

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr John Boyd
Carter Jonas LLP
One Station Square
Cambridge
Cambridgeshire
CB1 2GA

APPLICANT

Alban Developments & Alban Pearson,
CALA Homes (Chiltern) & Redington Capital Ltd
C/o Agent

PLANNING REFUSAL

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- ADDITIONAL INFORMATION AND AMENDED DESCRIPTION

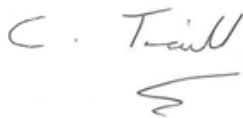
Land South Of Chiswell Green Lane St Albans Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **refuse** the development proposed by you in your application dated 05/04/2022 and received with sufficient particulars on 03/05/2022 and shown on the plan(s) below for the following reasons:-

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). We do not consider that the benefits outweigh the harm caused by this proposed development due to the 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 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 the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new 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 and benefits put forward to justify Very Special Circumstances 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.

Signed



Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council

Dated 06/12/2022

INFORMATIVES:

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)
Illustrative Masterplan (REDC01-MCB-ZZ-ZZ-DR-A-0210-D5-P2)
Potential Public Bridleways (8210856-1040 Rev 12)
Planning Statement
Design and Access Statement
Five Year Housing Land Supply Study
Statement of Community Involvement
Landscape and Visual Impact Assessment (and subsequent Addendum)
Green Belt Review
Socio-Economic Statement
Education Report
Transport Assessment (and subsequent Addendum and Response to National Highways)
Framework Residential Travel Plan
Framework School Travel Plan
Flood Risk Assessment (and subsequent Response to comments by RAB on behalf of St Albans District Council)
Foul Drainage and Utility Assessment
Reptile Survey 2021
Bat Emergence Surveys - Interim Report
Bat Emergence Surveys - Full Report
Ecological Impact Assessment
Biodiversity Net Gain Assessment and accompanying Biodiversity Metric
Preliminary Ecological Appraisal
Arboricultural Impact Assessment
Phase 1 Geo-Environmental Desk Study
Noise Assessment
Air Quality Assessment
Agricultural Land Classification Report
Heritage Statement
Archaeological Desk Based Assessment
Health Impact Assessment (and subsequent supplementary report)
Mineral Resource Assessment

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre application discussions, however the proposed form of development fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to refuse planning permission for a Full planning permission. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.