LPA to take on the responsibility for delivering the offset on behalf of the developer. This would involve the developer providing a commuted sum and agreement to create the 21.4 habitat units of uplift. This is a considerable undertaking. The LPA will need to be certain that they have the capacity to do this because if it is not delivered, the proposal will not result in a net gain and will not be compliant with policy. It will need the land or have access to land that can host this substantial offset. The sum that should be negotiated must be enough to create and maintain the habitat for a minimum of 30 years, including contingency if it goes wrong and administration to make sure annual implementation and monitoring of the plan takes place. The Herts biodiversity offset cost calculator has been developed from the Warwickshire calculator to enable a reasonable sum to deliver this offset to be estimated. The estimated cost

to create 21.4 habitat units of uplift which satisfies the trading rules from poor quality modified grassland (such as amenity grassland typical of LPA amenity land) is provided below:

Scrub

Habitat units required	Primary habitat required in offset	Hectares of habitat required
3.35	Woodland: Mixed Scrub	0.50

Provider Agreement Set-up costs	Average Scrub creation cost per ha	Woodland maintenance cost per ha for 30 years	30 yrs Maintenance Cost plus inflation at	Estimated cost of offset	Contingency Payment (index linked)	Management Payment (index linked)	Total Cost of Offset Contribution	
E	F	£234 x 30 = G	G x 1.75 = H	E + F + H = I	J	K	I + J + K	
£7,000	£2,208	£7,020	3.61%		0%	0%		
£7,000	£1,104.00	£3,510.00	£6,150.37	£14,254.37	£2,494.51	£4,989.03	£21,738.00	
							Value per ha of habitat created	£43,476.00
							Cost per unit	£6,488.96

Grassland, Other Neutral

Habitat units required	Primary habitat required in offset	Hectares of habitat required
27.45	Grassland: Other neutral grassland	4.10

Provider Agreement Set-up costs	Average Meadow creation cost per ha	Meadow maintenance cost per ha for 30 years	30 yrs Maintenance Cost plus inflation at	Estimated cost of offset	Insurance Contribution (index linked)	Management Cost (index linked)	Total Cost of Offset Contribution	
E	F	£1,200 x 30 = G	G x 1.75 = H	E + F + H = I	J	K	I + J + K	
£7,000	£1,940	£36,000	3.61%		10%	20%		
£7,000	£7,954.00	£147,600.00	£258,630.92	£273,584.92	£47,877.36	£95,754.72	£417,218.00	
							Value per ha of habitat created	£101,760.49
							Cost per unit	£15,199.20

This comes to a total of £438,956. But I stress, the LPA must have the land and resources to deliver this or it should not grant planning permission. In short it needs 4.6 hectares of amenity grassland which can be converted into a wildflower meadow with edges of scrub, and the personnel to administer this fund and deliver the work for a minimum of 30 years.

In addition to the offsite net gain situation, the onsite habitat units should be secured by condition and with a biodiversity net gain plan. This is required to deliver the 38.37 habitat units detailed in the metric. A suitable condition is:

Condition

'Development shall not commence until an onsite biodiversity net gain plan has been submitted to, and approved in writing by, the local planning authority. The content of the BNGP shall ensure the delivery of the agreed number of habitat units identified in the NE biodiversity metric as a minimum (38.37 habitat units and 9.14 hedgerow units) to achieve the stated number of habitat units on the development site. The BNGP must include the following.

- Description and evaluation of features to be managed.
- Aims and objectives of management.
- Appropriate management options for achieving target condition for all habitats as described in the approved metric.
- Definitive prescriptions for management actions. Actions for habitats must be cross referenced to the appropriate line in the metric.

e) Preparation of a rolling 5 year annual work schedule for all habitats, to be implemented in perpetuity, clearly marked on plans.

f) Details of the body or organisation responsible for implementation of the plan.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets in the approved metric are met.

h) Details of species and species mixes selected to achieve target habitats, as identified in approved metric, definitively stated and marked on plans.

The BNGP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme for its duration.'

Reason: To achieve a measurable biodiversity net gain in accordance with NPPF.

In addition the ecological report has undertaken to provide integrated bat and bird boxes plus hedgehog highways in the development. This should be secured by condition. A suitable condition is:

Development shall not commence until details of the model, and location of 75 integrated bat boxes and 100 integrated swift boxes has been supplied to and approved by the LPA. These should be incorporated into the brickwork of the building, placed as high as possible and orientated predominantly to the south for bats and north for swifts. All gardens must be connected by hedgehog highways. se should be fully described and marked on maps. They shall be fully installed prior to occupation and retained as such thereafter.

Reason: To conserve and enhance biodiversity in accordance with NPPF

6.20. Housing

6.20.1. Response received on 26 May 2022 as follows:

As this is a policy compliant scheme I have no comments on the proposed accommodation split outlined below but would welcome any further discussions on the affordable housing delivery on this site regarding tenure, nominations rights and management.

6.21. Legal

6.22. No comments received.

6.23. National Highways

6.23.1. Initial response received on 27 May 2022 requesting that the application is not determined before 15 July 2022. The reasons given are as follows:

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

The site is being promoted through the current St Albans City and District Local Plan Review which has been a protracted review period. The site lies between the A414/M1/M25. The A414/North Orbital Road/ Watling Street Roundabout is of particular interest. National Highways are in the process of reviewing the Transport

Assessment undertaken by Glanville, as well as Travel Plans and other associated documents. Therefore, we request that the application is not determined before 15th July 2022 to allow this assessment to conclude. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.

- 6.23.2. Second response received on 14 July 2022 requesting that the application is not determined before 16 September 2022. The reasons given are as follows:

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

The site is being promoted through the current St Albans City and District Local Plan Review which has been a protracted review period. The site lies between the A414/M1/M25. The A414/North Orbital Road/ Watling Street Roundabout is of particular interest. National Highways have begun discussions with Glanville, having completed a review of the TA, who are considering our Technical Note at present. Therefore, we request that the application is not determined before 16th September 2022 to allow the discussions to conclude. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.

- 6.23.3. Third response received on 14 September 2022 requesting that the application is not determined before 14 December 2022. The reasons given are as follows:

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

This response represents our formal recommendation with regard to planning application 5/2022/0927 and has been prepared by Jen Searle, Spatial Planner for National Highways.

National Highways requires more time to review information from Hertfordshire council. Considering the above, National Highways recommends that planning permission not be granted for a further period of three months, from the date of this notice, to allow the applicant time to submit additional supporting information.

- 6.23.4. Fourth response received on 30 September 2022 as follows:

Referring to the consultation on a planning application dated 4 August 2022 referenced above, in the vicinity of the A414 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A).

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic

Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendation with regard to planning application 5/2022/0927 and has been prepared by Jen Searle, Spatial Planner for National Highways.

The proposed planning application seeks to develop 391 dwellings and a 2-form primary school on land south of Chiswell Lane.

NH are responsible for the monitoring, management, and maintenance of the SRN. Within the vicinity of the proposed development, the primary junctions of interest to NH are M25 Junction 21a to the south of the site, and the A414/North Orbital Road/ Watling Street ('Park Street') Roundabout to the northeast of the site.

Glanville provided their Transport Assessment in May 2022 which was reviewed by AEOM in June 2022 and the below comments were listed as critical and needed further information before National Highways could remove the existing holding objection:

- 1. Consideration should be given to quantifying the potential impact of the development on the two SRN junctions within the vicinity of the proposed development.*
- 2. It is recommended that consideration should be given to widening the study area to include any junctions of the SRN that are expected to experience a material increase in trip numbers as a result of the development, most notably M25 Junction 21a.*
- 3. A capacity assessment should be carried out for the North Orbital Road / Watling Street / A414 junction.*

Glanville then submitted a note in response to the above comments dated August 2022.

The document presents the percentage impact on the M25 Junction 21 A and a capacity assessment for Park Street roundabout.

M25 Junction 21A

Glanville demonstrate that the development presents a 1.6% increase of traffic in the AM peak and 1% in the PM Peak. This equates to 83 and 69 two-way trips respectively. Without traffic data and queue data it is not possible to understand the impact on the junction. National Highways have concerns on the on and off slip queue lengths during the peak hours.

While no full junction capacity assessment was undertaken, Glanville provided site photos and videos from a drive through of the M25 slips on 26th September. This additional data has provided confidence to National Highways that the proposed development would not have a detrimental impact on the slip roads and therefore has no further comments regarding this matter.

Park Street Roundabout

Glanville have provided an ARCADY assessment using Junctions 9 for the Park Street Roundabout using 2016 flows factored to the assessment years. National Highways are particularly interested in the A414 arm as well as the overall performance of the roundabout. The roundabout typically experiences queues on all arms, most notable on the A414, North Orbital Road South, A414 East and Watling Street. The results presented in Table 8 show the junction is operating over the recommended threshold of 0.85 in 2016 with queues of 7 on A414 East. Queues on A414 West according to the assessment only reach 1 PCU. From site

observations and local knowledge of the existing queueing at this junction, this is not representative of current conditions.

National Highways would request updated traffic data with queue surveys as a minimum to clearly assess and understand the development impact on this junction. Recent queue data would allow the model to be calibrated accordingly to fully understand the current operation of the junction but more importantly the operation of the junction with the proposed development traffic.

Glanville have presented a Mitigation assessment based on mitigation works associated with the consented Rail terminal Development. A LinSig has been developed based on the David Tucker Associates drawing 6035-23 RevD which is dated 2006. No LinSig files have been sourced or updated drawing provided which has resulted in a Linsig being built with no phasing, staging or cycle time information. No pedestrian phases are included within the model.

Using a 60 second cycle time, with no pedestrian phases the model operated with a Negative PRC in the assessment year of 2027 without development traffic included. The report claims MOVA would be installed at the junction and would provide an improvement to the overall junction performance.

National Highways have sought information from the Local Roads Authority who has confirmed they do not have any modeling or recent drawings of the proposed mitigation. But are content, the proposed development will have no detrimental impact on the roundabout. As the LRA have responsibility over four of the five arms National Highways will accept their findings.

Considering the above, National Highways offer no further objection to this application.

6.23.5. Fifth response received on 31 October 2022 as follows:

Thank you for consulting National Highways on this application. National Highways have reviewed the amended plans dated October 22, 2022 and can confirm they have no impact on our previous response of no Objection. Therefore we offer no comment on the above referenced application at this stage.

6.24. Natural England

6.24.1. Initial response received 20 June 2022 as follows:

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

6.24.2. Second response received 12 October 2022 as follows:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 20 June 2022. NE reference number 392682 (see attached).

The advice provided in our previous response applies equally to this amendment ,although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

6.24.3. Third response received 10 November 2022 as follows:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 20 June 2022 - ref. 392682.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

6.25. Parking

6.25.1. No comments received.

6.26. Spatial Planning

6.26.1. Response received on 1 June 2022 as follows:

ADVICE/ COMMENTS

The following advice and comments relate to principle of development, very special circumstances, and housing land supply/ proposed housing mix. It also provides update on relevant case law and appeal decisions.

Principle of Development

Relevant Policy

The proposed development would be located in the Metropolitan Green Belt.

Local Plan (Saved 2009) Policy 1 'Metropolitan Green Belt' states:

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

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

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

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

NPPF states:

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

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

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

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

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

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

Evidence Base and previous Local Plan work

SKM Green Belt Review

The SKM Green Belt Review comprises:

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

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

The site is identified as part of in GB25 in the Green Belt Review.

GB 25:

“Significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between St Albans and Chiswell Green). Partial contribution towards preventing merging and preserving setting. Overall the parcel contributes significantly to 2 out of 5 purposes.”

The assessment set out next steps for GB25:

“Enclosed land at Chiswell Green Lane at Chiswell Green is recommended for further assessment as a strategic sub-area (SA-S8). In light of the function of the strategic parcel, the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure

due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.”

The assessment of purposes is set out in Annex 1 of the Review. The extract of this assessment is provided at Appendix 1 of this report.

In the main report, GB25 was recommended for further consideration.

Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014

The site was considered as sub area S8: Land at Chiswell Green. Justification for identification is set out below

“Strategic Parcel GB25 significantly contributes towards 2 of the 5 Green Belt purposes: it safeguards the countryside and maintains the existing settlement pattern (providing a gap between St Albans and Chiswell Green). It also makes a partial contribution towards preventing merging and preserving setting. However, the sub-area identified on pasture land at Chiswell Green Lane displays particular urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.”

The extract of this assessment is provided at Appendix 1 of this report.

Strategic Housing Land Availability Assessment

The site was identified in the SHLAA 2016 (references 43 a, 43 b and 44) and SHLAA 2018 (reference 561).

SHLAA 2016 council comments are the same for all three references and set out below :

“Yes – Potential This site forms part of the Strategic Sub-Area (SA-S8 - Enclosed land at Chiswell Green Lane at Chiswell Green), taken from SKM’s Green Belt Review Purposes Assessment (2013) (Council appointed consultants). SA-S8 is an area within an overall strategic land parcel GB25.*

...

SHLAA 2009 Comments

“The site is rural in nature and lies on a prominent ridge with long views to the south-west. The existing Green Belt boundary is well defined. Whilst development could have a negative visual impact on the surrounding open countryside, it could be argued that the site would be suitable for residential development in principle and that any new housing could be suitably screened from the surrounding countryside.

Any development potential needs to be considered in the context of the new link road to the Butterfly World site and the expansion of the Thistle Hotel.

Prospect of housing development would be considered through the LDF process, given the site’s location in the Green Belt, on the edge of the specified settlement

of Chiswell Green. Any development potential needs to be considered in the context of the cumulative impacts on infrastructure in the area, in the light of current developments in the immediate area

Assuming part of the existing farm was retained and part was redeveloped (which would cause a small reduction in overall density) and all of the overall site was developed for housing, with a mix of dwelling types appropriate to the openness of the site (principally two and three storey family housing, including semi-detached and townhouses) and its local prominence.

Care housing, as suggested by the landowners agent, may also be an alternative, but would be unlikely to significantly alter achievable density. Approximately 30-35 dwellings per hectare is a reasonable estimate, on approximately 2.5 hectares of overall site.”

Draft Strategic Site Selection Evaluation Outcomes – 2018

The site was considered through the Strategic Site Selection Evaluation Outcome on page 9. Below sets out the evaluation:

“An independent Green Belt Review was carried out in 2013. The site falls in parcel GB25. The Review concludes

“ The overall contribution of GB25 towards Green Belt purposes is:

- To check the unrestricted sprawl of large built-up areas – limited or no*
- To prevent neighbouring towns from merging – partial*
- To assist in safeguarding the countryside from encroachment - significant*
- To preserve the setting and special character of historic towns – partial*
- To maintain existing settlement pattern – significant*

The parcel contributes to the strategic gap between St Albans and Watford. It is well maintained (relatively free of development) but contains the M25 and M1. The parcel is visible from the M1. There is no ribbon development although Butterfly World represents built development in the Green Belt. However, given the relationship between the parcel and the gap between Bricket Wood and Watford / Abbots Langley any reduction in openness would compromise the separation of settlements in physical and visual terms.

The parcel displays typical rural and countryside characteristics in a mixture of arable and pasture medium sized fields bound by hedgerows and hedgerow trees. Ancient woodland and the coniferous plantation at Park Wood are located in the north. The M25, M1 and M10 represent the key urban influences which are highly audible intrusive. Settlement boundaries are generally strong. However Butterfly World represents development in the Green Belt to the west of Chiswell Green which interrupts the connection of land at the urban edge to the surrounding countryside. Land between this development and Chiswell Green displays higher levels of localised landscape enclosure. Levels of openness are generally high but subject to variation.

The parcel contains Potters Crouch Conservation Area. The Green Belt provides historic setting and views to and from the open countryside. However given the scale of the historic place contribution is partial.

The parcel contributes (with GB24B & GB29) to the primary local gap separating St Albans and Chiswell Green (2nd). This gap is narrow at 0.2km. It is well maintained (relatively free of development) and contains the M10 / A414. However landscape features and planting conceal the main road from settlements. There is limited visibility of the gap from the A414 however is evident from the Watford Road (B4630). The parcel also helps contribute (with GB26) to the secondary local

gap between Chiswell Green and Bricket Wood (2nd). This gap is 1.1km. Given the scale of both gaps, any reduction would compromise the separation of settlements in physical and visual terms, as well as overall visual openness.

Next Steps

Enclosed land at Chiswell Green Lane at Chiswell Green is recommended for further assessment as a strategic sub-area (SA-S8). In light of the function of the strategic parcel, the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.”

In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is green. There is no reason to take a different view from that set out in the Green Belt Review 2013.

GREEN'

Withdrawn Local Plan 2020-2036

The site was taken forward through the withdrawn Local Plan as West of Chiswell Green Broad Location. It should be noted that the withdrawn Local Plan has no legal weight.

Call for Sites - 2021

The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-10-21 in the HELAA and is considered to be potentially suitable, available and achievable subject to further assessment as part of the site selection process. It should be noted that the HELAA process has not taken into account Green Belt constraints.

Housing

The proposed development is for up to 391 dwellings new homes and would provide 77 (20%) social, affordable or intermediate rent, 40 (10%) affordable home ownership, 39 (10%) starter homes and 3% self-build plots.

Housing Land Supply

SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years.

Housing and Affordable Housing Need

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

- **Recommendation: The following mix of homes size by tenure is suggested as a strategic mix across the 2020-2036 period. As there are only modest changes at a local authority level this mix can be applied across the HMA and at a local level.**

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1-bedroom	5%	25%	30%
2-bedrooms	20%	40%	35%
3-bedrooms	45%	25%	25%
4+-bedrooms	30%	10%	10%

- The mix identified above could inform strategic policies although a flexible approach should be adopted. In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.
- It will ultimately be for the Council(s) to write into policy the approach which best meets their local circumstance. This could be, for example, a desire for further downsizing or a pragmatic approach to a constrained housing supply both of which would see a greater proportion of smaller homes being built.

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

Table 37: Estimated Annual Level of Affordable/Social Rental Housing Need (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need (divided across 16 year period)	70	71	63	45	101	350
Newly forming households	570	380	486	360	448	2,243
Existing households falling into need	353	133	197	77	163	924
Total Gross Need	993	585	745	483	712	3,517
Supply	630	228	303	133	230	1,523
Net Need	363	356	443	350	482	1,994

Source: Census/CoRe/Projection Modelling and affordability analysis

- 5.99 For authorities with a plan period other than 2020-2036, the current need as stated in the final column of Table 33 should be divided by the number of years in the plan period. This will impact the total gross need, but the other numbers are calculated on a per annum basis so will not change.

Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need	25	18	34	14	26	118
Newly forming households	410	260	512	259	303	1,743
Existing households falling into need	76	55	103	41	79	355
Total Gross Need	511	333	649	315	408	2,217
Supply	263	186	265	153	156	1,023
Net Need	248	147	385	162	252	1,194

Source: Range of data sources as described

- 5.143 As per the analysis for affordable homes to buy, for those authorities whose plan period differs from the 2020 to 2036 period, the current need should be divided by the number of years in the plan period being used. This will also impact the calculation of the gross and net need. All the other factors are shown on a per annum basis.

Self-Build

The proposal includes 12 (3%) self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2021 the figure was 658. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.

The 2021 Authority Monitoring Report shows a total of 92 applications for self-build / custom build have been approved.

Housing Summary

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

Education provision

Hertfordshire County Council are the education lead authority and will provide comments.

Other Relevant Case Law

A review of case law has been undertaken, including recent appeals, in the district, related to Very Special Circumstances. These are in Appendix 2.

Overall Conclusion

It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A recent appeal decision in the District allowing permission for residential development in the Green Belt is also significant. The SKM Green Belt Review considered that overall parcel GB 25 does significantly contribute to safeguarding the countryside and maintaining the existing settlement pattern, in addition to making a partial contribution towards preventing merging and preserving setting. It does, however, note that part of the parcel does have urban fringe characteristics.

The site was also taken forward as part of the withdrawn Local Plan – West of Chiswell Green Broad Location.

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

This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered that this recommendation is neutral.

6.27. Sport England

6.27.1. Response received on 7 October 2022 as follows:

*Thank you for consulting Sport England on the above application. **Summary:***

*An **objection** is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of proposed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and*

¹ Paragraph: 011 Reference ID: 57-011-20160401 Revision date: 01 04 2016

outdoor sports facility provision, secured through a planning obligation, as set out in this response.

A planning condition is requested requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>. This application falls within the scope of the above guidance as it relates to a residential development of 300 or more dwellings.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>

Community Sports Facility Provision

The proposal is an outline planning application that includes up to 391 residential units and land for a 2FE primary school. The residential population generated by up to 391 dwellings is estimated by the applicant as approximately 1,010 people in paragraph 4.11 of the Planning Statement. This additional residential population will generate additional demand for sports facilities. If this demand is not adequately met then it will place additional pressure on existing sports facilities, thereby creating or exacerbating deficiencies in facility provision.

In accordance with the NPPF, Sport England seeks to ensure that the development meets any new community sports facility needs arising as a result of the development. In its current form, the proposals do not make reference to provision for formal outdoor sport or indoor sport facilities. In this context, I would wish to make the following comments on the community sports provision aspects of the planning application:

Evidence Base

St Albans City and District Council's Playing Pitch Strategy and Sports Facilities Strategy (2005) both identified deficiencies in sports facility provision in St Albans district. While the evidence base upon which these strategies were based is now out-of-date, the Council's Playing Pitch Strategy is currently being reviewed and is expected to identify deficiencies in a range of outdoor sports provision. When completed and published, the strategy is expected to provide up-to-date advice on the approach to providing outdoor sports facilities in new development. If completed and published before the planning application is determined, this strategy should be used for informing how the additional needs generated by the development should be met.

Outdoor Sports Provision

The Illustrative Masterplan does not propose that formal outdoor sports provision will be made on-site as part of the development. While a 'Green Core' including a children's play area is proposed in the centre of the development, this area is

proposed and intended for informal recreation rather than formal sport and would not be large enough in any case to be used for formal sport. No reference is made in the Planning Statement or the draft section 106 agreement Heads of Terms to any financial contributions being made towards sports facilities. Sport England and sports governing bodies prefer large multi-pitch/court sites to be provided in new developments. Operators and users of playing fields, particularly local authorities, leisure trusts and sports clubs generally prefer such sites from a management and sports development perspective and they are more sustainable over a long term period. In view of the lack of space within the development to provide a large multi-pitch site, securing a financial contribution towards off-site facilities would therefore be considered appropriate on this occasion. This is likely to be a more effective way of helping to deliver strategically important sports facility projects that will address the additional needs arising from the new residential development than making on-site provision. The following advice is provided on this approach:

□□ The scale of the contribution would need to be appropriate and commensurate with the scale of the development. Advice in the Council's emerging Playing Pitch Strategy (if completed) should be used to inform the approach to calculating a contribution. It is expected that the strategy will advocate the use of Sport England's Playing Pitch Calculator strategic planning tool which would use local team data from the Council's Playing Pitch Strategy Plan which can be applied to the Playing Pitch Calculator which can then assess the demand generated in pitch equivalents (and the associated costs of delivery) by the population generated in a new residential development.

□□ The contribution would need to be ring fenced for delivering identified outdoor sports facility projects in the local area. As well as ensuring that the contribution is used towards delivering appropriate projects that will make a significant contribution towards meeting local needs, this is also necessary to meet the CIL Regulation 122 requirements. To inform off-site options, discussions should take place with St Albans City & District Council, Sport England and the sports governing bodies and reference should also be made to the emerging Council's Playing Pitch Strategy to inform how financial contributions should be used.

□□ The contribution would need to be index-linked and secured through a planning obligation with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

Indoor Sports Provision

No specific reference is made in the planning application to how community indoor sports provision would be made to meet the additional needs generated by the development. Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for the principal indoor sports facility types. The SFC indicates that a population of 1,010 in this local authority area will generate a demand for 0.07 sports halls (£193,525), 0.05 swimming pools (£217,564), and 0.01 rinks of an indoor bowls centres (£6,004). The attached WORD document provides more detail of the calculations. Further details of the Sports Facilities Calculator is on our website at <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/>.

As indoor sports facilities are strategic facilities that serve large populations and as the population generated by the proposed development in isolation would not be sufficient to justify the provision of a conventional facility on-site in its entirety (see above Sports Facility Calculator figures), provision should be made in the form of a

financial contribution towards the provision or improvement of off-site facilities in the St Albans area. Provision should be informed by the discussions with the Council and Sport England. Consideration should be given by the Council to using the figures from the Sports Facility Calculator for informing the level of a financial contribution. A contribution would need to be index-linked and secured through a planning obligation with arrangements made for securing the contribution and delivering the project(s) that the contributions would be used towards within an appropriate timescale.

Conclusion on Sports Facility Provision

*As there are no proposals at this stage for meeting the development's outdoor or indoor sports facility needs, an **objection** is made to the planning application in its current form. However, I would be willing to withdraw this objection in due course if it is confirmed that appropriate financial contributions, secured through a planning obligation as set out above, will be made towards the provision of these facilities and the expected level of the contributions is confirmed together with the projects that the contributions will be used towards.*

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. The document can be downloaded via the following link: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>. It should be noted that the active design principles have also been advocated by Hertfordshire County Council's Healthy Places Team (who Sport England works closely with) in their response to this planning application.

*If the application is approved, to help ensure that designing to encourage physical activity is given appropriate consideration in practice when reserved matters applications are prepared, Sport England would **request** a planning condition to be imposed requiring details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. The Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used to inform the provision of such details and included in a document such as a Design & Access Statement or Health Impact Statement. A suggested planning condition is as follows:*

"For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.

Informative: Consideration should be given to using the Active Design checklist in Sport England's Active Design Guidance to assess reserved matters planning applications"

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

6.28. Thames Water

6.28.1. Initial response received on 9 May 2022 as follows:

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

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

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

[https://eu-west-](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWVfYlW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlx)

[1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWVfYlW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlx](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWVfYlW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlx)

Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eu-west-1.protection.sophos.com?d=www.gov.uk&u=aHR0cHM6Ly93d3cuZ292LnVrL2dvdmVybm1lbnQvcHVibGljYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9zaXRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0ZxYz0=&h=7379ae587b984ae4ab5ac42f91b4a408>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

6.28.2. Second response received on 7 November 2022 as follows:

Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

Trees and Woodlands

6.28.3. Response received on 31 May 2022 as follows:

The arboricultural tree survey identifies two trees for removal that are subject to a TPO, T5 and G1 on TPO 1348 (T55 on the RPA plans and G8). T5 is a category B tree and G1 is category C.

In total 9 trees are proposed for removal and removal/part removal of 5 groups, there are no objections to the removal of these trees to facilitate the current masterplan dwg No REDC01-MCB-ZZ-ZZ-DR-A-0210-D5-P2 dated 27/04/2022. Any revisions to the masterplan which impact upon further removal of trees will need to be considered against the arboricultural survey.

The adoption of no-dig construction for the footpaths through the RPA of retained trees is acceptable, this details needs to be forthcoming once the masterplan is approved and can form part of the landscaping details across the site.

Landscaping of this development will be commented on by HCC.

6.29. Waste Management

6.29.1. Response received on 21 September 2022 as follows:

Thank you for passing these plans for our consideration. Although there is no definitive layout I would like the following to be considered.

Our collection vehicles should be able to get round the site with minimal reversing and three point turns.

There should be a smooth flow round the site to reduce the need for vehicles to traverse a stretch of road more than once.

The maximum trundle distance is 10 metres; if this cannot be achieved, bin collection points should be created.

Should you wish to discuss the above, please do not hesitate to contact me.

7. Relevant Planning Policy

7.1. National Planning Policy Framework

7.2. St Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 8	Affordable Housing in the Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management
POLICY 84A	Drainage Infrastructure
POLICY 97	Existing Footpaths, Bridleways and Cycleways
POLICY 102	Loss of Agricultural Land
POLICY 106	Nature Conservation
POLICY 143A	Watling Chase Community Forest
POLICY 143B	Implementation

7.3. Supplementary planning Guidance/Documents

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

7.4. St Stephen Parish Neighbourhood Plan 2022:

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

7.5. Planning Policy Context

- 7.5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.5.2. The development plan is the St Albans District Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2022 (SSPNP).
- 7.5.3. The NPPF 2021 is also a material consideration.
- 7.5.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

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

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

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

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

8. Discussion – issues of relevance

- 8.1. The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character
- Provision of Housing including Affordable and Self-Build Housing
- Provision of Land for a Two Form Entry Primary School
- Provision of Open Space and Children’s Play Space
- Minerals
- Loss of Agricultural Land
- Ecology

- Heritage
- Highways and Sustainable Transport
- Economic Impacts
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance
- Other Matters including Matters Raised by Objectors / in Consultation Responses
- Planning Balance

8.2. Principle

8.2.1. The statutory development plan is the St Albans Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2019-2036 (SSPNP). The National Planning Policy Framework 2021 (NPPF) is an important material consideration.

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

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

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 and
 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

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

*“49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

8.2.5. No draft policies for the new Local Plan have been produced yet and no weight can be attached to it in decision making.

8.2.6. It noted that the policies of the new SSPNP, which was formally 'made' in July 2022, do not materially conflict with those of the NPPF and Local Plan in relation

to the main planning issues for this application; it shows the site as within the Green Belt on the Policies Map, without any site-specific proposals for it. Policy S1 of the SSPNP requires 'very special circumstances' to exist for approval of inappropriate development in the Green Belt in the same way as the NPPF and Local Plan; and other policies relating to main planning issues are generally not materially at odds with the applicable NPPF and Local Plan policies.

- 8.2.7. It is further considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no draft Local Plan (which would be the plan to allocate significant sites of strategic scale) for the application to be premature to and because, in any event, the criteria set out in paragraph 49 of the NPPF are not satisfied here.
- 8.2.8. It is also important to note that the potential outcome of evidence being prepared for the new Local Plan or the likelihood of land being allocated or otherwise as a result of that evidence, must not be prejudged. No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.
- 8.2.9. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.
- 8.2.10. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:

"For decision-taking this means:

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

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

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

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

- 8.2.11. The Council cannot demonstrate a 5 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.
- 8.2.12. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.2.13. Paragraphs 147 and 148 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case. These paragraphs set out clearly the relevant policy test:

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

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

- 8.2.14. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that 'very special circumstances' would exist, and in this eventuality planning permission should be granted.
- 8.2.15. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.
- 8.2.16. The remainder of this report goes on to consider the harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the above test in paragraph 148 of the NPPF, in order to determine whether very special circumstances exist in this case.
- 8.2.17. Assessment of other 'in-principle' matters such as loss of agricultural land, potential constraining of future use of the site for mineral working are considered in the relevant sections below. Assessment of these matters is in the context of '...any other harm resulting from the proposal' in the aforementioned NPPF para 148 test, noting that it is fundamentally this test within which the proposal falls to be considered.

8.3. Green Belt Harm

- 8.3.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (para 148 NPPF).
- 8.3.2. Paragraph 137 NPPF confirms that:
"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
- 8.3.3. The National Planning Practice Guidance (NPPG) states:
"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
 - the degree of activity likely to be generated, such as traffic generation."*

- 8.3.4. It is clear that the loss of open Green Belt land would be permanent. The c.13.96ha site is currently predominantly grassland, split into four fields by trees. The site also comprises the former Chiswell Green Farm buildings in the north east and Chiswell Green Riding School in the north west, which makes up around 1.4ha of the site and include a combined built footprint of approximately 1,009sqm.
- 8.3.5. Although the exact extent of built form would only be measurable at reserved matters stage, the submitted Land Use Parameter Plan shows that c.8.73ha (c. 87,300sqm) of the site would be in residential use (including roads, parking, associated infrastructure and incidental areas of open space), whilst c.1.89ha (18,900sqm) of land would be safeguarded for a new 2 form-entry (2FE) primary school. The built up area of the site would therefore be c.10.62ha (106,200sqm) in total, with the remaining 3.34ha (33,400sqm) being green infrastructure (including public open space and amenity space, children's play areas, landscaping and ecological enhancement work, footpaths, cycle ways, drainage, utilities and service infrastructure).
- 8.3.6. The Building Heights Parameter Plan shows that dwellings across the majority of the site would be up to 2.5 storeys in height, with apartment blocks of up to three storeys towards the centre of the site. The primary school would be a maximum height of 15.5m, as detailed in the Building Heights Parameter Plan.
- 8.3.7. The construction of up to 391 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the NPPG quoted above.
- 8.3.8. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, HCC Landscape officers consider the submitted LVIA to provide an adequate level of assessment at this outline stage, however a site level landscape and visual analysis would be required for the school site when it comes forward, if this application is approved.
- 8.3.9. Officers are of the view that the LVIA demonstrates a low level of impact on the perception of open Green Belt countryside to the north and west. This means that whilst there is spatial harm to openness as a result of the proposals, there is no additional harm to openness as a result of the limited visual impact on the openness of the Green Belt.
- 8.3.10. A more detailed discussion of the landscape impacts of the proposals can be found later in this report, although it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.3.11. Harm to the openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant.
- 8.3.12. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:

*“a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

- 8.3.13. As part of the Council’s evidence base for the now withdrawn local plan, this site, as part of a much larger parcel of land labelled GB25, was included in the SKM Green Belt review 2013.
- 8.3.14. It is noted that the withdrawn plan has no status for decision making, and that the previous site selection process has no weight, but that the judgments reached in the Green Belt review in relation to Green Belt purposes as part of the evidence base to the plan are relevant for the determination of applications.
- 8.3.15. The findings of the SKM Green Belt review where it assesses the relevant sub-area against Green Belt purposes represents the most recent published Green Belt review relevant to the application proposal, and it is considered proper to take it into account when considering the application site against Green Belt purposes.
- 8.3.16. It is noted that in 2 relevant recent appeal decisions (for applications 5/2020/1992 and 5/2021/0423) the Inspector did have regard to the Green Belt review when assessing the proposals against Green Belt purposes. Where the Inspectors did not follow the report, it was not because of the outcome of the previous plan process, but more due to differences in the parcel size assessed in the report compared to the application site. As such, it is considered that the Green Belt review is material insofar as it assesses sites against Green Belt purposes and these Inspector’s decisions illustrate that.
- 8.3.17. In this review it was considered that overall parcel GB25 contributes significantly to safeguarding the countryside and maintaining the existing settlement pattern, in addition to making a partial contribution towards preventing merging and preserving setting. As such, overall the parcel was found to contribute significantly to 2 out of 5 purposes.
- 8.3.18. The assessment noted that part of the wider parcel has urban characteristics, and part of the south east of the wider parcel was recommended for further consideration for exclusion from the Green Belt through the Local Plan processes, identified as strategic sub-area S8. This application site is within sub-area S8. The following assessment was provided for S8:

“Strategic parcel (GB25) significantly contributes towards 2 of the 5 Green Belt purposes: it safeguards the countryside and maintains the existing settlement pattern (providing gap between St Albans and Chiswell Green). It also makes a partial contribution towards preventing merging and preserving setting. However the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the

separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.”

- 8.3.19. It is noted that the Green Belt or settlement pattern in the wider area has not been significantly changed or eroded since the above Green Belt assessment was made, and it is considered that this assessment remains applicable for S8 and the wider sub-area.
- 8.3.20. It is noted that the site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-10-21 in the Housing and Economic Land Availability Assessment (HELAA). It has been assessed for suitability, achievability and availability, and been found to be ‘potentially suitable, available and achievable subject to further assessment as part of the site selection process.’ This HELAA assessment notes however that evidence base work, including a Green Belt Review, is underway and may change the site suitability in the future. Therefore, noting that the HELAA review did not assess the site against Green Belt purposes, and that this is subject to a separate ongoing process which is yet to conclude, the findings of the HELAA are only considered to weigh neutrally in the planning balance, with no positive weight resulting from its findings.
- 8.3.21. The site was also subject to consideration in the Strategic Housing Land Availability Assessment (SHLAA) in 2016 where it was considered that it should be further assessed for potential housing development for part of the site only. Similarly, the site was identified in the SHLAA Update in 2018, in which the site scored ‘green’ across all criteria:
1. *“Green Belt Review (GBR) evaluation*
 2. *Suitability*
 3. *Availability*
 4. *Unique contribution to improve public services and facilities*
 5. *Unique contribution to enhancing local high quality job opportunities*
 6. *Unique contribution to other infrastructure provision or community*
 7. *Deliverable / Achievable*
 8. *Overall Evaluation”*
- 8.3.22. Taking the above points into account, a planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:
- a) to check the unrestricted sprawl of large built-up areas:
The site is directly adjacent (west) to the settlement of Chiswell Green and will effectively provide an extension to this settlement. The site is bound by Miriam Lane to the west, providing a strong a defensible barrier and restricting the sprawl of Chiswell Green into the wider area. The western boundary has existing trees and hedges, which will be retained and enhanced through the proposals, which include a landscape buffer of at least 5m along the entire western boundary to further strengthen the western boundary of the site. The proposal is therefore not considered to represent unrestricted sprawl and there is not considered to be any significant harm to this Green Belt purpose.
 - b) to prevent neighbouring towns merging into one another:
The development of this site would introduce built form between Chiswell Green and Hemel Hempstead, however the north west of the site is bound by existing development – the former Butterfly World. In any case, a significant

gap would be maintained to Hemel Hempstead. The integrity of the gap between St Albans and Watford would be maintained. Very limited harm is identified in relation to this purpose.

c) to assist in safeguarding the countryside from encroachment;

The site is bound to the east and south by existing residential development, whilst the north of the site is bound by Chiswell Green Lane. The west of the site is bound by the former Butterfly World and Miriam Lane, creating a physical barrier to the open countryside, which was noted in the SKM Green Belt review 2013:

“the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries.”

The site has urban fringe characteristics, which was also noted in the SKM Green Belt review 2013. As a result of the locational characteristics, the proposals would only have a localised effect on the Green Belt. The broad purpose of the Green Belt in this location would remain, and the encroachment into the countryside would not be significant. However, the existing site comprises four open fields, with built form limited to the north west and north east of the site. The proposals would therefore encroach into an existing area of countryside, although further encroachment beyond the site would be restricted by the clearly defined site boundaries. Low to moderate harm is identified in relation to this purpose.

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

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

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

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

8.3.23. To conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is substantial harm to the Green Belt by inappropriateness, with additional harm identified to Green Belt openness and to the purposes of the Green Belt relating to the encroachment to the countryside, urban sprawl and merging of towns. Substantial weight is given to this additional harm. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.

- 8.3.24. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.
- 8.4. Design and Amenity
- 8.4.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by the application submission including the parameter plans and Illustrative Masterplan.
- 8.4.2. The NPPF advises that planning should ensure development is 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (Paragraph 130), that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' (Paragraph 126) and advising that 'development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes' (Paragraph 134). The National Design Guide 'Planning practice guidance for beautiful, enduring and successful places' 2021 provides additional guidance is a material planning consideration.
- 8.4.3. The Local Plan and the SSPNP are broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity. Policy S3 (Character of Development) of the SSPNP sets out that the design of new development should demonstrate how it has taken account of the local context and has reflected the character and vernacular of the area, and that where development sites abut open countryside, development on the rural boundary edge should mitigate any detrimental visual impacts on the countryside; and Policy S5 (Design of Development) contains a number of detailed design criteria.
- 8.4.4. The application is accompanied by parameter plans which set out the proposed land uses, the building heights and the indicative positions of a hierarchy of vehicular/pedestrian routes through the site. The proposed development comprises the provision of residential accommodation centred around a 'green core', with other areas green infrastructure running through the site. The north of the site is accessed via Chiswell Green Lane and the south is accessed via Forge End and Long Fallow. Vehicular routes do not connect the north and south of the site, although pedestrian/cycle routes are proposed through the green core. Land for a new 2FE primary school is located in the north west of the site.
- 8.4.5. Concerns were raised by the Design and Conservation Officer regarding the proposed maximum heights of the buildings, as the 'up to 3 storey' areas were shown to have a maximum height of 12.8m, whilst the 'up to 2.5 storey' areas were shown to have a maximum height of 10.5m. However, to address these comments, the applicant has amended the Building Heights Parameter Plan to

show the 'up to 3 storey' buildings as having a maximum height of 11.6m and the 'up to 2.5 storey' buildings to have a maximum height of 9.8m. In addition, the maximum height of buildings in the proposed school site has been reduced from 15.5m to 11m. The reduced maximum building heights are considered to be acceptable.

- 8.4.6. The Design and Conservation Officer also raised concerns about the location of the proposed primary school site, as it gives the potential for large buildings on the highest part of the site. The LVIA submitted with the application is considered acceptable by HCC Landscape, which was based on the previously proposed maximum school height of 15.5m. As the proposed maximum height for the school site has now been reduced to 11m, any visual impacts would be less than identified in the current LVIA. HCC Landscape noted that a site level landscape and visual analysis would be required for the school site with a planning application at this site. Further information on the landscape impact of the proposals is outlined in the Landscape Character section below.
- 8.4.7. Concerns regarding the number of cul de sacs shown in the Illustrative Masterplan, whilst the design of the houses shown in the Design and Access Statement are noted to be unexciting. The layout and detailed design of the proposed development is not for determination in this application and would be fully considered at reserved matters stage. It is considered that an acceptable design and layout of the proposed development could come forward at the reserved matters stage.
- 8.4.8. The Design and Conservation Officer's comments note that dividing the development in two halves would not aid the creation of a single community, but notes the benefits of providing a central green space serving the entire development, along with the landscape corridor running through the site.
- 8.4.9. As noted earlier in this report, the submitted Land Use Parameter Plan shows that c.8.73ha of the site will be residential use (which will also include roads, parking, associated infrastructure and incidental areas of open space). The net residential density of the site would therefore be c.45 dwellings per hectare. This density is consistent with that recommended for other Green Belt sites previously proposed for release from the Green Belt under site allocations for the now-withdrawn Local Plan. It is considered that the proposed quantum of development could be acceptably accommodated on the site.
- 8.4.10. The amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers at the indicative density proposed and retaining space for significant landscaping. The Illustrative Masterplan satisfactorily demonstrates that the site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking. It is considered that the relevant separation distances / amenity space / defensible space / open space requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this site.
- 8.4.11. In relation to parking provision, the application submission states that parking will be provided in accordance with Local Plan Policy 70, along with Design Advice Leaflet No. 1, Policies 39 and 40 and the Revised Parking Policies and Standards. It is considered that there is scope to provide an adequate quantum of parking to

meet the likely future needs of future residents; albeit if attractive usability of non-car modes of transport were further enhanced (see Highways and Sustainable Transport section below) then a reduction against local parking standards would be justifiable, which would be likely to have consequential benefits.

- 8.4.12. Such benefits would be likely to be in terms of streetscene character not being so dominated by private cars and parking, more space for landscaping including street trees, more scope for mixed and integrated uses and greater scope for creation of functional healthy and sustainable places. Such an approach is consistent with the National Design Guide, which is a material planning consideration.
- 8.4.13. Although the detailed design of streets and parking areas within the site would be provided and assessed at reserved matters stage, ensuring that non-car modes of transport represent an attractive and useable alternative to the private car is considered to be an important consideration now due to these likely associated benefits set out above. Therefore, with details of access subject to approval at this outline stage, it is considered important for non-car modes of transport to represent a genuinely attractive and useable alternative mode of transport. As set out below in the Highways and Sustainable Transport section of this report, it is considered that adequate provision is made in this regard in this submission.
- 8.4.14. In terms of design and amenity, the provision of the access-related works for approval now, including the construction of the new highway accesses in the north and south of the site, works in Chiswell Green Lane and the new foot and cycle path and works to junctions, would not be considered to harmfully impact the character and appearance of the area. The streetscene of Chiswell Green Lane would be impacted by the construction of the new foot/cycle way and amended parking layout and junction works, but it is not considered that this would be harmful in terms of character and an acceptably high-quality streetscene would remain.
- 8.4.15. The proposed vehicular accesses in the south of the site, connecting with Forge End would be located between nos. 12 and 16 Forge End. The gap between these properties is shown as 10.4m in the Proposed Southern Access Junction Plan submitted with the application. The proposals include the provision of a 5.5m carriageway with a 2m pavement along the southern side of the access. Whilst it is recognised that the introduction of a vehicular access in this location will impact the streetscene of Forge End, it is not considered to harm the character and appearance of the area. Similarly, the proposed pedestrian and cycle access routes from the site into Forge End and Long Fallow are not considered to harm the character and appearance of the area. The Long Fallow access would also allow for emergency vehicle access, with access restricted through the provision of removable bollards. This access is also not considered to harm the character and appearance of the area.
- 8.4.16. There would not appear to be any obvious amenity issues that could not be overcome by way of good design including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties. However, such matters would be further assessed with detailed plans at reserved matters stage.
- 8.4.17. Noting the separation distances to existing neighbouring properties, there would not be direct harmful impacts to existing properties in terms of loss of light, loss of

outlook, overbearing visual impacts or overlooking from the housing proposed as indicatively shown in the Illustrative Masterplan.

- 8.4.18. The provision of the highway works with the construction of the new highway accesses, works in Chiswell Green Lane, the new foot and cycle path and works to junctions would not be considered to harmfully impact neighbouring residents directly. It is recognised that the introduction of the proposed access connecting with Forge End will introduce vehicle movements between nos. 12 and 16 Forge End where they do not currently exist, however this is not considered to give rise to any significant harm. The relationship between nos. 12 and 16 Forge End and the proposed access road would not be uncommon, with houses often flanking access roads.
- 8.4.19. Taking the above discussion into account, it is not considered that there would be harm caused in relation to design and amenity that could not be mitigated through good detailed design and through the appropriate use of planning conditions. As such, this matter is considered to weigh neutrally in the planning balance, with no positive or negative weight given in these regards. It is recommended that the parameter plans are conditioned to ensure that reserved matters submission(s) are in scope with the parameters set at outline stage.

8.5. Landscape Character

- 8.5.1. The NPPF in para 174 sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It sets out in para 130 and 92 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 8.5.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.5.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that “*New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.*”
- 8.5.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:

*“a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;
b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”*

- 8.5.5. The site lies within Landscape Area 010 – St Stephens Plateau, as defined under Hertfordshire's landscape character assessment (LCA), and the Watling Chase Community Forest. The Strategy and Guidelines for Managing Change' in the LCA are: Improve and Reinforce; which includes improvements to the network of woodlands, hedgerow restoration, public access and recreation opportunities, and to support the Watling Chase Community Forest in the realisation of its objectives for the area. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:

“Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy I) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.”

- 8.5.6. As noted earlier in this report, the application is supported by a LVIA which considers the effects of the proposed development on landscape elements, character and visual amenity within the site and the surrounding area. As previously noted in this report, the maximum heights of the proposed buildings at the site have been reduced since the LVIA was prepared, as follows: up to 2.5 storeys reduced from up to 10.5m to 9.8m; up to 3 storeys reduced from 12.8m to 11.5m; and the school site reduced from up to 15.5m to 11m.

- 8.5.7. The LVIA includes the following conclusions:

“9.5 A visual appraisal has been undertaken which demonstrated that whilst the Site is visible in glimpsed to partial close-range views from a limited number of roads, PRow and residential properties that lie in close proximity to the Site, due to a combination of vegetation and containing settlement pattern, the visual envelope of the Site is restricted to these close range views and very few medium range and long distance views from vantage points within the wider landscape to the west and south”

...

“9.11 The Proposed Development would not cause any substantial changes to the character of the landscape within the Site or the wider area but would extend the existing settlement edge into the Site. The new residential development would be at an appropriate location and of an appropriate scale to be successfully assimilated into the existing settlement of Chiswell Green, with limited effect on the wider landscape to the west.”

...

“9.17 In summary, while the Proposed Development will result in some significant adverse landscape and visual effects, these relate only to Year 1, with the level of adverse effect significance typically diminishing rapidly as the landscape proposals

become established. No significant (i.e. major or moderate) adverse residual effects will remain following establishment of the planting, and there will be residual beneficial effects that are significant for two receptors.”

- 8.5.8. HCC Landscape commented on the LVIA, noting that the conclusion of the landscape assessment is broadly supported, providing that effective mitigation is delivered through more robust landscaping along the western edge of the site. It was noted that the site is contained within a distinct parcel of grassland, the settlement edges to the north, east and south, and the highways of Chiswell Green Lane to the north and Miriam Lane to the west, provide a distinct limit to the extension of the settlement.
- 8.5.9. HCC Landscape also stated that the conclusion of the visual assessment is broadly supported providing that effective mitigation is delivered through more robust landscaping along the western site boundary. It was also noted that the viewpoint assessment shows that the area from which the development is actually visible is relatively localised, due to the screening effect of the wider intervening sloping topography and vegetation.
- 8.5.10. HCC Landscape requested the following additional information: the LVIA did not appear to assess the impact of the school site, which is required; photomontages are required to demonstrate the impact of the proposed landscape and visual mitigation measures; and a more robust landscape response is required along the edge.
- 8.5.11. The applicant subsequently provided a response to HCC Landscape’s comments and an LVIA Addendum, which included the requested photomontages. This response confirmed that the school site was assessed in the LVIA, based on buildings up to 15.5m in height (although the proposed school has now been reduced to a maximum height of 11m).
- 8.5.12. HCC Landscape has provided a further response to the new information, indicating that the level of assessment relating to the school site is adequate at this outline stage, however a site level landscape and visual analysis would be required for the school site when it comes forward. It was suggested that the western landscape buffer should be a minimum width of 10m to provide a more robust belt of planting that is two or three trees deep. HCC Landscape concluded:

“The previous landscape comments generally comprised detailed matters that can be addressed at the Reserved Matters stage.

At this stage, the key consideration is for the ability of the site to accommodate the various land uses, including an acceptable network of strategic GI and open space, and landscape and visual mitigation planting. Overall, providing that a more robust solution can be delivered along the western edge of the site then this is deemed acceptable.

It is noted that the NoC confirms that additional areas of GI/open space (not currently) shown on the land use plan will be provided within the residential areas at the detailed design stage. On the land use plan it is requested if the key for ‘Residential Use’ can be amended to clarify that the area will include networks of GI and open space.”

- 8.5.13. Further discussions between the applicant and HCC Landscape resulted in the proposed parameter plans being amended to include a landscape buffer down the entire western boundary, providing a more robust landscape response and clear defensible barrier between the site and the wider open countryside beyond

Miriam Lane. The western landscape buffer would be a minimum width of 5m, with the final width of the buffer determined through reserved matters application(s), taking into account site specific conditions (including the protection of any existing vegetation) and the requirement to deliver effective landscape and visual mitigation. The western landscape buffer included in the Land Use Parameter Plan ranges from 5m to approximately 13m in depth, whilst the area of landscaping to the south of the site is around 25.5m deep. The Land Use Parameter Plan includes a note outlining the details of the landscape buffer to ensure it would be safeguarded.

- 8.5.14. HCC Landscape has confirmed that they have no outstanding concerns with the proposals.
- 8.5.15. A number of comments on more detailed design matters were also raised by HCC Landscape in their original comments on the application, however these matters would be dealt with at reserved matters stage rather than through this outline permission (as has been noted in the subsequent HCC Landscape comments on the application).
- 8.5.16. The application is accompanied by an Arboricultural Impact Assessment which identifies that in total 9 trees are proposed for removal and removal/part removal of 5 groups. The Tree Officer stated that there are no objections to the removal of these trees to facilitate the proposals, whilst the adoption of no-dig construction for the footpaths through the root protection areas of retained trees is acceptable. A conditions requiring the submission of a Tree Protection Plan and Arboricultural Method Statement with the reserved matters application(s) is recommended in section 11 of this report.
- 8.5.17. In light of the above discussion, the landscape and visual impact of the proposed development is considered acceptable. Nevertheless, it is considered that the introduction of built form across the existing fields would cause some harm to the local landscape character, to which some limited weight is given.

8.6. Provision of Housing, Including Affordable and Self-Build Housing

- 8.6.1. The Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 391 new homes and would provide 40% affordable housing (comprising a mix of social rent, affordable rent, intermediate homes and First Homes). It is proposed that 3% of the dwellings would be made available as plots of self-build housing.
- 8.6.2. SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years. There is also a clear and pressing need for affordable housing within the District, whilst the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing.
- 8.6.3. The provision of housing therefore weighs heavily in favour of the proposals.
- 8.6.4. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers a very similar housing and affordable housing position in the District as applies to the application considered in this report.

8.6.5. The Inspector concluded:

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

...

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

...

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

8.6.6. There is no material reason for officers to apply a different weighting to the proposals subject of this officer’s report. The housing situation and the emerging plan situation are materially the same. There is no reason to think that the site cannot come forward immediately following the submission of reserved matters application(s) after the grant of outline planning permission and significantly boost local housing supply. Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.

8.7. Provision of Land for a 2FE Primary School

8.7.1. The NPPF highlights the importance of ensuring there are sufficient school places available to meet the needs of existing and new communities. Paragraph 95 states:

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”*

8.7.2. The proposed development includes the provision of 1.89ha of land for a new 2FE primary school.

- 8.7.3. HCC Growth and Infrastructure Unit (GIU) has commented on the application and noted that there is only one existing primary school in Chiswell Green, Killigrew Primary and Nursery School, which is currently full or nearly full in the majority of year groups. It is noted that the school does not currently have the capacity to accommodate the potential level of new demand arising from the proposed development, especially if further development comes forward in the area.
- 8.7.4. HCC is unable to commit to a timescale regarding the potential delivery for a new primary school or be certain as to when additional places will be needed. As such, HCC seeks to safeguard a site for a new primary school within the application site, as opposed to requiring a detailed application for a new school at the reserved matters stage, should this outline planning application be approved.
- 8.7.5. The originally submitted application included the provision of 2.03ha of land for a new 2FE primary school. However, this was reduced to 1.89ha during the determination of the application as a result of providing a landscape buffer down the entire western boundary of the site in response to comments raised by HCC Landscape (as noted in section 8.5 of this report). HCC GIU's comments dated 7 November 2022 noted that they would expect a new primary school site to conform as much as possible with the education land specification outlined in appendix 2 of the adopted HCC Guide to Developer Infrastructure Contributions, which requires a new 2FE primary school site to be 2.03ha. HCC also stated that they will normally seek to deliver a new primary school that is compliant with 'Building Bulletin 103: Area Guidelines for Mainstream Schools' (BB103), published by the Department for Education.
- 8.7.6. The applicant has subsequently provided information stating that the minimum site area required for a new 2FE primary school under BB103 (noted above) is 1.6ha and the maximum site area is 2.04ha. The proposed school site is therefore 0.29ha larger than the minimum requirement outlined in BB103 and 0.15ha smaller than the maximum requirement.
- 8.7.7. HCC GIU provided further comments on 8 November 2022 as follows:

"Table 1 in appendix 2, of the adopted Guide to Developer Infrastructure Contributions, outlines HCC's site areas for new schools. For a two form entry primary school, this is 2.03ha and is based upon the maximum net site area contained within 'Building Bulletin 103 (BB103): Area Guidelines for Mainstream Schools.' The county council requests the maximum net site area, in order to ensure that a fully compliant school can be delivered on a site that takes into account a number of site specific factors, including abnormalities that could potentially restrict the possible layout of a new school, in the absence of a detailed feasibility study being undertaken.

However, it should be noted that the county council assesses sites on a site-by-site basis and subject to further feasibility that includes a suggested site layout, the reduction in site area to 1.89ha may therefore be considered acceptable, should a site for a new primary school be needed at this location in the future. The primary school site appears to comply with a number of the other requirements outlined in the county council's education land specification that includes the site's gradient, shape, flood zone allocation and adjacent to a highway. Other requirements can be assessed through surveys and other related site investigations."

- 8.7.8. HCC GIU therefore considers that the size of the proposed school site may be acceptable subject to further feasibility work, whilst it complies with a number of other education land specification requirements.
- 8.7.9. A contribution towards the expansion of Killigrew Primary and Nursery School or any primary school with expansion potential in the area of £3,024,011 (excluding indexation) is sought by HCC to mitigate the impact of the proposed development, to be secured through a s106 (further details of which are outlined later in this report). As such, the provision of land for a new 2FE primary school is a benefit of the application. The provision of 1.89ha of land for a 2FE primary school meets the size requirements of BB103 and HCC has stated that the size of the site may be acceptable subject to further feasibility work, whilst it complies with a number of other education land specification requirements. The provision of land for a new 2FE primary school is therefore afforded substantial positive weight.

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

- 8.8.1. Policy 70 of the Local Plan requires developments of over 100 dwellings to be provided with public open space including children's playground(s) on the basis of 1.2ha per 1,000 persons (equivalent to 0.0012ha per person). It recommends calculating the requirement based on an average of 2.5 persons per dwellings.
- 8.8.2. On this basis, the proposed up to 391 dwellings would have a population yield of 978. As such, Policy 70 would require the provision of 1.17ha of open space. Policy 70 also requires the provision of toddlers play space in developments of over 30 dwellings on the basis of 3sqm for every 5 dwellings with 2 or more bedrooms. The indicative housing mix submitted with the application states that the proposed development would have 345 dwellings with 2 or more beds. As such, the proposal would generate a requirement for 207sqm of toddlers play space.
- 8.8.3. The proposed development includes the provision of at least 2.92ha of publically accessible open space, with 0.82ha of formal play space for children of all ages, with an additional 295sqm of play space for toddlers. It is recommended that the provision of this open space and play is secured by a s106, as outlined later in this report.
- 8.8.4. As open space and play space provision exceeds the requirements of Policy 70, this is a benefit of the proposed development which is afforded some limited positive weight in the planning balance.

8.9. Minerals

- 8.9.1. Section 17 of the NPPF "Facilitating the sustainable use of minerals" sets out in para 209:
"It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation."
- 8.9.2. In para 211 it states "When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy"; and in para 212: "Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working."

- 8.9.3. Hertfordshire County Council as Minerals Planning Authority note that the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. They note that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area. They note that their adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. The policy seeks to prevent the sterilisation of mineral resources, except where it can be demonstrated that:
- i. the land affected does not contain potentially workable mineral deposits; and/or
 - ii. there is an overriding need for the development; and
 - iii. the mineral cannot practically be extracted in advance.
- 8.9.4. The Minerals Local Plan forms part of the development plan and it broadly aligns with the aims of Section 17 of the NPPF, and weight is given to it.
- 8.9.5. Following an initial objection from the Minerals Planning Authority a Minerals Resource Assessment (MRA) has been undertaken in order to assess the potential for workable mineral deposits underlain at the site. It found that there is a workable mineral resource at the site, but that its extraction as a standalone project would not be viable. The MRA found that opportunistic extraction of sand and gravel to a shallow depth may be possible, during the preparatory works required for the proposed development. It suggested that the logistics for undertaking the construction works to enable the beneficial re-use during the development of the site could be set out in a Minerals Recovery Strategy.
- 8.9.6. Following on from the applicant's submission of the MRA the Minerals Planning Authority withdrew their earlier objection subject to the recommendation that a condition be applied, if officers are minded to approve, requiring that a minerals management plan for the sustainable extraction of minerals be submitted, in accordance with the submitted MRA. The management plan would include:
- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
 - b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and
 - c) a method to record the quantity of recovered mineral (re-use on site or off-site).
- 8.9.7. Noting the above, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive or negative weight.
- 8.10. Loss of Agricultural Land
- 8.10.1. The sites lawful use is as agricultural land. Local Plan Policy 102 states that development involving the loss of high quality agricultural land will normally be refused, unless an overriding need case can be made. The NPPF in para 170 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

“b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land,. And of trees and woodland.”

- 8.10.2. It also sets out in footnote 58 that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*.
- 8.10.3. A submitted Agricultural Land Classification report identifies that 50% of the site is Grade 3A (7ha), 40% is within Grade 3B (5.5ha) and 10% is non-agricultural land (1.4ha). Grade 3A land falls within the aforementioned Local Plan Policy 102 definition of ‘high quality agricultural land’ and NPPF definition of ‘Best and most versatile agricultural land’ (BMV).
- 8.10.4. The loss of agricultural land has been an issue for several major development proposals in the SADC area in the recent past. The loss of 10.9ha of Grade 3A and 2.8ha of Grade 3B in the recent St Stephens Farm application (5/2021/3194) was considered to result in some harm to which some limited weight was given. The committee report for the Bullens Green Lane application (5/2020/1992) noted that a reason for refusal for the loss of 5.1ha of Grade 3A agricultural land at the site was not considered sustainable at appeal. The committee report for the recent planning permission for up to 150 dwellings at Land to Rear of 112 to 156b Harpenden Road (5/2021/0423) stated that the loss of 5.136ha of former agricultural land was not considered to be significant, however it should be noted that the land had not been farmed for more than 20 years.
- 8.10.5. It is the Council’s view that the consideration of loss of agricultural land on this scale should form part of the Local Plan process, as opposed to being decided through ad hoc applications. Nevertheless, taking the approach in the applications listed above into account, and noting that it would conflict with the aforementioned national and local policy, some additional harm is identified in this regard, to which some limited weight is given.

8.11. Ecology

- 8.11.1. Section 15 of the NPPF “Conserving and enhancing the natural environment” sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (para 174d); and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 184). Local Plan policy 106 is generally consistent with the aims of section 15 of the NPPF, and notes that the Council will take account of ecological factors when considering planning applications; and Policies S6 and S7 of the SSPNP set out that development proposals should maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the area, that development proposals that would achieve a net gain in biodiversity will be particularly supported, and measures to protect natural environments.
- 8.11.2. The application site consists of four distinct areas of fields separated by mature treelines. The fields in the south of the site are intensively grazed by horses and the southern fields are unmanaged grassland. The site also includes the Chiswell

Green Farm and Chiswell Green Riding School buildings in the north east and north west respectively.

- 8.11.3. Reptile surveys (following best practice survey guidelines) undertaken between 22 September to 15 October 2021 found no reptiles on site.
- 8.11.4. Bat surveys undertaken in September 2021 (two emergence / re-entry surveys) and May 2022 (three emergence / re-entry surveys) recorded bats flying across the site but no emergence from, or re-entry to, any of the buildings. Roosting is not confirmed, and no further surveys or mitigation is required (at least until the data expires in June 2024).
- 8.11.5. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which indicates that likelihood of an adverse ecological impact is low, but the report suggests reasonable precautionary measures to ensure that legally protected species are not harmed. HCC Ecology has confirmed that the PEA and species reports submitted with the application provide an adequate assessment of the impact of the proposal and are based on appropriate survey methods and effort.
- 8.11.6. HCC Ecology has no objection to the principle of development at this site if appropriate and sufficient biodiversity mitigation, compensation, enhancement and net gain measures can be addressed and secured at the relevant stages of the planning process.
- 8.11.7. The HCC Ecology comments state that a Landscape and Ecological Management Plan (LEMP) should be provided at the relevant stage of the planning process. HCC Ecology noted that reasonable and sensible enhancement measures for reptiles, bats and birds; and high distinctiveness habitats such as traditional orchard, wildlife sowing and native species planting, ponds and wetland habitat, have been suggested and these should be collated and included within the LEMP. A condition requiring the submission of a LEMP at the reserved matters stage is therefore recommended.
- 8.11.8. The application proposes the provision of 10% biodiversity net gain (BNG), which is welcomed. Some gain can be achieved onsite; however the remaining shortfall of Biodiversity Units (BU), currently 21.4 BU, needs to be secured with an offsite solution. HCC Ecology has noted that as this is an outline application, details of final layout and landscaping plans are not yet known, however in principle it is shown that 10% BNG can be delivered onsite and offsite from the development. The delivery of 10% BNG can be secured in a s106.
- 8.11.9. The concerns in relation to this approach from Herts and Middlesex Wildlife Trust and others are noted. However, there is recent precedent for this approach in the recently allowed appeal at Bullens Green Lane (5/2020/1992) and it was an approach accepted by the Council during that appeal. This approach was also accepted in the recent planning permission at Land to Rear of 112 to 156b Harpenden Road (5/2021/0423) and planning permission for up to 30 dwellings at Land off Orchard Drive, Park Street (5/2021/2730). This approach is adopted because the most appropriate time to assess biodiversity loss and gain, and to determine the most appropriate compensation, is when the full details of the proposed development are known.
- 8.11.10. Policy S6 (part 1) of the SSPNP states that development proposals that would achieve BNG will be particularly supported. The NPPF does not require a particular percentage of BNG, and there is no statutory basis for requiring net gain

at this time. Therefore, the commitment to 10% BNG counts as a benefit of the proposals, to which it is considered that moderate weight should be applied.

8.12. Heritage

8.12.1. In relation to above-ground heritage, there are listed buildings in the wider vicinity of this large site, including Grade II listed Three Hammers PH and Little Daneswick, Noke Lane but noting the relatively limited highway works in the vicinity of the Three Hammers and the significant distance to Little Daneswick it is not considered that the proposed development would adversely affect the setting of these listed buildings. Therefore, although there is no heritage assessment submitted, no harm is identified in relation to above-ground heritage assets that would weigh in the planning balance.

8.12.2. In relation to below-ground heritage (archaeology), an Archaeological Desk Based Assessment accompanies the application, which concludes:

“any impacts of the proposed development are likely to be limited to archaeological remains of a local significance, and it is considered unlikely that there would be any archaeological reason to preclude development of the site”.

8.12.3. The Council’s Archaeological Advisor notes that the proposed development lies within a potentially sensitive area and recommend two conditions relating to 1) archaeological evaluation and excavation; and 2) publication and dissemination of the fieldwork and post-excavation assessment required by the first condition. These conditions are included in section 11 of this report.

8.12.4. Taking the above into account, it is considered that the conditions recommended above stage can suitably mitigate potential harm to below-ground heritage at the site such that it weighs neutrally in the planning balance in this case.

8.13. Highways and Sustainable Transport

Policy background

8.13.1. The NPPF in Section 9 “Promoting sustainable transport” advises (para 104) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

8.13.2. When assessing development proposals, NPPF para 110 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the

development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.13.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.
- 8.13.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 'Transport User Hierarchy' that to support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:
- Opportunities to reduce travel demand and the need to travel
 - Vulnerable road user needs (such as pedestrians and cyclists)
 - Passenger transport user needs
 - Powered two wheeler (mopeds and motorbikes) user needs
 - Other motor vehicle user needs
- 8.13.5. The NPPF has similar goals where it states in para 112 that applications for development should: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 8.13.6. Policy S11 of the SSPNP sets out that Transport Assessments for larger sites - as required by para 111 of the NPPF - should address to the satisfaction of the Highway Authority the cumulative transport impact on various road junctions and pinch points, including main roads in Chiswell Green.
- 8.13.7. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA.

Access

- 8.13.8. It is proposed to provide three vehicular accesses to the proposed development. Two of these accesses will be provided on Chiswell Green Lane and will provide access to the northern parcel and the primary school. The southern land parcel will be accessed from a new junction onto the Forge End cul-de-sac.

- 8.13.9. The northern access proposals include the widening of the Chiswell Green Lane carriageway from 4m to 6.1m around the western access, to assist the turning of large vehicles associated with the proposed school site. The existing verge to the north of Chiswell Green Lane would be retained.
- 8.13.10. The proposed northern access arrangement includes the provision of 10 public car parking spaces to replace the existing verge parking on the southern side of Chiswell Green Lane (opposite nos 36, 38 and 40), which would be displaced through the proposal. The existing informal parking area does not appear to be formally allocated to specific properties, albeit it is noted that nos. 46 and 48 do not appear to be served by off street parking provision.
- 8.13.11. The proposed northern site access also includes the provision of a 3m wide footway/cycleway on the northern side of Chiswell Green Lane, providing a link to an upgraded pedestrian and cycle crossing on Watford Road (further details of which are outlined in the 'Other Highways Works' section below). An uncontrolled pedestrian/cycle crossing would be provided at the western end of the proposed new footway/cycleway (outside no. 46 Chiswell Green Lane), to provide a link to the footway/cycleway into the application site.
- 8.13.12. The proposals also include the provision of a pedestrian/cycle access onto the south of Forge End and a further pedestrian/cycle access via the existing cul-de-sac on Long Fallow, which will also provide an emergency vehicle access in the southern parcel of land.
- 8.13.13. The HA has confirmed that it is content with the principle of the development and the junction access strategy, subject to a Section 278 (s278) agreement being entered into between the applicant and the HA.
Other Highways Works
- 8.13.14. The proposals include localised widening of the existing carriageway on Chiswell Green Lane to accommodate the additional traffic flows associated with the proposed development.
- 8.13.15. As noted in the above section, the northern footway on Chiswell Green Lane would be widened to 3m to provide an improved walkway/cycleway connection with Watford Road. This walkway/cycleway would connect with the crossing between the Watford Road/Chiswell Green Lane/Tipendell Lane double mini-roundabout, which would be upgraded from a Zebra to Tiger crossing.
- 8.13.16. The width of the carriageway of Chiswell Green Lane would be reduced to 5.5m to accommodate a raised table feature at the intersection with Stanley Avenue and allow priority to be afforded to pedestrians and cyclists over motorised users. Furthermore, it would enable existing trees and a telegraph pole currently located in the highway verge to be retained. The provision of this feature would also arguably discourage future households from 'rat-running' via Stanley Avenue, in attempting to gain access to the B4630 Watford Road through bypassing the double mini-roundabout junctions.
- 8.13.17. A similar raised table feature would be provided at the junction of Chiswell Green Lane and Watford Road, providing direct access to the parade of shops located off the western side of the B4630 Watford Road. It is proposed that the shared foot/cycleway would extend around the northwestern corner of the mini-roundabout junction of the B4630 Watford Road/Chiswell Green Lane, prior to adjoining the proposed Tiger crossing.

- 8.13.18. The footway located along the eastern side of the proposed Tiger crossing would be upgraded and continue in a north-easterly direction to a shared space raised table at the junction of Tippendell Lane and access road serving the parade of shops situated off the eastern side of the B4630 Watford Road. Bollards would be installed at the back edge of the shared foot/cycleway to prevent encroachment from motorised users accessing the local shops.
- 8.13.19. The 2m wide footway along the eastern side of the access road serving the local shops would be upgraded.
- 8.13.20. The applicants have also provided a commitment to provide pedestrian/cycle improvements on Watford Road between Chiswell Green Lane and the A405/Noke Hotel roundabout, which can be secured through either a s278 agreement or via s106 contributions. These improvements will be delivered provided that the total financial contribution made towards sustainable transport improvements does not exceed £2,668,966 (excluding indexation), which is equivalent to £6,826 per dwelling, as this is the contribution sought from HCC.
- 8.13.21. The pedestrian and cycle improvements along Watford Road would be consistent with the HA's aspirations to improve off-road connections between St Albans and Watford through Chiswell Green, which the aim of encouraging drivers to move away from private cars to more sustainable modes of travel.
- 8.13.22. The planning application, as originally submitted, proposed to divert the existing 321 bus route into the application site, or provide a new bus service to serve the site. It was proposed that buses would utilise Chiswell Green Lane to access and depart the development, turning around within the site.
- 8.13.23. As noted above, the proposed 3m footway/cycleway to the north of Chiswell Green Lane would reduce the Chiswell Green Lane carriageway to 5.5m wide, which is 1.25m narrower than the 6.75m carriageway typically required by HCC for a bus route. This would increase the potential for wing mirror collisions between buses and passing vehicles and would make it more difficult for buses to pass parked cars.
- 8.13.24. Consequently, HCC has confirmed that, if the footway/cycleway is provided, they would prefer to increase the frequency of the existing bus routes on Watford Road rather than bring a new service or divert the existing bus route into the development via a 5.5m carriageway. As such, the HA is seeking a s106 contribution of £875,000 (excluding indexation) towards increasing the frequency of the 321 bus route. The payments would be broken down into instalments of £175,000 (excluding indexation) over a five year period.
- 8.13.25. Residential and School Travel Plans were submitted as part of the planning application. These outline soft measures for encouraging a shift away from the private car to sustainable travel modes, including the provision of a Travel Information Pack to all residents prior to them moving into the development to inform them of their travel options from the outset. The HA has requested a contribution towards the monitoring of the proposed Travel Plans, once approved, at a charge of £6,000 for the residential Travel Plan and £7,500 for the school Travel Plan.
- 8.13.26. The HA has confirmed that they are content with the off-site highways works as shown in the Transport Assessment Addendum.

Internal Layout

- 8.13.27. As this is an outline application with all matters reserved except for access, the internal layout of the site would be subject to reserved matters application(s). However, the application is accompanied by an Access and Movement Parameter Plan which outlines the indicative locations of primary roads, secondary roads, and shared main pedestrian and/or cycle links through the site.
- 8.13.28. In relation to the internal layout, the HA has stated that the Illustrative Masterplan indicates off-road connections between the two parts of the site. The HA in the development of the masterplan would seek routes that are consistent with the principles set out in LTN 1/20. This may be discussed prior to the reserved matters application(s) which would detail the internal layout and consider any request for adoption of the estate roads within the site.

Provision of Publically Accessible Routes through the Site

- 8.13.29. The applicant has provided details of how the proposed development would be permeable to the general public, helping to provide connections between Long Fallow, Forge End and Chiswell Green Lane.
- 8.13.30. The potential for adoption of the internal layout will be confirmed at the reserved matters stage, but even if these roads and footways are private, the applicant has confirmed that they will ensure that the routes remain available for the public to use except when they need to be temporarily closed for maintenance.
- 8.13.31. The applicant has identified a possible route for a public bridleway through the site between Forge End and Chiswell Green Lane along the western boundary of the site, if HCC requests its provision. However, it has been confirmed that even if a bridleway is not provided, there will be pedestrian/cycle access through the site which will be available for use by the public.

Trip Generation, Distribution and Capacity Impacts

- 8.13.32. The applicant has used Trip Rate Information Computer System (TRICS) database to establish the predicted person/multi-modal trip generation. Whilst there are apartments within the development, the trip rates have been based on houses as these typically have a higher trip generation and therefore reflect a worst case assessment. The trip rates and the trip generation based on 235 private dwellings (60%) and 156 affordable dwellings (40%).
- 8.13.33. It is proposed that the development will be split into two separate land parcels. The northern land parcel will contain around 55% of the dwellings whilst the southern parcel will consist of 45% of the dwellings. The results show that the residential development proposals would have the potential to generate in the order of 1,656 two-way daily trips, 911 of which would be to/from the northern parcel and 745 of which would be to/from the southern parcel.
- 8.13.34. The results are broken down between the AM peak (07:15 to 08:15) and PM peak (17:00 to 18:00). In terms of the AM and PM peak travel times, the results show 188 and 154 two-way trips respectively across both parcels of land. The results show in the AM peak, there would be around 103 two-way trips from the northern parcel and around 85 trips from the southern parcel. The results show

that in the PM peak, there would be around 85 two-way trips from the northern parcel and around 69 two-way trips from the southern parcel.

8.13.35. Similarly, the trip generation associated with the proposed school site has been established by the applicant using TRICS. The results show that the school would have the potential to generate 592 two-way trips. The AM peak would see around 207 two-way trips and the PM peak would see only around 16 two-way trips (as the school afternoon peak will occur outside of the network PM peak hour and so it is considered that the AM peak hour will provide a worst-case assessment of the school impact). The school is located within the northern parcel and so there will be no school related vehicle trips travelling to or from the southern parcel.

8.13.36. The Transport Assessment states that the assessment of school trip generation represents a worst-case scenario for the following reason:
“Based on Table 1 of HCC’s ‘Guide to the Hertfordshire Demographic Model’, around 85 primary school pupils (20%) would live within the development, based on 21.8 students per 100 houses. The school trip generation outlined in Table 9, however, does not take into account any internalisation associated with the proposed development, other than that incorporated within the TRICS survey, or the adjacent Polo Club development within which there may be a further 72 pupils should it receive planning consent. Consequently, the school trip generation reflects a worst-case scenario.”

8.13.37. The combined residential and school trip generation results show that the proposed development could create around 2,250 two-way trips, of which 395 would be in the AM peak and 170 in the PM peak.

8.13.38. The predicted distribution of vehicular traffic movements likely to be generated by the development proposals has been based on the ‘Origin and Destination’ dataset from the 2011 Census. Using this information, it is estimated that 100% of vehicular traffic generated by the development would travel in an easterly direction along Chiswell Green Lane towards the double mini-roundabout junctions with the B4630 Watford Road/Tippendell Lane. The Transport Assessment notes that the narrow nature of Chiswell Green Lane to the west of the site will make this route unattractive.

8.13.39. As the primary school would be a new establishment, there is no existing information on where students would be travelling from. An assumption has therefore been made based on where students are likely to be living in the Transport Assessment, as follows:

- Watford Road South (southern half of Chiswell Green and Bricket Wood): 40%
- Tippendell Lane (north-eastern Chiswell Green, How Wood and Park Street): 20%
- Stanley Avenue (northern / north-western Chiswell Green): 40%

8.13.40. The Transport Assessment considers the potential increase in traffic flows at the key junctions surrounding the site. The findings of the estimated increase in two-way traffic at local junctions in 2027 is outlined in the below table:

Junction	Two-way traffic increase (%)	
	AM peak	PM peak
Watford Road / Long Fallow	5.7%	4.7%
Watford Road / Forge End	14.7%	7.6%
Watford Road / Chiswell Green Lane	20.1%	8%

North Orbital Road / Tippendall Lane	7.5%	4.3%
North Orbital Road / Watford Road	3.1%	2%
North Orbital Road / Watling Street	1%	0.7%

8.13.41. Detailed junction capacity assessment have been undertaken for the three junctions that are estimated to see the greatest percentage increase in two-way traffic in 2027 (using 2019 flows factored to a 2027 future year, as these base flows have not been impacted by the COVID pandemic), as follows:

1. Watford Road / Long Fallow – ghost island / right turn lane priority T-junction;
2. Watford Road / Forge End – priority T-junction; and
3. Watford Road / Chiswell Green Lane / Tippendell Lane – double mini-roundabout.

8.13.42. The Transport Statement states that the detailed assessment shows that the Forge End and Long Fallow junctions with Watford Road would continue to operate within capacity at peak times and there would not be a severe impact at these junctions in accordance with paragraph 111 of the National Planning Policy Framework (NPPF). However, the Watford Road/Chiswell Green Lane/Tippendell Lane double mini-roundabouts currently operate over capacity and would experience increased queuing and delays as a result of the development.

8.13.43. The HA's comments on the application note that they are content to accept that the site access junctions and Junction 1 (Watford Road/Long Fallows) and Junction 2 (Watford Road/Forge End) can operate satisfactorily with the development. However, Junction 3 (Watford Road/Chiswell Green Lane/Tippendell Lane double mini-roundabouts) is subject to some capacity concerns.

8.13.44. The HA has made the following comment with regarding to mitigation these capacity concerns:

“Whilst the Highway Authority does not necessarily seek highway capacity enhancements as a principal mitigation measure, in this instance, sustainable transport improvements are necessary in order to ensure that the impact is mitigated in a manner consistent with LTP4. As discussed within this response, the Highway Authority is content to accept a mitigation scheme that is not highway capacity focused but seeks to promote travel by sustainable modes.”

8.13.45. A Transport Note prepared on behalf of Keep Chiswell Green has raised concerns about the impact of the proposed development on the Watford Road/Chiswell green Lane/Tippendell Lane double mini-roundabout. The Note states that the sustainable transport improvements alone will not satisfactorily overcome the transport impacts arising from the proposed development. The HA has reviewed this Transport Note and provided the following comment:

“I can confirm that the fundamental principle of accepting a sustainable transport scheme over and above a highway capacity solution (which the report majors on), is one that we remain content with.”

8.13.46. National Highways has confirmed that they have no objection to the proposed development. National Highways previously provided several holding objections on the application requiring additional supporting information in relation to impacts on Junction 21A of the M25 and the A414/North Orbital Road/ Watling Street ('Park Street') Roundabout. However, additional information has provided confidence to National Highways that the proposed development would not have a detrimental impact on the slip roads and therefore has no further comments

regarding impacts to the M25 junction. Furthermore, National Highways received confirmation from the HA that they are content the proposed development will not have a detrimental impact on the Park Street Roundabout. As such National Highways offer no further objection to this application.

Mitigation Summary

- 8.13.47. As noted earlier in this report, the proposed development includes a number of sustainable transport mitigation measures which seek to reduce reliance on the private car. These measures, which have been devised through consultation with the HA, are summarised as follows:
- Provision of a footway/cycleway to the north side of Chiswell Green Lane, along with enhancements to junctions and crossings shown on the drawings for approval;
 - A financial contribution to increase the frequency of the 321 bus;
 - A commitment to deliver an improved walkway/cycleway along Watford Road from Chiswell Green Lane to the Noke Hotel roundabout;
 - Preparation of Travel Plans for the residential development and proposed school site, to help increase the use of sustainable transport modes; and
 - Providing the proposed new households with bus vouchers.
- 8.13.48. The above measures would be funded through a financial contribution of £2,668,966 (excluding indexation), which is equivalent to £6,826 per dwelling, to be secured through a s106.
- 8.13.49. In light of the above measure, the HA has confirmed that they do not wish to restrict the grant of planning permission, subject to the inclusion of recommended conditions (which are outlined in Section 11 of this report).

Conclusions

- 8.13.50. Taking the above discussion into account, it is considered that the proposal as presented would be in line with the aims of the relevant parts of the NPPF, Local Plan and Neighbourhood Plan. As such, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive nor negative weight.

8.14. Economic Impacts

- 8.14.1. Section 16 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 81 states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

- 8.14.2. The application is supported by a Socio-economic Statement which outlines that the proposed development is expected to generate a range of economic benefits, summarised as follows:

- Creation of 214 direct construction jobs over the two year construction period, which would generate approximately £68.8 million in Gross Value Added (GVA). The construction period is estimated to create a further indirect 207 indirect jobs across the UK as a result of multiplier effects, which generate further GVA at a national level;
- The delivery of 391 homes could equate to a New Homes Bonus payment of around £796,904 over a one year period (the New Homes Bonus is a grant paid by central government to local councils to reflect and incentivise housing growth in their areas. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes);
- Generation of around £920,287 in Council Tax payments per annum (based on the delivery of 391 homes and the average of SADC Council Tax Bands A to H for 2021/22; and
- Generation of around £10.9 million in additional household spending per annum, based on the delivery of 391 new homes, a proportion of which would be spent within the local area.

8.14.3. The economic benefits associated with the construction phase of the proposed development would be temporary, along with the New Homes Bonus. However, the additional Council Tax revenue and additional household spending would be benefits in perpetuity. Overall, it is considered that substantial weight should be afforded to the socio-economic benefits associated with the proposed development.

8.15. Impact on Social and Physical Infrastructure

8.15.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities, open space and play space, sports facilities, and community facilities. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development. A number of SSPNP Policies set out Neighbourhood Plan level policy requirements in relation to provision / mitigation of: Bus services and community transport (S13); Provision for walking, cycling and horse-riding (S14), Improving the bridleway network (S15), Community facilities (S16), and Leisure Facilities for Children and Teenagers (S17); that are relevant in this regard.

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

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

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

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

8.15.5. The Heads of Terms for the s106 have been agreed with the applicant and a draft s106 is currently being prepared. These Heads of Terms reflect contribution/obligation requests made by consultees to mitigate the impacts of the development on social infrastructure and are as follows:

- **Affordable Housing**

- Provision of 40% affordable housing in perpetuity.
- 25% of the affordable housing to be 'First Homes', as defined by the Government.
- All affordable housing including First Homes to be provided in accordance with an Affordable Housing Scheme. This is to ensure satisfactory distribution of types of affordable housing across the site. The Scheme shall set out size and tenure and location of all units, and phasing proposals.

- **Biodiversity Net Gain**

- a) On-site and off-site provisions to achieve 10% Biodiversity Net Gain.
- b) The s106 agreement would include mechanisms to calculate any required contribution and to secure its delivery at reserved matters stage.

- **Self-build and Custom Housing**

- a) 3% of the dwellings to be self-build and custom housing plots where the initial owner will have primary input into its final design and layout.

- **Provision of Open Space and Play Space**

- a) To be provided in accordance with a schedule of works, programme and management scheme.
- b) The schedule shall allocate at least 2.92ha of the site as public open space in perpetuity.
- c) The schedule shall allocate at least 0.82ha of formal play space for children of all ages and at least 295sqm of play space for toddlers in perpetuity.

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

- a) Capital Cost calculation of additional health services arising from the development proposal – £95,013.

- **HCC Growth and Infrastructure Unit**

- a) Primary Education towards the expansion of Killigrew Primary and Nursery School or any primary school with expansion potential in the area (£3,024,011 index linked to BCIS 1Q2020).
- b) Secondary Education towards the expansion of Marlborough Science Academy/ Samuel Ryder Academy or any secondary school with expansion in the area (£3,312,434 index linked to BCIS 1Q2020).
- c) Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) (£378,030 index linked to BCIS 1Q2020).
- d) Library Service towards increasing the capacity of community spaces in St Albans Central Library (£38,000 index linked to BCIS 1Q2020).
- e) Youth Service towards re-provision of the St Albans Young People's Centre in a new facility to accommodate larger numbers of young people £105,959 (index linked to BCIS 1Q2020).

f) Monitoring fees – £340 per trigger point in the S106 (adjusted for inflation against RPI July 2021).

- **SADC Community Services**

- a) Leisure & Cultural Centres – £298,355 towards Greenwood Park Community Centre and Pavilion improvements.

- **NHS Herts Valleys CCG**

- a) To extend the Midway Surgery, Chiswell Green; in order to cope with an increase in patient population – £504,920.71 (~ £1,290 per dwelling).

- **Provision of Highways Improvements and Sustainable Transport Measures**

- a) Delivery of Sustainable Transport improvements – this would include mechanism to provide for on-site and off-site improvements to promote the use of walking and cycling modes of transport for future residents of the development. The works within the existing adopted highway would be expected to be secured through a s278 agreement with the County Council as Highway Authority.

- b) A total financial contribution of £2,668,966 (equivalent to £6,826 per dwelling). The cost of any highway works carried out by the applicant pursuant to a s278 agreement would be deducted from this figure. In addition to the highways works carried out by the applicant, this contribution is expected to include the following measures:

- Contribution towards the enhancement of existing bus routes operating on Watford Road - £875,000 (£175,000 x 5). The first instalment of £175,000 should be paid prior to the first occupation and henceforth on the anniversary of the first payment for four years.

- Approved Travel Plan(s), with individual monitoring fees in accordance with the current HCC Travel Plan guidance. The Evaluation and Supporting Fee is £6,000 (per use) or £1,200 p.a. over five years for a residential Travel Plan and £7,500 or £1,500 p.a. over five years for a school Travel Plan.

- Bus vouchers - £97,273, broken down as follows:

- Arriva (as an example of a typical Hertfordshire operator) - £70 per month x 3 = £210. £210 x 391 = £82,100

- Voucher printing cost @ £1 per booklet (each booklet is the value of £70 – 3 booklets per household). 3 x 391 = £1,173

- Reimbursement process/design time: £4,000

- Travel Awareness campaigns/PT information: £10,000

- **Provision of land for a new 2FE primary school**

- The mechanism, timing and funding of delivery of the land to be agreed with Hertfordshire County Council.

- Payment of the reasonable legal costs of the District Council and the County Council in connection with the preparation, negotiation and completion of the s106 agreement.

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

- 8.15.7. There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures can be justified against the relevant tests found in the Regulations and NPPF as follows:
- 8.15.8. (i) Necessary to make the development acceptable in planning terms.
Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The National Planning Practice Guidance (NPPG) states: “*No payment of money or other consideration can be positively required when granting planning permission.*” The development plan background supports the provision of planning contributions. The provision of community facilities, mitigation of ecological impacts and promotion of sustainable modes of transport are matters that are relevant to planning. The contributions and measures sought will ensure that additional needs brought on by the development are met, and other matters suitably mitigated. To secure the affordable housing in perpetuity and to secure the provision of the biodiversity, open space and footpath related measures would be necessary to make the development acceptable, were the planning balance such that it was found that the resultant benefits would clearly outweigh the harms (in relation to the NPPF para 148 planning balance).
- 8.15.9. (ii) Directly related to the development.
The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The securing of the proposed affordable housing is related to the development, noting that this is what the development proposes. The on site provision of open space, and the ecological and highways and sustainable transport related mitigation is directly required as a result of the proposed development, forms part of the development proposed, and is directly related to the development. The affordable housing provision reflects the development here proposed.
- 8.15.10. (iii) Fairly and reasonably related in scale and kind to the development.
The requested financial contributions were calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield), using appropriate toolkits / formulae as appropriate, and are therefore considered to be fairly and reasonably related in scale and kind to the development. The measures to mitigate impacts in terms of sustainable transport improvements, other highway-related measures, provision of additional social infrastructure and ecological enhancements; are not excessive in scale and are primarily required to mitigate impacts of the development; and are considered to be fairly and reasonably related in scale and kind to the development
- 8.15.11. Noting the above discussion, it is considered that the contributions and other measures listed above meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), referenced in para 57 of the NPPF, and the applicable Local Plan and SSPNP policies.

8.15.12. It is noted that Sport England requested contributions based on the projected population and their 'Sport Facility Calculator', of £6,004 towards indoor bowls centres, £193,525 towards Sports Halls, and £217,564 towards Swimming Pools. However, no specific projects were identified in this regard, and noting that the contributions requested by SADC Community Services and set out above include identified sport-related projects, it is not considered that the additional contributions are robustly justified in relation to the relevant Regulations.

8.15.13. The applicants have advised that they would be open in-principle to enter into a s106 agreement containing planning obligations to secure the contributions / measures as set out above, and discussions / negotiations are regarding the draft agreement are ongoing in this regard with the relevant parties.

8.15.14. It is recommended that a period of three months from the date of the decision notice is allowed for to complete this s106 agreement.

8.16. Recent Planning Decisions of Relevance

8.16.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. The applicant has drawn the Councils attention to recent decisions where housing has been approved in the Green Belt, and these are referenced in the 'Relevant Planning History' section above. Previous decisions can be material considerations, and it is noted that the context for assessing housing applications in the Green Belt changed with the approval at appeal of the 'Bullens Green Lane' application (5/2020/1992) in 2021, such that applications at Land to the Rear of 112 to 156b Harpenden Road, and at Orchard Drive (Refs 5/2021/0423 and 5/2021/2730 respectively) were subsequently recommended by officers for approval. Weight has been applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here.

8.16.2. An application for 330 dwellings at St Stephens Farm to the north of this application site (5/2021/3194) was refused on 25 October 2022 for the following reasons:

1. *"The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.*

2. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.”*

8.16.3. All planning applications need to be assessed on their own merits. The fundamental difference between the above application (5/2021/3194) and this application is that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal was not clearly outweighed by other considerations and as a result very special circumstances did not exist.

8.16.4. In contrast, the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal is considered to be clearly outweighed by other considerations (as outlined in the Planning Balance section below). Very special circumstances therefore exist.

8.17. Other Matters including Matters Raised by Objectors / in Consultation Responses

8.17.1. Most of the issues raised in representations have already been covered in this report. Those that have not been are set out below.

8.17.2. Noise: the application is accompanied by a Noise Assessment which has been reviewed by the Environmental Compliance Officer, who has recommended noise conditions included in section 11 of this report.

8.17.3. Flooding and drainage: The site is located entirely within Flood Zone 1, which is land at the lowest risk of fluvial flooding and is at very low risk from all other potential sources of flooding. The risk of surface water flooding to the site is very low, with an annual probability of flooding of less than 1:1,000. However, the proposed development would cause an increase in terms of impermeable area and the respective increase in run-off, which would need to be appropriately managed to ensure flood risk does not increase. The application is accompanied by a Flood Risk Assessment, which includes a drainage strategy, and the applicant provided additional drainage details during the determination of the application in response to comments raised by RAB Consultants (providing drainage service to SADC). The proposed surface water drainage strategy has been designed to accommodate run-off from all rainfall events up to and including the 1 in 100-year event, with a 40% allowance for climate change. RAB Consultants have confirmed that the proposed development would be acceptable subject to the inclusion of a condition, which is included in section 11 of this report.

8.17.4. Wider environmental impacts, including climate change: A number of objections reference increased carbon footprint, impact on global warming/climate change, and impacts on water, energy and food shortages. There are no directly applicable

planning policies by which to refuse the proposed development in these regards and it is acknowledged that new housing is needed in the District. The proposed development is considered acceptable in terms of flood risk and drainage (subject to a recommended condition outlined in section 11 this report), whilst the proposal will deliver 10% BNG (which can be secured through a s106). The proposal includes a significant area of public open space (at least 2.92ha), whilst there would be other play spaces and green infrastructure throughout the site, as shown in the Land Use Parameter Plan. In addition, and as noted earlier in this report, the proposed development would make a significant financial contribution towards sustainable transport improvements in the local area, with the aim of reducing reliance on the private car and helping to transition to more sustainable modes of transport.

- 8.17.5. BNG: A number of objections question how 10% BNG will be delivered at the site as up to 391 new homes and a school would be provided on the existing fields. The application is supported by a Biodiversity Net-gain Assessment which uses the Department for Environment, Food and Rural Affairs (DEFRA) Biodiversity Metric 3.0 to establish the baseline biodiversity at the site and calculate the uplift in Biodiversity Units required to achieve 10% BNG. As noted earlier in this report, some gain can be achieved onsite, however the remaining shortfall of Biodiversity Units (currently 21.4 BU), needs to be secured with an offsite solution. This approach has been accepted by HCC Ecology and SADC and the delivery of 10% BNG can be secured in a s106.
- 8.17.6. Air quality: Noting the comments of the Environmental Compliance officer, based on the submitted Air Quality Assessment, air quality is not considered to represent a planning constraint in this case. A condition requiring the submission of a detailed Construction Environmental Management Plan (CEMP) is recommended in section 11 of this report, which states that the CEMP shall include mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- 8.17.7. Foul water: Comments regarding the possible inability of the local sewer system to cope with the additional demand created by the proposed development are noted. Thames Water recommended a planning condition relating to foul water network upgrades required to accommodate the additional flows from the development, which has been included in section 11 of this report. This condition would ensure that any necessary upgrades to the sewer system to accommodate the proposed development are provided to the satisfaction of Thames Water and the Council.
- 8.17.8. Security: The comments of Hertfordshire Constabulary are noted, and further details in relation to security would be forthcoming at reserved matters stage.
- 8.17.9. Objections have been received referencing cumulative impacts of this proposal and the recently refused outline residential proposal for land to the north of Chiswell Green Lane, Ref: 5/2021/3194 (see planning history section of this report). However, the referenced application for the site to the north was refused on 25 October 2022. The current application at Land South of Chiswell Green Lane is assessed on its own merits.
- 8.17.10. Validity of application and accuracy and suitability of submission documents: officers have reviewed the submitted documentation and are satisfied that the application is valid and that the technical documents are sufficient to enable a decision to be made.

- 8.17.11. Objections on grounds of loss of property values are noted but this is not a material planning consideration.
- 8.17.12. Representations that movements to prompt a re-evaluation of Government-imposed housing targets (to require fewer houses in the District) are increasing in number and influence, and that this application is premature, are noted; however the application is assessed on the basis of the established housing need at the point of making the decision; and as such very significant weight is given to the provision of the housing proposed.
- 8.17.13. Disruption during construction: it is acknowledged that there will inevitably be impacts during construction. However, it is considered that these can be mitigated by way of condition where relevant, such as the recommended CEMP condition outlined in section 11 of this report.
- 8.17.14. Active Design: The comments of Sport England are noted, in which they request a planning condition be added requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications. However, it is noted that details in this regard would be provided and considered at reserved matters stage and it is not considered that there is currently a robust policy basis for adding such a condition in this case. Similarly, it is not considered that there is a robust policy basis for adding the Active Design condition suggested by HCC Public Health.
- 8.17.15. Concerns were raised regarding the loss of Chiswell Green Riding School, however this is not a protected use and there are no policy grounds that would warrant refusal of the planning application on this basis.
- 8.17.16. The Ramblers Association queried what access the public would have to walk/cycle through the site in the future and requested that paths through the site are designated as public bridleways to ensure access rights for the public. The Association also queried the possibility of providing a connection from the site into Miriam Lane to provide circular walking routes using the rights of way linking Noke Lane and Chiswell Green Lane. The applicant has responded directly to these comments as follows:

"We acknowledge the Association's request for consideration of a future connection to Miriam Lane to provide a walking route to Noke Lane. Miriam Lane is currently private highway and is within third party land. It is not currently listed as a Public Right of Way (PROW) but is identified as a potential future route (6/282) within the 'Hertfordshire Rights of Way Improvement Plan' (July 2017). Consequently, as there is no existing PROW classification, a connection is not feasible without the approval of the owner of the Butterfly World site. The illustrative masterplan provided within Appendix A of the Transport Assessment, however, shows a footpath to the site's western boundary within the green core of the development. It also shows a potential connection point to Miriam Lane which could potentially be provided subject to the agreement of the Butterfly World owner once Miriam Lane is classified as a PROW.

Potential Public Bridleway

We have reviewed the potential for providing a public bridleway through the site. It is considered that a bridleway could potentially be provided between Forge End and Chiswell Green Lane along the western boundary of the site if HCC requests its provision. However, even if a bridleway is not provided, there will be pedestrian

/ cycle access through the site which will be available for use by the public and so it is not considered that a Public Bridleway is necessary for public access.

An alternative route has also been identified through the site but as part of the Reserved Matters application, the provision of an emergency link between the two development parcels will need to be confirmed as Public Bridleways can not be used for vehicular access. Consequently, any part of the bridleway through the green core would need to be retained as just a footway / cycleway link if it also forms an emergency link.

Similarly, the footway / cycleway link from Fong Fallow cannot be classed as a Public Bridleway as it also forms an emergency access but it will have public access.”

8.17.17. The provision of any bridleways at the site could be dealt with through the submission of reserved matters application(s).

8.18. Equality and Human Rights Considerations

8.18.1. Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person’s rights under the Convention.

8.18.2. When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

8.18.3. The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

8.18.4. It is considered that the consideration of this application and subsequent recommendation has had regard to this duty. The development would not conflict with St Albans City and District Council's Equality policy and would support the Council in meeting its statutory equality responsibilities.

8.19. Planning Balance

8.19.1. An assessment of the planning balance, in the context of paragraphs 11 and 148 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the ‘Principle’ section above, paragraphs 147 and 148 provide the fundamental policy test within which this application falls to be assessed; as follows:

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

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

- 8.19.2. This means that the proposed development should not be approved unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.19.3. This balancing exercise is set out below, and is informed by the previous sections of this report above:
- Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 148.
- 8.19.4. There is additional harm identified to which, cumulatively, very substantial weight is given, due to:
- Additional harm to Green Belt openness and to the purposes of the Green Belt relating to the encroachment to the countryside, urban sprawl and merging of towns. Substantial weight is given to this additional harm.
 - The introduction of built form to across the existing fields would cause some harm to local landscape character. Some limited weight is given to this harm.
 - The loss of agricultural land, 7ha of which is Grade 3A. Some limited weight is given to this harm.
- 8.19.5. The 'other considerations' weighing in favour of the development consist of:
- The provision of up to 391 homes, including 40% affordable housing and 3% self-build plots. Very substantial weight is attached to the delivery of market and affordable housing and substantial weight to the delivery of self-build plots.
 - The provision of land for a new 2FE primary school. Substantial weight is given to this provision.
 - Provision of public open space and children's play space. Some limited positive weight is given to this provision.
 - The provision of 10% biodiversity net gain. Moderate weight is given to this provision.
 - The economic benefits of the proposed development, as set out at section 8.14 of this report. Substantial weight is given to these benefits.
- 8.19.6. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is clearly outweighed by other considerations.
- 8.19.7. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

8.20. Conclusion

- 8.20.1. Each application for planning permission is unique and must be treated on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the "other considerations" set out above clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 148 of the NPPF, it follows that very special

circumstances exist. As such, and in light of the above discussion, the proposal would accord with the St Albans and District Local Plan Review 1994, the St Stephen Neighbourhood Plan and the National Planning Policy Framework 2021 and planning permission should be granted.

9. Comment on Parish Council/District Councillor Concerns

- 9.1. The majority of comments raised by the Parish Council have been addressed in the above discussion of this report.
- 9.2. The Parish raised that the applicant “erroneously claimed that the Parish would be supportive of the application by misinterpreting the index map in the Neighbourhood Plan”. It is noted that the applicant’s Planning Statement refers to a previous version of the SSPNP that was available at the time the planning application was submitted, which showed the application site within the ‘built up area boundary’ in the Policies Map. However, this was an error in the draft SSPNP which has been updated in the final ‘made’ version, with the site is no longer within the ‘built up area boundary’ in the Policies Map and instead in the Green Belt. No weight has been given to this error in the determination of this application.
- 9.3. As noted earlier in this report, Policy S1 of the SSPNP requires very special circumstances to exist for the approval of inappropriate development within the Green Belt. As noted above, it is considered that very special circumstances do exist in this case.
- 9.4. The matters raised in the Councillor call-in if minded to grant are addressed in the above Discussion section.

10. Reasons for Grant/Refusal

- 10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). In this case, the harm relates to harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The benefits include the provision of housing, affordable housing and self-build housing, the provision of land for a new two form entry primary school, the provision of open space and play space, the commitment to 10% BNG and economic benefits. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 agreement.

RECOMMENDATION:	Resolution to Grant Conditional Planning Permission Subject to Completion of S106 Agreement	Decision Code: A1
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11. Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) for each phase of the development as defined by condition 18, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase, begins and the development shall be carried out as approved.

REASON: Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P7), Access and Movement Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P3), Building Height Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P6), Land Use Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P4), Proposed Northern Access Junctions (8210856-1001 Rev 19), Proposed Southern Access Junction (8210856_1002 Rev 16), Proposed Forge End & Long Fallow Pedestrian / Cycle Accesses (8210856_1021 Rev 15), Proposed Sustainable Travel Improvements – Chiswell Green Lane (8210856-1012 Rev 15) and Proposed Sustainable Travel Improvements – Watford Road / Chiswell Green Lane (8210856-1013 Rev 14).

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

5. Full details of both soft and hard landscape works for each phase, should be submitted as part of application(s) for reserved matters approval for that phase, as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage
- d) mix, and details of seeding or turfing;
- e) hard surfacing;
- f) means of enclosure and boundary treatments; and
- g) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting)

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policies 70 and 74 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

6. A landscape and ecological management plan (LEMP) for each phase, should be submitted as part of application(s) for reserved matters approval for that phase, as required by Condition 1 and include:

- a) A description of the objectives;
- b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion
- c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
- d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
- e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

REASON: To maximise the on site mitigation for biodiversity impact, in line with the requirements of the NPPF.

7. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON: To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994.

8. No development shall commence in each phase unless a method statement has been submitted to and approved in writing by the Local Planning Authority for that phase, to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837. Thereafter the development shall be carried out in accordance with these approved details.

REASON: To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St Albans District Local Plan Review 1994.

9. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the contractual practical completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

REASON: 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.

10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed or with the written consent of the LPA. 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 (2005). 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: 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.

11. No phase of the development hereby permitted shall be occupied unless and until the vehicular accesses for the phase in question have been provided and thereafter retained at the position shown on the approved plan drawing numbers 8210856-1001 Rev I9, 8210856-1002 Rev I4 and 8210856-1021 Rev I3 (as may be amended through detailed technical drawings agreed through the Section 278 process). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the commencement of development in each phase, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications for each phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways;
- c. Cycleways (compliant with LTN 1/20);
- d. Minor artefacts, structures and functional services;
- e. Foul and surface water drainage;
- f. Visibility splays;
- g. Access arrangements including temporary construction access
- h. Hard surfacing materials;
- i. Parking areas for vehicles and cycles;
- j. Loading areas; and
- k. Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. No phase of the development hereby permitted shall be occupied unless and until full details have been submitted to and approved in writing by the Local Planning Authority for that phase, in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. (a) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing(s) numbers set out below have been submitted to and approved in writing by the Local Planning Authority.

8210856-1012 Rev I5 PROPOSED SUSTAINABLE TRAVEL IMPROVEMENTS -
CHISWELL
GREEN LANE

8210856-1013 Rev I4 PROPOSED SUSTAINABLE TRAVEL IMPROVEMENTS -
WATFORD ROAD /
CHISWELL GREEN LANE

Drawing numbers 8210856_1028 Rev I1 through to 8210856_1033 Rev I1
HERTFORDSHIRE
COUNTY COUNCIL'S WATFORD ROAD CYCLE IMPROVEMENTS, (Sheets 1 to 6)

Drawing number 8210856-1014 Rev I3 IMPROVEMENTS - LONG FALLOW
PROPOSED SUSTAINABLE TRAVEL

(b) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON: (a) To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

(b) To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

15. No part of the development hereby permitted shall be occupied unless and until a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority is submitted to and approved in writing by the Local Planning Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

16. No development shall commence in each phase unless and until a detailed Construction Environmental Management Plan relating has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development in that phase shall only be carried out in accordance with the approved CTMP unless otherwise agreed in writing by the local planning authority. The plan shall be prepared in accordance with the Construction Logistics and Community Safety (CLOCS) Standard.

The plan shall include the following:

- i. The construction programme;
- ii. Clear access strategy for construction vehicles that avoids conflicts with pedestrians, cyclists, public transport and existing and future residents;
- iii. Hours of operation;
- iv. Phasing of the development of the site, including all highway works;
- v. Construction vehicle numbers, type, routing;
- vi. Traffic management requirements;
- vii. Cleaning of site entrances, site tracks and the adjacent public highway;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Details of any highway works necessary to enable construction to take place, including temporary access works;
- x. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These shall demonstrate how safe and unobstructed access will be maintained at all times or be temporarily closed or extinguished.
- xi. Details of servicing and delivery, including details of site access, compound, welfare facilities,
- xii. hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- xiii. Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
- xiv. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- xv. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- xvi. Details of public contact arrangements and complaint management;
- xvii. Construction waste management proposals;
- xviii. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xx. Measures to be implemented to ensure wayfinding for both occupiers of the site and or those travelling through it.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Notwithstanding the information contained in the Transport Assessment, no development shall commence in respect of any Development Parcel or Strategic Engineering Element until a Site Wide Phasing Plan, which accords with agreed s106 triggers has been submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements:

- a) Development parcels;
- b) Major distributor roads/routes within the site, including timing of provision and opening of access
- c) points into the site;
- d) The local centre, or for example, mobility hubs, convenience store and community facilities
- e) Strategic foul surface water features and SUDS;
- f) Open space;

- g) Strategic electricity and telecommunications networks;
- h) Environmental mitigation measures.

No development shall commence apart from enabling works and strategic engineering elements, unless, agreed in writing by the Local Planning Authority until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

18. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan and dated (March 2022) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Within three months of the first use of a school opening, a Modeshift STARS School Travel Plan should be prepared and submitted to Hertfordshire County Council, and fully approved by the School Travel Plan Team (the team can be contacted at: activeandsafertravel@hertfordshire.gov.uk). Thereafter the Travel Plan shall be implemented in full throughout the life of the school.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

20. No phase of the development hereby permitted shall be occupied unless and until a scheme for the parking of cycles including details of the design, level and siting of the proposed parking for that phase has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented before the phase is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

21. No development shall commence in each phase unless and until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the utilisation of above ground attenuation and conveyance sustainable drainage techniques (SuDS), with the incorporation of sufficient treatment trains to maintain or improve the existing groundwater quality, as per the Flood Risk Assessment produced by Glanville (dated

March 2022) and updated submission information. The scheme shall also include the following:

- a. a detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system has been submitted to, and approved in writing by, the Local Planning Authority.
- b. detailed hydraulic modelling calculations of the proposed surface water drainage scheme that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year return period event and up to the 1 in 100 year return period event (including the correct allowance for climate change) have been submitted to, and approved in writing by, the Local Planning Authority.
- c. full details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater both locally and downstream of the site, especially from proposed parking and vehicular areas have been submitted to, and approved in writing by, the Local Planning Authority. Surface water treatment techniques should include both natural SuDS structures and also proprietary devices, such as advanced vortex separators.
- d. detailed construction drawings of all proposed SuDS features, including details of flow controls and piped network, have been submitted to and approved in writing by the Local Planning Authority.
- e. detailed construction drawings of the proposed deep bore soakaway structures have been submitted to, and approved in writing by, the Local Planning Authority.
- f. a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. This plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
- g. details for the provision of any temporary drainage during construction has been submitted to and approved in writing by the Local Planning Authority. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- h. detailed construction drawings of the proposed foul water drainage network have been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding, both on and off site as required by the National Planning Policy Framework.

22. No above ground works shall take place for each phase until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

23. Prior to the commencement of ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals on an opportunistic basis shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated 15 August 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals strategy. The minerals strategy must include the following:

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the appropriate recovery and beneficial use of the minerals (where feasible without the need for processing); and
- c) A method to record the quantity of recovered mineral for re-use on site.

REASON: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.

24. The development shall not be occupied until confirmation has been provided that either:

- a) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
- b) A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development.

25. No development-related works shall take place within each phase of the site until an agreed programme defined by a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority for that phase. This scheme shall include a programme of archaeological evaluation by trial trenching, followed by open area excavation on those areas containing archaeological deposits required, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological organisation.

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

26. Following the completion of the fieldwork and the post-excavation assessment in Condition 26, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 26. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

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

27. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place in each phase until an investigation and risk assessment in relation to contamination on site (in addition to the phase I assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority for that phase. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i. a survey of the extent, scale and nature of contamination
- ii. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994.

28. The results of the site investigations set out in condition 27 and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken for each phase. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The options appraisal and remediation strategy shall be agreed in writing with the Local Planning Authority prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994.

29. Before any dwelling is occupied, verification report(s) demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The reports shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994.

30. No development above ground level shall take place in each phase, until a noise assessment has been carried out in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise

from road traffic, railways, commercial activity, on the proposed development for that phase.

Where identified by the noise assessment, to be necessary, a scheme for noise mitigation including sound insulation measures to be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms, shall be submitted to and approved in writing by the Local Planning Authority, and implemented prior to the occupation of any of the units.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity Location 0700 to 2300 2300 to 0700

Resting Living room 35 dB Laeq, 16 hour

Dining Dining room/area 40 dB Laeq, 16 hour

Sleeping (daytime resting) Bedroom 35 dB Laeq, 16 hour 30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should not exceed 45dBA more than 10 times a night in bedrooms; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

REASON: To protect the amenities of adjoining development. To comply with Policy 70 of the St Albans District Local Plan Review 1994.

31. Open space shall be provided on site in accordance with the approved parameter plans. No development in each phase shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

REASON: To comply with the requirements of Policy 70 of the St Albans Local Plan Review 1994.

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

REASON: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12

of the Hertfordshire Waste Core Strategy and Development management Policies document.

33. Notwithstanding the submitted 'Arboricultural Impact Assessment' – JSL4258_770 (by RPS, 30 March 2022), a detailed tree protection plan and method statement should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON: To ensure the protection of trees at the site and comply with the requirements of Policy 74 of the St Albans Local Plan Review 1994.

34. Notwithstanding the submitted Landscape and Visual Impact Assessment (April 2022), prior to the commencement of development of a school in the land allocated for a new primary school (up to 2FE) hereby permitted, as shown in the Land Use Parameter Plan (REDC01 MCB ZZ ZZ DR A 0223-D5-P4), a landscape and visual analysis for the school site specifically shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the landscape and visual impact is acceptable and comply with Policy 69 of the St Albans Local Plan Review 1994.

12. Informatives:

1. This decision was based on the following drawings and information:

- Site Location Plan (REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P7)
- Access and Movement Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P3)
- Building Height Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P6)
- Land Use Parameter Plan (REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P4)
- Proposed Northern Access Junctions (8210856-1001 Rev 19)
- Proposed Southern Access Junction (8210856_1002 Rev 16)
- Proposed Forge End & Long Fallow Pedestrian / Cycle Accesses (8210856_1021 Rev 15)
- Proposed Sustainable Travel Improvements – Chiswell Green Lane (8210856-1012 Rev 15)
- Proposed Sustainable Travel Improvements – Watford Road / Chiswell Green Lane (8210856-1013 Rev 14)
- Planning Statement
- Design and Access Statement
- Five Year Land Supply Statement
- Statement of Community Involvement
- Landscape and Visual Impact Assessment (and subsequent Addendum)
- Green Belt Assessment
- Socio-Economic Assessment
- Education Needs Assessment
- Transport Assessment (and subsequent Addendum)
- Framework Residential Travel Plan
- Framework School Travel Plan
- Construction Management Plan
- Flood Risk Assessment and Drainage Strategy
- Utilities and Foul Sewage
- Reptile Survey Report
- Interim Bat Survey Report

- Ecological Impact Assessment
 - Biodiversity Net Gain Assessment
 - Tree Survey and Arboricultural Impact Assessment
 - Phase 1 Desk Based Assessment
 - Noise Assessment
 - Air Quality Assessment
 - Agricultural Land Survey
 - Archaeological Desk Based Assessment
 - Heritage Statement
 - Archaeological Desk Based Assessment
 - Health Impact Assessment (and subsequent supplementary report)
 - Mineral Resource Assessment
2. Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should 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.
 3. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should 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.
 4. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx
 5. Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
 6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
 7. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning

0300 1234047.

8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
9. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
10. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Sections 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	George Burgess
Section 65 Parties	Hertfordshire County Council (Highways), Pegs Lane, Hertford, SG13 8DQ Geoffrey Stanley Davies, 5, The Royalty, 60 Bargates, Chistchurch, BH23 1QL Hannah Louisa Courtney, Flat A, 9 Park Road, Surbiton, KT5 8QA Sophie Louise Rigley, 99 Mendip Way, Luton, LU3 3JJ
Plans on website	https://planningapplications.stalbans.gov.uk/planning