

<b>REGISTERED NUMBER:</b>	5/2021/3194/LSM
<b>APPLICANT:</b>	Mr S Collins Headlands Way Limited
<b>PROPOSAL:</b>	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
<b>SITE:</b>	St Stephens Green Farm Chiswell Green Lane St Albans Hertfordshire
<b>APPLICATION VALID DATE:</b>	24/11/2021
<b>HISTORIC BUILDING GRADE:</b>	N/A
<b>CONSERVATION AREA:</b>	N/A
<b>DISTRICT PLAN REVIEW:</b>	Metropolitan Green Belt
<b>WARD:</b>	St Stephen

<b>RECOMMENDATION</b>	<b>REFUSAL</b>
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## 1. Reasons for Call in to Committee

- 1.1. This application is referred to the Planning (Development Management) Committee due to the district wide implications of the development.

## 2. **Relevant Planning History**

### Application Site:

- 2.1. 5/2011/0338 - Change of use from Sui Generis (agriculture) to Class D2 (assembly and leisure) to create school playing fields and changing rooms with associated access, car parking and landscaping(resubmission following withdrawal of 5/10/1864) – Refused – 17/01/2012

### Reason:

1. *The proposed development would result in the loss of agricultural land. No overriding need has been demonstrated to justify the loss. It has not been demonstrated that there is no alternative land of a lower quality which could reasonably be used. The proposal is contrary to Policy 102 (Loss of Agricultural Land) of the St Albans District Local Plan Review 1994 and the aims of PPS7: Sustainable Development in Rural Areas.*

- 2.2. 5/2016/3787 - Erection of agricultural barn – Conditional Permission – 10/02/2017
- 2.3. 5/2020/2245 - Variation of Condition 4 (permitted use) to allow partial change of use to repair of commercial vehicles with a particular focus on agricultural

machinery and equipment of planning permission 5/2016/3787 dated 10/02/2017 for Erection of agricultural barn – Refused – 22/04/2021

Reason:

1. *The proposed development would result in an unacceptable adverse impact on the safe and free flow of traffic on Chiswell Green Lane to the detriment of all users of the highway. The proposal is therefore contrary to Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework, 2019.*

Appeal Dismissed – 21/12/2021

- 2.4. 5/2021/2520 - Screening Opinion - Mixed use development comprising up to 330 dwellings (Class C3), open spaces and a memorial park – Environmental Statement Not Required – 30/09/2021

Site immediately to the East:

- 2.5. Strip Of Land Along Cherry Hill Chiswell Green St Albans Hertfordshire - 5/2013/2188 - Fourteen, two storey dwellings with habitable roofspace, garages, associated access, car parking and landscaping including estate gates and fencing (resubmission following refusal of 5/2012/2461) – Refused – 15/11/2013.

Reasons:

1. *The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is inappropriate development in the Metropolitan Green Belt and would be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt. This is contrary to the provisions of the National Planning Policy Framework (March 2012) and Policies 1 (Metropolitan Green Belt) and 2 (Settlement Strategy) of the St Albans District Local Plan Review 1994. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances are apparent in this case.*

2. *The proposed development, by reason of layout and proximity to the eastern site boundary together with the design, size, scale, bulk, massing and height of buildings and the provision of excessive levels of hard surfacing and private gated accesses, would create a visually obtrusive form of development that would be detrimental to the character and appearance of the landscape, street scene and general locality and would not achieve a satisfactory level of design. This is contrary to policies 2, 5, 69 and 70 and Design Advice Leaflet No. 1 Design and Layout of New Housing of the St Albans District Local Plan Review 1994 and the provisions of the National Planning Policy Framework (March 2012).*

Appeal Dismissed – 04/03/2014

Land South Of Chiswell Green Lane

- 2.6. 5/2022/0927 - 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. – Pending

Other recent relevant planning decisions referenced in this report:

- 2.7. 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 – 14/06/2021

2.8. 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 – 12/01/2022

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 26/05/2021 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 – 31/01/2022

- 2.9. 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 20/12/2021 Committee

### **3. Site Description**

- 3.1. The main part of the application site forms part of St Stephens Green Farm. It is of c.14.2 hectares in area and located to the north side of Chiswell Green Lane, west of the settlement of Chiswell Green. The site is broadly flat albeit with a slight gradient sloping down from east to west. There is some low-level fencing within the site, and it lies in open countryside within the Metropolitan Green Belt. It is also within the Watling Chase Community Forest.
- 3.2. It includes a rarely used polo field within a larger area of grazing which has a large agricultural barn and its own access, off Chiswell Green Lane. The polo use is occasional and may be undertaken under permitted development rights, but there is no separate planning permission for this use and the lawful planning use of the site is agricultural. There is a small paddock with stables to the south east of the main field, which also has an access from Chiswell Green Lane.
- 3.3. There are public rights of way adjacent to the west boundary (Footpath St Stephen 021), adjacent to the north boundary (Footpath St Stephen 080), and adjacent to the east boundary along the paddock access from Chiswell Green Lane (Footpath St Stephen 082). Chiswell Green Lane and The Croft are adjacent / parallel to the south and east boundaries respectively. There is extensive planting around the site boundaries, effectively restricting views into the site from the adjacent footpaths and highways. There is thick planting of c.2-2.5m high evergreen hedge within the site to the north and east boundaries, there is larger mature and varied tree planting and vegetation along Chiswell Green Lane and thicker belts of mature tree vegetation beyond the west and north boundaries.

- 3.4. Beyond a c.60m wide strip of open paddock to the east of the site lie The Croft and Cherry Hill, which are residential streets that form the edge of the settlement of Chiswell Green. To the south is generally open, albeit with some relatively small-scale residential and mixed development; and beyond the vegetation adjacent to the west and north boundaries lie open fields or tree belts, generally free of built development.

#### **4. The Proposal**

- 4.1. The planning application is in outline, with approval of access sought, and is 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. As the application is in outline with all matters reserved apart from access, 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, only indicative proposed plans are provided, apart from for access.
- 4.2. In terms of proposals for access, a new primary vehicular access is proposed to be created off Chiswell Green Lane, towards the south eastern corner of the site; and an existing vehicular access off The Croft would be extended and used to create a gated-access to the site for use by emergency vehicles only. There would be a new 3m wide shared foot and cycleway created from the main vehicular access point, along the north side of Chiswell Green Lane and to the local shops and amenities on Watford Road and linking to the opposite side of Tippendell Lane; along with various works to and across highway junctions to seek to encourage pedestrian and cycling priority including raised junctions and new raised crossing point of Watford Road.
- 4.3. In terms of the type of affordable homes proposed to be provided, it is stated that the homes would be discounted by a third from market value, that it is anticipated they will be predominantly Shared Ownership, and that it would be secured through legal agreement to provide housing for Key Workers. In this regard, and as set out in the application submission, the scheme applies the definition of 'essential local workers' from the NPPF to be those for whom the housing is proposed i.e.
- “public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers”.*
- 4.4. The submission sets out that this is *‘an open list to which it is considered appropriate to add Local Government staff given the frontline role they played in community safety during the Covid Pandemic’.*
- 4.5. It is stated that a mix of detached, semi-detached and terraced dwellings and small apartment blocks is envisaged, that the intention is for the dwellings to be two or two-and-a-half storey, and that the indicative housing mix would be: 32 x 1-bed, 116 x 2-bed, and 182 x 3-bed properties; albeit this could be subject to change at reserved matters stage.



- No's. 2a, 2b, 5, 29, 32, 35, 36, 46, 51, 52, 53, 56, 58, 60, 66, 68, 84, 89, 95, 96, 97, 102, 103, 106, 107, 111 Stanley Avenue;
- No. 2 Sunnyside;
- No's. 7, 9, 10, 11, 12, 17, 21, 23, 25, 27, 29, 31, 33, 35 Cherry Hill;
- No's. 9, 10, 12, 14, 15, 16, 19, 21, 23, 24, 25, 27, 29, 31, 33, 37 Hammers Gate;
- No's. 2a, 3, 4 Stanmount Road;
- No. 4 Rosslyn Road;
- No's. 2, 4, 6, 19, 20, 24, 29a, 31, 34, 46, 60 Tippendell Lane;
- No's. 5, 15, 21, 24 Belvedere Gardens;
- No's. 1, 5, 7, 11, 17, 21, 23, 25, 27, 29 The Croft;
- No's. 4, 10, 14, 15, 16, 22, 29, 38 Hollybush Avenue;
- No's. 3, 5, 7, 9, 15, 22, 28a Farringford Close;
- No. 41 Beechfield Road;
- No. 3 East Close;
- No. 1 Middlefield Close;
- No's. 7, 9 Eskdale Road;
- No's. 11, 15, 16 Carisbrooke Road;
- No. 111 High Street (Silkstone);
- No's 30, 32, 38, 60, 61, 75, 77 Westfields;
- No's 1b, 14 West Avenue;
- No. 1 Four Trees;
- Unterdorfstrasse 51, Zurich;
- No. 2 Matthew Gate;
- No's. 3, 10, 12, 17, 18, 21, 24, 24a, 26, 27, 30, 38 Laburnum Grove;
- No's 9, 10 Woodlea;
- No. 18 Jerome Drive;
- No's. 1, 3, 5, 9, 10, 26 Willow Way;
- No. 8 Baytree Close;
- No's. 9, 14 Barry Close;
- No's. 5, 9, 11a, 20, 42 Driftwood Avenue;
- No. 22 Clyston Road;
- No. 6 The Pastures;
- No's. 4, 14 Penman Close;
- No's. 18, 23 Hazel Road;
- No's. 2, 7 Horsemans Ride;
- No. 82-90 London Road;
- No. 8a Manor Drive;
- No. 32 South Close;
- No. 66 Spooners Drive;
- No's 21, 79 Orchard Drive;
- No's 32, 33 Rosemary Drive;
- No. 6 North Close;
- No. 19 Burns Drive;
- No. 19 Ashdales;
- No. 31 Gloucester Gardens;
- No. 28a New House Park;
- No's 4, 6, 22, 42 Butt Field View;
- No's. 2, 4, 5 Rosedene End;
- No's. 1, 2 Anvil Place;
- No. 9 Teasdale Close;
- No. 9 Lichfield Close;



- No. 4 Summerhill Court;
- No. 66 Meadowcroft;
- No. 5 Lectern Lane;
- Flat 39 Apex House (No. 81 Camp Road);
- No. 16 Wellington Road;
- No. 1 Fryth Mead;
- No. 18 Cambridge Road;
- No. 2 Oakwood Drive;
- Walnut View, Crown Lane;
- No. 35 Wine Street;
- No. 27 Meutys;
- No. 18 Bernard Street;
- No. 15 Hawkings House;
- No. 55 High Oaks;
- No. 19 Spicer Street;
- No. 1 Magnolia Close;
- No. 12 Plasturton Gardens;
- No. 91 mayflower Road;
- No. 3 Grimthorpe Close;
- No. 85 Mortimer Crescent;
- Redington Capital Limited and CALA Homes (Chiltern) Limited;
- No. 13 Rowlatt Drive;
- No. 167 North Approach;
- No. 90 Creighton Avenue;
- Jemarold, Manor Drive;
- No. 1 Bonehill Cottage;
- Flat 108 Ziggurat House, 25 Grosvenor Road;
- No. 16 Church Crescent;
- No's 20a, 84 How Wood;
- No's 23, 32 Penn Road;
- No's 6, 23, 27, 29 Gillian Avenue;
- No's 26, 28, 30, 34 Warren Road;
- No's 3, 6 Tithe Barn Close;
- No. 113 Park Street Lane;
- The Saddlery, Potters Crouch Farm;
- No. 20 Tavistock close;
- No. 20a Marconi Way;
- No. 82 Clarence Road;
- No. 25 Folly Avenue;
- No. 4a Abbey Avenue;
- No. 75 Lybury Lane;
- No. 31 Wych Elms;
- No. 14 Abbots Park;
- No. 31 Colney Heath Lane;
- Flat 3 114 Ashley Road;
- No. 1 Bedford Road;
- No. 16 Ennerdale Close;
- No. 2 Compton Gardens;
- No. 5 Branch Road;
- No. 50 Blackboy Wood.

- 5.2.3. In addition, a number of representations were received from parties not providing their full address; these were not displayed on the website in accordance with our standard procedures.
- 5.2.4. Representations were also received from the following groups/organisations
- St Albans and District Footpaths Association
  - CPRE The Countryside Charity Hertfordshire
  - St Albans Civic Society
  - Chiswell Green Residents Association
- 5.2.5. 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.
- 5.2.6. Principle
- Inappropriate development in the Green Belt and no very special circumstances are present;
  - Housing alone does not sustain a Very Special Circumstances Case;
  - The proposal is not contiguous with Chiswell Green's settlement boundary or located within reasonable physical limits of Chiswell Green;
  - Detrimental impact on the openness of the Green Belt;
  - The proposal will result in merging of existing settlements;
  - The development would contribute to urban sprawl;
  - The land is agricultural and there is no justification for change of use;
  - The site has not been marked as a potential development site in the new Local Plan;
  - Brownfield land should be used for development instead;
  - Lack of employment opportunities in the area;
  - The Green Belt boundaries should not be altered;
  - Loss of views across open countryside;
  - If application is granted, it would set a precedent for future applications;
  - The proposed scheme will not deliver a balanced community;
  - Increased pressure on local services including education, health and transport;
  - Insufficient infrastructure in terms of school, GP surgeries, hospitals, road capacity, water supplies; sewage infrastructure;.
  - Loss of sports facilities;
  - The technical documents submitted are insufficient to enable the SACDC and consultees to adequately determine the merits of the planning application
  - The level of funding required to deal with issues will make the scheme unviable;
  - Cumulative impacts of this and other planned developments;
  - The site wasn't included in the Neighbourhood Plan for development;
  - Updated housing targets may halve the housing need in the District.
- 5.2.7. Affordable Housing
- The proposed affordable housing is not truly affordable and key workers could not afford it;
  - It is unfair to single out key workers and military personnel for affordable housing;
  - No evidence that the type of accommodation proposed is required in this location;
  - No evidence that the sales prices quoted will be achievable;

- What penalty will be enforced if the number of affordable homes is not met?;
- Affordable housing should be constructed in areas with better transport infrastructure and employment opportunities;
- If affordable housing is not sold it would become market value;
- The scheme must be deliverable and viable. Detailed plans including housing types, full costings and a viability assessment must be submitted.

#### 5.2.8. Character

- The proposal is out of keeping with the character will not protect or enhance the character of the settlement;
- Chiswell Green would become a town not a village;
- Overdevelopment;
- Creation of the monument is out of character as the area does not have any military history;
- Who would be responsible for the maintenance of the memorial park?;
- The proposed memorial park is a cover to justify the development;
- Loss of community and damage to village character of Chiswell Green;
- Overcrowding of the area;
- Increase in infrastructure such as wider roads would change the character of the area.

#### 5.2.9. Environmental

- Impact on wildlife, biodiversity and natural environment;
- Increased carbon footprint and contribution to global warming;
- Insufficient information submitted to demonstrate that a Biodiversity Net Gain can be delivered;
- Impact on water and energy shortages;
- Loss of agricultural land at a time of uncertainty over food supplies;
- Loss of trees;
- Impact on the local landscape, the site is currently beautiful countryside;
- Construction vehicles will pollute the area;
- Increase in pollution and carbon emissions and impacts on air quality;
- Impacts on physical and mental health;
- Impacts on water table;
- Increase in flooding;
- Archaeological surveys should have been undertaken.

#### 5.2.10. Amenity

- Existing infrastructure cannot cope with the additional residents;
- Loss of light and privacy to neighbouring occupiers;
- Loss of property values;
- Lack of engagement and consultation with local residents;
- Increase in crime;
- Increase in noise and disruption;
- Mental health impacts due to reduction of Green Belt;
- Impact on quality of life of existing residents;
- Loss of places for recreation, walking and contemplation;
- Would ruin peace and serenity of the area;
- Impact on public health due to additional vehicles;
- Additional vehicle exhaust will impact on health, particularly respiratory diseases;
- Concerns in relation to water and sewage and waste treatment capacity;

- Insufficient information submitted to justify the loss of a valued sports facility (polo school/club and fields);
- Disruption caused during construction period, over many years.

#### 5.2.11. Highways and Parking

- Public right of way should not be affected and public access to green spaces should be maintained;
- The site is not in a sustainable area for public transport;
- Bus route is too far from site;
- Increase in traffic and delays and rat-running in local streets;
- Poor visibility splays and unsuitable access point;
- The country lane is not wide enough for increased traffic and will impact highway and pedestrian safety;
- No provision of grass verges between road and pavements;
- Limited numbers of key workers are employed in Chiswell Green, therefore future residents would be car dependent;
- The roads on the proposed plans are not large enough to allow on street parking;
- Will exacerbate existing parking stress;
- Refuse collections are already often delayed due to excessive traffic delays;
- Failure to comply with the County Council's Local Transport Plan in terms of user hierarchy;
- Emergency vehicle access and response times.

#### 5.2.12. Other

- The Design and Access Statement lacks detail;
- Concerns over the accuracy and findings of the ADAS ALC Report;
- A heritage statement has not been submitted;
- Potential for approval to set a precedent for housing on other Green Belt sites;
- Additional information doesn't overcome previous objections;
- Combination of this proposal and other developments nearby including the proposal south of Chiswell Green Lane under 5/2022/0927 would make impacts worse;
- The additional information does not address previous objections;
- The proposal is not driven by a desire to provide needed housing, it is instead driven by profit;
- No developer is on board, therefore plans will change;
- The applicants should not be allowed to further delay the Council's decision.

#### 5.2.13. At the time of writing this report, representations in support had been received from the following 9 residential addresses:

- No. 37 Walkhampton Road;
- No's. 4, 8 Parry Court;
- 10 Roseacre Acre Villas;
- No. 84 Watling Gardens;
- No. 72B Broad Steet;
- No. 177E Farrier Court;
- No. 41 Kings Court;
- No. 25 Prae Close;
- No. 3 Haymeads;
- No. 4 Jove Gardens;

- No. 41 Kings Court, Mount Pleasant;
- No. 79 Mount Pleasant Lane.

5.2.14. Their comments are summarised below:

- The proposed development will help many key workers on the property ladder;
- In support of affordable housing for key workers;
- The scheme would assist key workers in getting properties local to their place of work;
- Herts Fire and Rescue struggle to maintain full rosters in south of the County due to housing costs;
- There is an urgent need for more housing in St Albans and the local area;
- These houses need to be built for the sake of the young people of this area.

5.2.15. The St Albans and District Footpaths Society

The St Albans and 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, reduce the enjoyment of the many people who use the surrounding public footpaths and set a precedent for similar applications on land around St Albans.

However, should the proposal be approved by the Local Planning Authority, the Society welcome the inclusion of the footpath through the memorial park as a dedicated public right of way. This path will make access to the network of public rights of way west of Chiswell Green possible for all residents of the village without having to use Chiswell Green Lane.

5.2.16. CPRE The Countryside Charity Hertfordshire:

*Initial Response:*

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).

2. This opportunistic and speculative development proposal is one of many recent applications which follows the successful planning appeal for residential development in the Green Belt at Colney Heath (Bullens Green Lane). The applicant's agent's Planning Statement also quotes the recent planning decision in July 2021 to approve a planning application in the Green Belt (presumably Sewell Park, north of St Albans) as "positive and creative decision-making."

3. Notwithstanding the emphasis on affordable housing provision and the emotive language of the Planning Statement regarding key workers, in essence this is a speculative housing development scheme which would require detailed conditions to ensure that it achieved its stated aims of providing narrowly defined categories

of housing. Such conditions are notoriously difficult to enforce and often subject to subsequent applications for amendment during the implementation process.

4. The Planning Statement accepts that there will be damage to the key characteristics of the Green Belt, specifically its openness and encroachment on the countryside. To this should be added the contribution the proposal will make to the reduction in open land between settlements in the immediate area.

5. 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.

6. The plethora of recent 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. CPRE Hertfordshire continues to press for clarification of the NPPF to ensure that protected areas continue to benefit from that status

7. The NPPF requires local planning authorities to take account of designated protected areas but recent decisions have obscured this responsibility by emphasising the achievement of 'housing need' which is calculated using outdated population and household projections. It is also particularly important where all open land is designated, such as the St Albans City District Council area that the specific characteristics of the site affected are taken into account.

8. The site lies in the area identified as part of the Watling Chase Community Forest and with the increasing emphasis on biodiversity and the amelioration of climate change, it is to be expected that such areas will play an increasing role in public policy. The recent addition of the Environment Act 2021 to the statute book will require significant actions for the recovery of nature, and already designated protected areas will play an increasing role in achieving the objectives of the Act.

We urge the Council to refuse this application for inappropriate development in the Green Belt.

*Second response – following withdrawal from March Committee:*

We note that both the consultants and Learned Counsel take issue with the planning officer's report on the application which was withdrawn from consideration by Planning Committee in April.

We have reviewed the officer's report and regard it as a thorough examination of the issues affecting the application which leads appropriately to a recommendation for refusal. The Applicant's consultants appear, with gratuitously unnecessary personal remarks regarding the officer's position, to address issues which are not relevant to the determination of the application.

The rebuttal misrepresents what the officer is saying, that is, to suggest that he opposes 'key worker' housing, and infer that he has some sort of 'ranking' which he has applied to downgrade the significance of certain occupations. This is wilfully to misread the Local Plan and national policies relating to affordable housing which do not refer to specific occupations or even allocations, as McPartland Planning must know when they state that the officer has not quoted a particular policy to support his position.

This is because they do not exist in the form which the consultants would need to support their assertions. The constant references to key workers, military personnel and the like quoted in the application may be intended to be the recipients of the proposed housing but planning legislation and technical guidance is quite clear on the basis on which decisions should be made.

#### 5.2.17. 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.

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

#### 5.2.18. Chiswell Green Residents Association:

1. The site is within the Metropolitan Green Belt, and in the St Albans District Local Plan Review 1994. Wherein permission will only be given for erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area. The proposed development would be an inappropriate use within the Green Belt, which is unacceptable in terms of the provisions of PPG 2 (Green Belt) and Policies 1 (Metropolitan Green Belt) & 2 (Settlement Strategy) of the St. Albans District Local Plan. The proposed development should be justified in terms of the purposes specified and no Exceptional circumstances are apparent in this case.

2. The Application Conflicts with NPPF Green Belt policy, Paragraph 79 of the framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, this inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances, in this case there are no very special circumstances apparent from the application submitted.

3. The proposed dwellings, although not detailed in the application but it would be reasonable to assume that their size and prominent position, and the provision of excessive levels of hard surfacing, represents a form of development that would be out of keeping with the character of the existing area and would be to be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt landscape.

4. The proposal would therefore to be contrary to Policy 1 (Metropolitan Green Belt) of the St Albans District Local Plan Review 1994 and the NPPF Section 9.

#### Conclusion

The Chiswell Green Residents Association have serious concerns about all aspects of the proposed application, therefore would recommend that this inappropriate development within the green belt to be refused.

#### 5.2.19. Councillor Call-in

The application was called in if officers are minded to Grant by Cllr Jacob, for the following stated reasons:

Local Plan Policy 34 and Paragraphs 140, 147, 149 of the NPPF are relevant here. Paragraphs 140, 147 and 149 are relevant because this development takes place on Green Belt land.

## **6. Consultations:**

6.1. The following summarises the responses received, the full responses are available via: <https://planningapplications.stalbans.gov.uk/planning/search-applications?civica.query.FullTextSearch=5%2F2021%2F3194#VIEW?RefType=P BDC&KeyNo=121459>

### **6.2. Affinity Water**

6.2.1. The proposed development site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (BRIC). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. No Objection subject to Conditions in relation to:

1. Contamination
2. Contamination during construction
3. Infiltration
4. Surface Water Drainage Scheme

6.2.2. Advice provided in relation to Control of water pollution from construction, water efficiency, and Infrastructure connections and diversions.

### **6.3. Archaeological Advisor**

6.3.1. Within the scoping response St Albans Council identified that any application should be submitted with both a heritage statement and archaeological impact assessment, neither of which have been submitted. Within 8.29 of the Planning Statement the applicant states that as the development area is not identified as a site then neither a desk based assessment nor field evaluation is required.

6.3.2. It is recommended that no decision is made on the application until the appropriate documentation has been submitted to allow the planning department to make an informed decision. However, if the officers are minded to approve without this information it is recommended that conditions be added in relation to:

1. Archaeological desk based assessment, field evaluation and archaeological excavation
2. Publication and Dissemination

### **6.4. Hertfordshire Constabulary**

6.4.1. No Objection subject to Informative(s) in relation to security, recommending that accreditation under the police minimum security standard of Secured by Design (SBD) is given serious consideration.

### **6.5. Contaminated Land Officer**

6.5.1. I have reviewed the contaminated land preliminary risk assessment, reference 563430, which has been submitted in support of the above application for the residential development.



6.5.2. The preliminary risk assessment included research into past uses of the site and the surrounding area and it was identified that there are no potential sources of contamination located upon the site and unlikely to be any pollutant linkages present. The assessment confirms that there is no recommendation for any intrusive ground investigation in relation to contaminated land.

6.5.3. I can confirm that I am in agreement with the conclusion of the risk assessment and have no comments or objections in relation to contaminated land.

## 6.6. Design and Conservation

### *Response in relation to impacts on heritage assets:*

6.6.1. There are several listed buildings in the wider vicinity of this large site, including grade II Three Hammers PH and Old Cuckman's Farmhouse. It is unclear from the submitted documents if there is inter-visibility between the site and Old Cuckmans Farmhouse.

6.6.2. The submitted planning statement does not readily discuss any of the heritage assets which may be affected by the proposals.

6.6.3. With the exception of the Three Hammers PH, most of the listed buildings are in relatively rural locations. Though these are at some distance from the site, given the scale of the development site and no information on building heights, there is the potential for the development to impact on the setting of listed buildings. It is noted that there are no height parameter plans included in the submission.

6.6.4. It is recommended that any proposed development is accompanied by a suitable heritage statement which adequately discusses which heritage assets are likely to be affected or not, by the proposed development, and what the impact is likely to be, including indirect impacts.

### *Response in relation to proposed design of scheme:*

6.6.5. Outline application with all matters reserved except Access. Indicative Proposals Map is put forward as 'indicative only' and does not seem to be thought out to any great extent. As such, brief comments only, which may serve a guidance for any potential future development.

6.6.6. This is a proposed development which turns its back on any adjacent development, making no attempt to integrate into its surroundings. This is exacerbated by the green 'buffer zones' to the north, west and south. Whilst some screening might be welcome on these edges, orienting housing so that it faced onto Chiswell Green Lane, could aid integration and a more active frontage to the development.

6.6.7. The stated aim to create a low-density, heavily landscaped environment is not reflected in the layout. The central 'Green' which is a welcome feature is the sole landscaped feature in the development – landscaping is otherwise confined to the edge buffer strips. Landscaped areas should be integrated throughout the development if they intend to achieve their aim.

6.6.8. Street layout is permeable, although there is no well-defined street hierarchy which inhibits legibility.

- 6.6.9. I am not convinced that the larger apartment blocks are well-sited within the development, grouped around the central 'Green', and with the potential to dominate this green space. Certainly, the car parking arrangements for these apartments is not well-thought out, being on the street edge – an arrangement that will detract from the appearance of the Green.
- 6.6.10. Similarly, many of the roads are dominated by car-parking on the frontage of the buildings. Parking arrangements need to be better integrated into the development if a landscaped character is to be achieved.

6.7. East of England Ambulance Service NHS Trust (EEAST)

- 6.7.1. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.
- 6.7.2. Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £80,190.

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

Additional Growth 330 dwellings (1)	Population	Rate (2)	Ambulance Cost (3)	Total
792		0.15	£675	£80,190

(1) Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)

(2) Calculated using per head of population in Hertfordshire & West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)

(3) Calculated from EEAST ambulance data

- 6.7.3. EEAST therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission.
- 6.7.4. Conclusion:

In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional emergency and non-emergency healthcare provision to mitigate impacts arising from this development and other proposed developments in the local area. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.

6.8. Environment Agency

- 6.8.1. Thank you for consulting us on the above application. We have no objection to the proposal and have the following comments.
- 6.8.2. 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.
- 6.8.3. The site is situated in a vulnerable groundwater area within Source Protection Zone 2. These proposals need to be dealt with in a way which protects the underlying groundwater. Provided standard advice that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. 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.
- 6.8.4. Provided a 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.
- 6.9. HCC Growth and Infrastructure Unit
- 6.9.1. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of proposal of 330 dwellings we would seek financial contributions towards the following projects.
- **Primary Education** towards the possible new two form entry (2fe) primary school on land to the south of the application site (**£4,367,023** (£4,185,478 + £181,545) index linked to BCIS 1Q2020). (Includes Nursery provision)
  - **Secondary Education** towards the expansion of Marlborough Science Academy/ Samuel Ryder Academy or any secondary school with expansion in the area (**£3,896,293** index linked to BCIS 1Q2020) index linked to BCIS 1Q2020)
  - **Special Educational Needs and Disabilities (SEND)** towards the new West Severe Learning Difficulty school (**£300,756** index linked to BCIS 1Q2020)
  - **Library Service** towards increasing the capacity of community spaces in St Albans Central Library (£32,671 index linked to BCIS 1Q2020)
  - **Youth Service** towards the re-provision of the St Albans Young People's Centre in a new facility (£124,852 index linked to BCIS 1Q2020)
- 6.9.2. Justification is provided for these requests in relation to the CIL Regulations. 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:

6.10. HCC Ecology

- 6.10.1. The application site consists of open grassland paddocks with various species poor hedgerows and internal fencing. A small part of the eastern edge is included within an Ecosite within the Herts Environmental Records Centre database as a site with some information on, although this is not recognised as being of any particular significance. There are no existing species records from the site, other than Field scabious which may be from the Ecosite. None of the site includes, or is adjacent to, a Local Wildlife Site or formally designated site, although recent woodland belts border the site to the north and west, the latter having an old hedgerow origin. No other historic features survive within the site. On this basis, in respect of existing information, the site has little or no recognised ecological interest. An Ecology Survey has been undertaken and Report submitted in support of the application. This seems to have concentrated mainly on protected species potential, for which little existing or potential interest was found to be present. I have no reason to object to this finding.
- 6.10.2. SADC is not able to determine the application with sufficient certainty that only a low-quality grassland will be affected. The site would either need to be re-surveyed to provide this information or the report updated to reflect this detail if it was recorded.
- 6.10.3. Furthermore, it is claimed in the Design and Access Statement that Biodiversity Net Gain (BNG) will be delivered, and this will generate well in excess of the minimum 10% enhancement. However, there is no information submitted to support this claim in the form of a metric, which would be needed to demonstrate this. Therefore, given there is no information to justify any claim that BNG can be delivered, no weight can be attached to BNG as a benefit of the proposals.
- 6.10.4. Additional comments reflected in relevant part of Discussion section below.

6.11. HCC Highways

*Initial main response:*

- 6.11.1. Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommend this planning application is refused for the following reason:

*The proposal fails to comply with Hertfordshire County Council's Local Transport Plan policies relating to sustainable development (Policies, 1. Transport User Hierarchy, 5. Development Management). Specifically, further explanation regarding bus services and access to bus services is required and further investigation into cycling infrastructure beyond Chiswell Green local shops.*

Extensive additional comments reflected in relevant part of Discussion section below.

*Highways Note relating to 5.2021.3194 and 5.2022.0927*

- 6.11.2. I wanted to set out the Highway Authority's view with respect to the proposed access(es) and off-site highways works on Chiswell Green Lane for both planning application numbers 5/2022/0927 (Land south of Chiswell Green Lane) and 5/2021/3194 (St Stephens Green Farm Chiswell Green Lane) in terms of how they both may be determined.

For the St Stephens Green Farm application, as shown on Drawing No. 21-086 / 001 Rev B, the geometric design of the access is proposed to take the form of a simple junction with 6.0-metre kerb radii and a 5.5-metre-wide access road, sufficient to accommodate the simultaneous entry and exit movements of various sized vehicles. The proposed access is satisfactory in itself.

However, I do note that consideration will need to be given in terms of how the planning applications may work together. For example, the St Stephens Green Farm application shows a narrowing opposite the proposed southern site access point. This would mean that the southern site would need to accommodate (within the site curtilage) such an arrangement, although is feasible in principle. We would seek as a preference for the northern site to deliver their proposals, as set out within paragraph 5.21 of the TA.

5.21 "The design of the proposed access would also incorporate a shared foot / cycleway measuring 3.0-metres in width on the eastern side of the proposed access road. This would connect to a new shared foot / cycleway running in an easterly direction along the full length of the northern side of Chiswell Green Lane and tie into existing infrastructure either side of the double mini-roundabout junction of the B4630 Watford Road / Tippendell Lane."

The off-site proposals for cycling as presented by the Land south of Chiswell Green Lane site are considered substandard and do not meet the requirements of Local Transport Note 1/20.

I wanted to draw these matters to your attention and also place this note on the formal record, applicable to both planning applications. I note that both planning applications are still to be determined. As per the submitted drawings, should the northern site be determined, the off-site highways works would mean that the southern site could not deliver their proposals as they currently stand. However, this notwithstanding, the southern site would need to make changes to their plans in terms of the cycling infrastructure as presently shown. We are in discussion with the southern site about their off-site cycling proposals to align with the northern site's plans for Chiswell Green Lane (and HCC's longer term proposals for the southern end of Watford Road (towards Watford)). Naturally, two major planning applications that include primary accesses in close proximity, and share similar off-site commitments to infrastructure provision will require clear understanding of how, in practice, each development will be implemented both separately and together.

*Second main response:*

- 6.11.3. The applicant produced a Transport Assessment Addendum to supplement the original submission. The addendum includes additional clarification and supporting measures which overcome the points I have previously raised. Therefore, I confirm the local highway authority wishes to remove the previous recommendation for refusal.

Naturally, the applicant's supporting infrastructure and financial contributions need to be matters covered in detail within a s106 agreement. The assumption is HCC, as local highway authority, will be a party involved in the preparation of the document should the planning application progress. In addition, should the planning application be considered for grant of planning permission the local highway authority will provide a series of planning conditions.

## 6.12. HCC Landscape

### 6.12.1. Landscape and Visual Impact Assessment (LVIA) - There are some fundamental baseline issues that should be addressed:

- A more detailed development description is required including reference to any plans, and a description of the key development parameters/characteristics (including landscape and visual mitigation measures), which have informed the assessment.
- With regards to mitigation measures the Councils adopted Advice leaflet No 1 state that 'It is crucial that sufficient space is allowed for screen planting, which shall include large trees, where new development borders the edge of existing settlements. This often corresponds with the Green Belt Boundary which makes provision of sympathetic landscaping particularly important.'
- A methodology and narrative to underpin judgements of visual receptor 'value' and 'susceptibility' is required.
- A bare earth Zone of Theoretical Visibility (ZTV) plan to show location of viewpoints scoped out of the assessment, locations for photomontages/night-time views, winter viewpoint photos to represent worst case-scenario, are required.

### 6.12.2. Indicative Proposed Site Layout - The site layout should address the points as discussed above.

- At the Scoping Stage it was advised that a Landscape Strategy would be required. The strategy should clearly set out where and how it is proposed to provide landscape mitigation measures and enhancements. This in turn should inform the LVIA as part of an iterative design process.
- In addition to more detailed hard and soft landscape layout and design details, typical cross sections of the site buffer zone, and movement routes will be required – to include minimum and maximum buffer widths.

### 6.12.3. In response to Agent response to Landscape Comments - Unfortunately the response does not seek to address any of the concerns raised, this is very disappointing as there are issues that could be easily clarified, such as the description of development and the key parameters upon which the assessment has been based. My initial comments therefore remain relevant.

## 6.13. HCC Minerals and Waste

### *Initial Response:*

### 6.13.1. Minerals - Objection

The site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. 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. The Minerals Planning Authority 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. 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.

#### 6.13.2. Waste

The County Council, as Waste Planning Authority, would expect commitment to producing a Site Waste Management Plan (SWMP) and for the SWMP to be implemented throughout the duration of the project; and requested a condition in to secure this.

##### *Second Response*

6.13.3. Following on from the applicant's submission of a Mineral Resource Assessment (MRA) dated 22 April 2022 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 management plan 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 22 April 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals management plan. The minerals management plan 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. Drainage

##### *Initial Response - Lead Local Flood Authority*

6.14.1. Following a review of the following information submitted:

- Flood Risk Assessment produced by Geo Smart, Ref 75188R1, dated 28 July 2021
- Sustainable Drainage Assessment produced by Geo Smart, Ref 75188.01R1, date 28 July 2021

We acknowledge that the current planning application is for Outline permission. However, it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS are feasible.

It is understood that the drainage strategy for the site is based around infiltration into the ground. We would expect the applicant to submit infiltration testing to confirm that surface water discharge via infiltration is viable.

However, should infiltration prove to not be a viable method of surface water discharge following infiltration testing it is noted that a connection to the public sewer is the next proposed discharge method for surface water. The applicant should confirm with the relevant sewer company that they are acceptable to the potential connection with a proposed discharge rate for the entire site.

If the applicant discharges to the public sewer, the proposed discharge rate of 80 l/s would not be acceptable, and we would expect the surface water discharge to be restricted to greenfield runoff rates for the relevant rainfall events.

We therefore advise the LPA that we object to the proposed development until the additional information and amendments have been made.

Overcoming our Objection

We would expect as a minimum the geology to be confirmed with permeability tests to establish at the outset the feasibility of the proposed drainage strategy. Tests should be conducted to BRE Digest 365 Standards and record the levels of ground water. If infiltration is not feasible then an alternate scheme based on attenuation and discharge should be provided.

Should infiltration not be a feasible method of surface water discharge and it is decided to discharge the surface water to the public sewer, we would expect the applicant to submit evidence that the relevant water company accepts the proposed connection and discharge rate.

As the site is currently a greenfield area, we require that the discharge from the development site be limited to the greenfield runoff rate. Moreover, no underground attenuation features will be accepted.

Informative to the LPA

We have provided comments from the Lead Local Flood Authority in this letter. However, due to the LLFA SuDS team staff shortages, we may not be able to provide further advice at this site.

*Second Response – Council's Drainage Consultants – Following receipt of Additional Information of a Sustainable Drainage Assessment*

- 6.14.2. The proposed development would be considered acceptable to St Albans District Council as the Local Planning Authority if a planning condition is attached to any permission granted, that no development be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The reason for the condition is: To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

- 6.15. HCC Water Officer



6.15.1. Requested a condition for the provision and installation of fire hydrants, at no cost to the County or Fire and Rescue Service. This is to ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

6.16. Community Services

6.16.1. The following table provides a summary of the planning 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 <sup>2</sup> per 1000 population  (see note 1)	£213 per square metre  (see note 2)	£127.80  (excluding 1 beds)	£78,699	Cherry Hill Play Area
Parks and Open Spaces	12,000 m <sup>2</sup> per 1000 population  (see note 3)	£17 per square metre  (see note 4)	£204	£135,415	Greenwood Park Open Space Improvements
Leisure & Cultural Centres	82.58 m <sup>2</sup> per 1000 population  (see note 5)	£3,908 per square metre  (see note 6)	£322.72	£214,222	Greenwood Park Community Centre & Pavilion improvements
<b>Total = £428,336</b>					

6.16.2. Justification is provided for these requests in relation to the CIL Regulations.

6.17. Environmental Compliance

6.17.1. I have reviewed the Hawkins AQ report which I expect you're aware concludes AQ ought not be a planning constraint. I'm not disagreeing based on the monitored and modelled results therein (when measured against current National Air Quality Strategy objectives).

- 6.17.2. I would also note a provision for EV charging is offered for each property. If this site were to be developed as per the application, or similar, I would like this provision conditioned.
- 6.17.3. With regards Noise, I note the overheating assessment requirement (BS8233:2014 -in view of the night time noise/internal ambient with windows open) as per the Spectrum noise report conclusion. If this site were to be developed as per the application, or similar, an Acoustics Ventilation and Overheating Residential Design Guide (AVO) assessment would be required to demonstrate compliance with BS8233:2014.

6.18. Herts Valley Clinical Commissioning Group

- 6.18.1. This development of 330 dwellings would result in approximately 792 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. It may be 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.

- 6.18.2. Requested contributions as follows:

330 dwellings x 2.4= 792 new patients  
792/ 2,000 = 0.396 GP (based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England (Premises Principles of Best Practice Part 1 Procurement & Development)  
0.396 x 199m<sup>2</sup> = 78.804 m<sup>2</sup> additional space required  
78.804 x £5,410 (build costs including land, fit out and fees) = **£426,329.64**  
£426,329.64 / 330 = £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. Objection: No assessment of biodiversity net gain has been undertaken. No competent botanical survey has been undertaken which accords with professional standards. The application cannot be assessed in accordance with the obligation for biodiversity net gain in the NPPF, BS 42020 and The Environment Act 2021.
- 6.19.2. This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF and BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the NE biodiversity metric has been submitted and approved.

6.20. Housing

- 6.20.1. The Strategic Housing department welcomes the reference to the delivery of affordable housing in the district. However, there is no evidence that these homes will be meet the demand for affordable rented properties or that there is a demand

for such a large development or how genuinely affordable these properties will be in an area of such high house prices. The development is not policy compliant and a concentration of such a large amount of discounted affordable homes does not promote a sustainable community which is typically mixed tenure.

#### 6.21. Natural England

6.21.1. Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

6.21.2. Provided links to Standing Advice.

#### 6.22. Parking

6.22.1. No response received.

#### 6.23. Ramblers Association

##### *First response*

6.23.1. 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.

6.23.2. However if this development should be approved we offer the following comments. The site is bounded by the public rights of way St Stephens footpath 80 (FP80), FP21 and FP82. These paths must be kept open and unobstructed during and after any development. We welcome connections between the proposed development and these footpaths to give residents easy access to the wider rights of way network. Chiswell Green Lane is an essential link for pedestrians between Chiswell Green village and the rights of way network to the west. It is narrow with no separate footway. We welcome the proposal for a separate footpath parallel to the carriageway and the commitment in the draft s106 to dedicate it as a public right of way. This will ensure that it is available to the general public in perpetuity.

6.23.3. We are pleased that Chiswell Green Lane will not be widened beyond the site entrance as this will deter the use of this lane as a rat run.

6.23.4. We request that the proposed emergency service access from The Croft should be available to pedestrians and cyclists at all times. This will be the shortest and safest route to Killigrew and Marlborough schools.

##### *Second Response*

6.23.5. The Ramblers position on the overall application remains as stated in our letter dated 21 December 2021. This letter is a response to the specific proposals for changes to the public rights of way St Stephens FPs 80 and 82 described in the Addendum to the Transport Assessment dated May 2022.

- 6.23.6. The HCC Highways concern/request for additional information quoted in para 2.2 of the addendum states that “with greater attention to detail/design it can/should also make a feature of the right of way (St Stephen 082) which must also be upgraded to form a main pedestrian access to the development. However further detail is required to ensure footpath 082 is upgraded to reflect the most direct route for cyclists and pedestrians accessing the development”. Our emphasis added.
- 6.23.7. The addendum makes specific proposals for an upgrade to the surfaces of both FP82 and the eastern end of FP80. We have no objections to the proposals if the paths remain available to pedestrians only. However it is clear that the highway authority wishes to make FP82 available to cyclists and the proposed changes to FP80 are likely to make this route into the development attractive to cyclists. Neither the HCC nor the addendum address the legal issues involved in making existing public footpaths available to cyclists.
- 6.23.8. In summary the proposed changes to FP80 and FP82 would provide an improvement for pedestrians but they are not sufficient to make either path suitable for shared use by walkers and cyclists. Any creation or cycle track orders would be likely to receive strong opposition from walkers organisations necessitating either abandoning the order or referring it to the planning inspectorate for resolution with uncertain results.
- 6.23.9. If shared use is required the paths must be made wider.

#### 6.24. Spatial Planning

##### 6.24.1. Recommendation: Refuse

- 6.24.2. 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 notes that part of the parcel does have urban characteristics, and part of the south east of the parcel is recommended for further consideration for exclusion from the Green Belt through the Local Plan processes. The application site, however, is clearly indicated as being of higher landscape sensitivity and is indicatively proposed to be retained for landscaping and not for further consideration for release from the Green Belt through the Local Plan processes.
- 6.24.3. 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. It is noted that all of the affordable housing is described as discount market housing. The majority of the need in the District is for rented affordable accommodation.
- 6.24.4. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered that this recommendation is to refuse.

#### 6.25. Sport England

### *Initial Response*

- 6.25.1. An **objection** is made to the planning application as a statutory consultee due to the loss of the polo pitch without any mitigation. To address the objection, mitigation options for consideration by the applicant are set out in the response.
- 6.25.2. As a non-statutory consultee, 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 outdoor sports facility provision, secured through a planning obligation, as set out in this response. Based on the projected population, contributions of £4,708 towards indoor bowls; £151,754 towards Sports Halls; and £170,605 towards Swimming Pools are requested. 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.

### *In response to Agent response to their objection:*

- 6.25.3. In summary the applicant's case is that because the lawful use of the area of the application site where a polo pitch was marked out is agricultural land, and not a polo field, that there is not a requirement to mitigate the loss of the polo pitch because the pitch does not exist and the proposal would not result in the lawful use of the land changing from a polo pitch (playing field) to residential. If the lawful use of the land is agricultural and any historic temporary use of the land for playing field use was permitted development then the use of the site would not be a playing field and therefore Sport England would not be a statutory consultee on the planning application. If this was the case then Sport England would withdraw its objection to the application as a statutory consultee and make no comment on the loss of the site to residential development. Our separate comments made in our 8th December 2021 response as a non-statutory consultee about community sports facility provision and active design associated with the proposed residential development would still apply however.

### 6.26. Trees and Woodlands

#### *Initial response:*

- 6.26.1. Due to the usage of the site there are no significant trees within the main body of the site. All trees vegetation is within the boundaries of the site, the details provided in the arboricultural report for tree retention and protection are acceptable. No overall objections to the application
- 6.26.2. Details required with any application being submitted: - Comprehensive landscaping scheme to include specimen trees, guidance can be found in the Tree and Design Action Group publication [https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treespeciesguidev1.3.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treespeciesguidev1.3.pdf)

#### *Further response:*

- 6.26.3. Previous comments made are still valid – no objections on arboricultural grounds due to the treed vegetation being predominantly around the perimeter and being retained.

## 6.27. Thames Water

### 6.27.1. No Objection subject to Condition(s) as follows:

“No development shall be occupied until confirmation has been provided that either:

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may 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](http://thameswater.co.uk/preplanning).

## 6.28. Natural England

### 6.28.1. 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.

## 7. **Relevant Planning Policy**

### 7.1. National Planning Policy Framework 2021 (NPPF)

### 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'  
Revised Parking Policy and Standards, January 2002

### 7.4. St Stephen Parish Neighbourhood Plan 2019-2036:

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 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 S15	Improving the bridleway network
POLICY S16	Community facilities
POLICY S17	Leisure Facilities for Children and Teenagers
POLICY S24	Broadband Communications

## 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 2019-2036 (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.
- 7.5.5. 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.
- 7.5.6. Paragraphs 218 and 219 of the NPPF read 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).*

7.5.7. 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

The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character
- Minerals
- Loss of Agricultural Land
- Ecology
- Heritage
- Highways and Sustainable Transport
- Impact on Social and Physical Infrastructure
- Provision of Affordable Housing
- Recent Planning Decisions of Relevance
- Other Matters including Matters raised by Objectors / in Consultation Responses
- Planning Balance

### 8.1. Principle

8.1.1. 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.

8.1.2. 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.

8.1.3. 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).*

8.1.4. 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.*

- 8.1.5. No draft policies for the new Local Plan have yet been produced. No weight can be attached to it in decision making.
- 8.1.6. 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. The SSPNP policies relating to the Green Belt require 'very special circumstances' to exist for approval of inappropriate development, along with suitable landscape mitigation, 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.
- 8.1.7. 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.
- 8.1.8. 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.
- 8.1.9. 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.
- 8.1.10. 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.*

- 8.1.11. 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.

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

8.1.13. 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."*

8.1.14. 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.

8.1.15. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.

8.1.16. 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.

8.1.17. 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.

## 8.2. Green Belt Harm

8.2.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (para 148 NPPF).

8.2.2. 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.*

8.2.3. 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.”*

Paragraph: 001 Reference ID: 64-001-20190722

- 8.2.4. It is clear that the loss of open Green Belt land would be permanent. The c.14ha of agricultural land is presently open grassed land with low level fencing, with an agricultural building in the south central part of the main field of c.460m<sup>2</sup> footprint and a small stables building within the paddock area to the east of the main field of c.100m<sup>2</sup> footprint. Although the exact extent of built form would only be measurable at Reserved Matters stage, the indicative site layout shows a potential realistic layout which has residential properties plus gardens and roadways over c.10ha (c.100,000m<sup>2</sup>) of the site, with the remaining c.4ha (c.40,000m<sup>2</sup>) as open space around / within the housing area. The submission states that the intention is for the dwellings to be two or two-and-a-half storeys in height.
- 8.2.5. The construction of c.330 houses plus associated infrastructure on the site would clearly represent a very significant permanent loss of openness in spatial terms, to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the NPPG quoted above.
- 8.2.6. 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, there are fundamental concerns with the submitted LVIA in terms of: methodology not being in accordance with best practice, unclear what development parameters and landscape mitigation measures have informed the assessment of impacts, unclear why impacts from certain viewpoints were chosen or not chosen and inadequate assessment of worst case scenarios.
- 8.2.7. As a result, officers are of the view that at this stage the findings of the visual impact assessment are not supported, and the LVIA has not demonstrated a low level of impact on the visual aspect of Green Belt openness.
- 8.2.8. This means that there would be significant spatial harm to openness as a result of the proposals, and it has not been demonstrated that there would not be additional harm to openness as a result of the visual impact on the openness of the Green Belt. Therefore, although there is scope for significant planting to boundaries as part of the detailed layout, at this stage it is not clear what degree of visual impact in terms of Green Belt openness would remain.
- 8.2.9. 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.*

- 8.2.10. 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.
- 8.2.11. 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.
- 8.2.12. 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.
- 8.2.13. 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 didn't 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.
- 8.2.14. In this review it was considered that overall parcel GB 25 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.
- 8.2.15. 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 SA-S8. The current application site at St Stephen's Green Farm fell within the more open 'West' part of sub-area SA-S8, for which the following assessment was made:

**Landscape Character:**

The landscape has a very open character and development would completely change this. Any changes to this landscape would be very conspicuous. Agricultural intensification is a key contributor to the current character and influences the openness of the landscape. Some of the boundaries still comprise hedgerows with hedgerow trees, but they are frequently very fragmented.

**Settlement Form:**

This area is separate from the edge of the settlement and relates more to the wider countryside.

**Views/visual features:**

The openness of the landscape means development would be conspicuous from the surrounding landscape, with key visual receptors comprising the residents of dispersed properties and users of the small local roads.

Landscape Value:

No landscape, cultural heritage or ecological designations.

Overall Evaluation:

Higher sensitivity

- 8.2.16. It is noted that the boundaries of the current application site do not match the boundaries of the sub-area. However, in officers' independent assessment the above conclusions are directly applicable to the current application site, when considered in isolation. Officers would have reached similar conclusions as to the character of the current application site regardless of the above findings of the Green Belt review.
- 8.2.17. 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 the wider sub-area. Furthermore, it is considered that the above findings are applicable to the application site when considered in isolation, and that it is a highly sensitive site as a result of its openness.
- 8.2.18. It is noted that the application site has been submitted via the Call for Sites process which ran from January to March 2021, with reference STS-53-21 (labelled 'Land north of Chiswell Green Lane and east of The Croft, Chiswell Green') under the current Housing and Economic Land Availability Assessment (HELAA) process. 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.
- 8.2.19. 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;

Noting that the site is in open countryside and not directly adjacent to Chiswell Green, the site is not considered to be located at the edge of a large built-up area. However, if the site were to be developed there would be significant pressure on the strip of land to the east in between the site and The Croft. Some harm is identified in relation to this purpose.

b) to prevent neighbouring towns merging into one another;

The loss of this site would introduce built form between Chiswell Green and Hemel Hempstead; and if the site were to be developed there would be

significant pressure on the strip of land to the east in between the site and The Croft. However a significant gap would be maintained to Hemel Hempstead. Some harm is identified in relation to this purpose.

c) to assist in safeguarding the countryside from encroachment;

For the reasons set out above this site has a very open character and development would completely change this; any changes to this landscape would be very conspicuous; and this area is separate from the edge of the settlement and relates more to the wider countryside. The site has a strongly unspoilt rural character, and the proposals would have a significant effect on the Green Belt in this regard. This purpose of the Green Belt in this location would be significantly impacted, and the encroachment into the countryside would be significant. Significant 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.

8.2.20. 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 reason of inappropriateness, with additional harm identified to Green Belt openness and to the purposes of the Green Belt relating to encroachment into the countryside and 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.

8.2.21. 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.

### 8.3. Design and Amenity

8.3.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until 'Reserved Matters' stage, and there is very limited information provided in these regards, and no parameter plans submitted for approval. However, the indicative proposed site layout drawing is a material consideration and shows how the quantum of development may potentially be laid out on the site, and the submission states that the buildings are likely to be two or two and a half storeys in height. As such, although the ability to assess in detail the reserved matters is constrained at this Outline stage, the assessment that follows focuses on the principle of the development proposed and its impacts,

informed by the application submission including the indicative proposed site layout drawing.

- 8.3.2. 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.
- 8.3.3. 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.
- 8.3.4. Taking account of the Design and Conservation Officer's comments, some concern is raised to the presented design approach illustrated in the indicative proposed site layout. The landscaped buffer areas to all sides means there is no integration with surrounding development. The stated aim to create a low-density, heavily landscaped environment is not reflected in the layout. The central 'Green' which is a welcome feature is the sole landscaped feature in the development – landscaping is otherwise confined to the edge buffer strips. The street layout is permeable, although there is no well-defined street hierarchy, which inhibits legibility. Concern is raised that the larger apartment blocks are not well-sited within the development, grouped around the central 'Green', and with the potential to dominate this green space. The car parking arrangements for these apartments are not well-thought out, being on the street edge – an arrangement that will detract from the appearance of the Green. Similarly, many of the roads are dominated by car-parking on the frontage of the buildings; parking arrangements need to be better integrated into the development if a landscaped character is to be achieved.
- 8.3.5. The indicated density (c.43 dwellings per hectare) is within guideline parameters set out in national guidance, and 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. Although the submitted layout plan is indicative only and is not for approval, and there are some concerns with the submitted indicative layout, it is noted that all matters are reserved apart from

Access, and it is considered that the quantum of development here proposed could be acceptably accommodated on the site.

- 8.3.6. 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 (albeit concern remains as to landscape and visual impacts, as set out in the relevant section below). The indicative proposed site layout satisfactorily demonstrates that the site could provide for housing which could meet the 'Technical housing standards – nationally described space standard', 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.
- 8.3.7. In relation to parking provision, the local highway authority does not apply detailed parking policy at a parking ratio level, but in line with their latest Local Transport Plan (LTP4) they acknowledge the relationship between parking provision and car ownership and would therefore support low parking ratios if underpinned with sustainable location and genuine opportunity of sustainable transport choices. Furthermore, they advise that cycle parking ratios should exceed ratios, and that storage facilities for cycles must be a key consideration of subsequent detailed revisions to the proposals; with such details provided at Reserved Matters stage.
- 8.3.8. In relation to the submitted indicative plan, there is considered to be scope to provide for an adequate quantum of parking to meet the likely needs of future residents; albeit if attractive usability of non-car modes of transport were further enhanced (see Highways Impacts section below) then a reduction against local parking standards would be justifiable, which would be likely to have consequent benefits.
- 8.3.9. 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.
- 8.3.10. 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 section of this report, it is considered that adequate provision is made in this regard in this submission.
- 8.3.11. In terms of design and amenity, the provision of the access-related works for approval now, including 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 the character and appearance of the area. The streetscene of Chiswell Green Lane would be changed, particularly with



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. Adequate verge and other green space would be provided, and an acceptably high-quality streetscene would remain. It is noted that a number of informal unprotected trees may be lost through the creation of the new layby area on Chiswell Green Lane, but adequate space would be left for mitigating landscaping, details of which could be secured by condition in the event of approval, and it is considered that potential harm in this regard could be suitably mitigated.

- 8.3.12. 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.
- 8.3.13. 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 submitted plan. 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. Noting the lack of objection in these regards from the local highway authority, it is not considered that a sustainable objection can be raised relating to safety impacts of the new foot / cycleway or amendment to parking along Chiswell Green Lane or other highway works.
- 8.3.14. 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.

#### 8.4. Landscape Character

- 8.4.1. 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's 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.
- 8.4.2. 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.

- 8.4.3. 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.”*
- 8.4.4. 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*
- 8.4.5. 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.”*
- 8.4.6. The submitted Landscape and Visual Impact Assessment (LVIA) confirms that it is based on ‘a landscape led residential development,’ however it does not confirm if the assessment is based on the submitted illustrative proposed site layout plan or provide a description of the key development characteristics/parameters (such as strategic mitigation measures, minimum and maximum buildings heights etc) that have informed the assessment. In the absence of this information, it is not possible to confirm at this stage what the landscape impacts are likely to be, or whether the assessment of landscape and visual effects is supported or not. The following paragraphs set out the fundamental concerns with the LVIA.
- 8.4.7. The Zone of Theoretical Visibility (ZTV) has considered woodland and buildings. It is beneficial to understand this scenario, however a ‘bare earth’ version is also required to represent the worst-case scenario. The LVIA confirms that a number of viewpoints were scoped out of the assessment – it would be beneficial to confirm the location of these viewpoints so that the extent of visibility can be fully understood.
- 8.4.8. There is no reference to the provision of photomontages or night-time visuals that are likely to be required, especially in this sensitive location. The methodology acknowledges that ‘sensitivity’ is a combination of ‘susceptibility’ and ‘value,’ however the LVIA does not provide a clear statement of ‘susceptibility’ or ‘value’ for each visual receptor or explain how they are combined to inform the overall judgement of sensitivity. This is required.

- 8.4.9. The viewpoint photos were carried out during the summer when the deciduous planting surrounding the site were in full leaf. This approach is not supported as it does not represent the worst-case scenario i.e. when deciduous planting is bare and most visually permeable. The assessment relies heavily on the mitigation effect of the boundary hedgerows, however it is not understood if they will be more visually permeable during the winter months. This significant limitation of the assessment does not appear to be acknowledged within the LVIA.
- 8.4.10. The visual impact assessment appears to assess the effects upon visual receptor groups. This approach is confusing, good practice recommends that the assessment should be based on each representative viewpoint, to take account of the fact that the nature of the view and the impact upon it will vary depending on each viewpoint's location.
- 8.4.11. The LVIA concludes: *"The findings of the landscape and visual impact assessment concludes that there will be no long term significant adverse effects arising as a result of a proposed residential development and it can be considered as being beneficial due to the landscape enhancements that will be brought into a site which, apart from its retained boundaries, is currently bereft of any vegetation or ecological diversity"*. However, at this stage the findings of the visual impact assessment are not supported, as the key development parameters are not provided, and a clear understanding of the assessment of impacts has not been provided.
- 8.4.12. In terms of landscaping impacts from the proposed access works, whilst a small number of trees will be removed in order to create the primary vehicular access and parallel parking spaces on Chiswell Green Lane, other trees and hedgerows will be retained. It is noted that it is the intention to plant a significant quantity of native species throughout the site, including strengthening adjoining sections of Chiswell Green Lane and suitably worded conditions could be added to an approval requiring details such that impacts along Chiswell Green Lane could be suitably mitigated. As such, it is not considered that the access works when considered in isolation would lead to harm in terms of landscape character, but assessment must be made at this Outline stage as to the acceptability in this regard of the in-principle proposal for up to 330 houses on this open site.
- 8.4.13. Therefore, although the site is of significant scale and there is scope to strengthen existing landscaping to the site boundaries as part of a redevelopment scheme, including space to provide for significant new accessible open space and recreational opportunities and SuDS features as required; the likely wider impacts on landscape character have not been demonstrated. The change to the character and appearance of the area would be significant in terms of the site itself and its immediate surroundings; and in the absence of a robust assessment of landscape impacts, these impacts have not been demonstrated and additional harm is identified in this regard to which significant weight is given in this case.

## 8.5. Minerals

- 8.5.1. 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.”*

- 8.5.2. 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.”*
- 8.5.3. 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.
- 8.5.4. 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.
- 8.5.5. 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. It recommended that sterilization of the reserve be limited by implementation of opportunistic extraction during the proposed development; and that in order to secure sustainable redevelopment, a minerals management plan should be conditioned as part of the planning approval to maximise the use of the reserve within the proposed development to minimise sterilisation.
- 8.5.6. 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).

- 8.5.7. 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.
- 8.6. Loss of Agricultural Land
- 8.6.1. The site's 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.”*
- 8.6.2. 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”*.
- 8.6.3. A submitted Agricultural Land Classification report identifies the majority of the site as being Class 3A, which 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).
- 8.6.4. It is noted that application 5/2011/0338 for ‘Change of use from Sui Generis (agriculture) to Class D2 (assembly and leisure) to create school playing fields and changing rooms with associated access, car parking and landscaping...’ was refused on 17/01/2012 for the following reason:
- 1. The proposed development would result in the loss of agricultural land. No overriding need has been demonstrated to justify the loss. It has not been demonstrated that there is no alternative land of a lower quality which could reasonably be used. The proposal is contrary to Policy 102 (Loss of Agricultural Land) of the St Albans District Local Plan Review 1994 and the aims of PPS7: Sustainable Development in Rural Areas.*
- 8.6.5. The above decision was made prior to the publication of the NPPF and it is noted that the NPPF does not have a similar requirement to demonstrate an overriding need. Furthermore, quoting officer reports for other applications for housing in the Green Belt, and referencing previous Local Plan allocations, the applicants Planning Statement points out:
- Bullens Green Lane (ref 5/2020/1992) *“... it is not considered that a reason for refusal on loss of agricultural land would be sustainable at appeal” (Officer Report, paragraph 8.17.7);*
  - Harpenden Road (ref 5/2021/0423) *“The loss of agricultural land is not, in any event, considered to be significant” (Officer Report, paragraph 8.17.5). 8.18;*
  - In its most recent draft Replacement Local Plan, (the Council) sought to allow thousands of houses to be built on the large expanse of Grade 2 land between the M1 and Hemel Hempstead.
- 8.6.6. The above points are noted, albeit the decisions referenced relate to loss of significantly smaller areas of agricultural land compared to the current application

site, and noting the findings of previous Green Belt purposes assessments (as set out above) it is not considered likely that this open site would be considered suitable for Green Belt release through a Local Plan allocation process. Furthermore, 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.

8.6.7. Taking the above discussion 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.

## 8.7. Ecology

8.7.1. 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.

8.7.2. The application site consists of open grassland paddocks with various species poor hedgerows and internal fencing. A small part of the eastern edge is included within an Ecosite within the Herts Environmental Records Centre database as a site with some information on, although this is not recognised as being of any particular significance. There are no existing species records from the site, other than Field scabious which may be from the Ecosite. None of the site includes, or is adjacent to, a Local Wildlife Site or formally designated site, although recent woodland belts border the site to the north and west, the latter having an old hedgerow origin. No other historic features survive within the site.

8.7.3. On this basis, in respect of existing information, the site has little or no recognised ecological interest.

8.7.4. An Ecology Survey has been undertaken and Report submitted in support of the application. This seems to have concentrated mainly on protected species potential, for which little existing or potential interest was found to be present. There is no reason to object to this finding.

8.7.5. The habitat has been described as improved grassland, heavily grazed by horses all year and other livestock occasionally and also regularly cut. Whilst the photos and species listed may well suggest this assessment may be reliable, the habitat survey results provided do not adequately demonstrate this. Not only are there no abundances provided for any of the species to enable a proper consideration of the grassland composition, but the list also includes six Local Wildlife Site (LWS) indicators – Bird’s foot-trefoil, Common sorrel, Crested dog’s tail, Meadow buttercup, Red clover and Sheep’s sorrel. This suggests that other LWS indicators

could be present – indeed Field scabious recorded historically in the area is another LWS indicator. Whilst there is nothing to suggest this site meets LWS status, it would not be expected to see so many such indicators present within an ‘improved’ grassland – and there is no further detail to suggest they are all rare or only single plants. Consequently, it cannot be confirmed that an ‘improved’ grassland is present throughout the whole of the site.

- 8.7.6. On this basis the Senior Ecology Officer at Hertfordshire Ecology advises that the Local Planning Authority is not able to determine the application with sufficient certainty that only a low-quality grassland will be affected. The site would either need to be re-surveyed to provide this information or the report updated to reflect this detail if it was recorded.
- 8.7.7. The NPPF requires compensation for loss of biodiversity (paragraph 175) but does not require net gain, and there is no statutory basis for requiring net gain at this time. Therefore, to robustly demonstrate that a Biodiversity Net Gain (BNG) would be achieved, as suggested in the application submission, would count as a benefit of the proposals.
- 8.7.8. It is claimed in the Design and Access Statement that BNG will be delivered, and that this will generate well in excess of the minimum 10% enhancement set out in the Environment Act 2021 (yet to be a legal requirement). However, there is no information submitted to support this claim in the form of a metric, which would be needed to demonstrate this. Whilst the submission is an Outline application, it is noted that Natural England expect planning decisions to demonstrate that BNG can be achieved, and they have stated this should include both Outline and Full planning applications, and the submitted details are insufficient to demonstrate this. This was also the case at Bullens Green Lane (Ref: 5/2020/1992), where a metric was needed because the planning statement stated that BNG would be delivered, with no information to demonstrate how this could be achieved. This approach was accepted by all parties involved with the appeal.
- 8.7.9. Therefore, given there is no information to justify that BNG can be delivered; whilst no harm is identified in this regard which couldn’t be mitigated by suitably worded conditions, no positive weight is given to potential ecological benefits at this stage. This matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive or negative weight.

## 8.8. Heritage

- 8.8.1. 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 Old Cuckman’s Farmhouse, but noting the relatively limited highway works in the vicinity of the Three Hammers and the significant distance to Old Cuckman’s Farmhouse it is not considered that the proposed development would be likely to significantly impact 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.
- 8.8.2. In relation to below-ground heritage (archaeology) the Council’s Archaeological Adviser notes that the proposed development lies within a potentially sensitive area, and he disagrees with the applicants view in the planning statement that a desk based assessment is not required to inform the application. He notes that St Albans is known to contain a densely occupied prehistoric and Roman landscape; that those sites recorded on the Council’s Historic Environment Record are only the known and recorded sites, with many new sites being added to this each year

as development extends over previously undisturbed land; and that is the case with this development area. At present the sensitivity and significance of any surviving archaeology within the development area is unclear, and as such a desk based assessment would be necessary at this stage. Aerial photographic evidence is recorded on a number of sites in the vicinity comprising a series of oval or circular enclosures, although it is unclear whether these are archaeological or natural, and this extends over the development area. His recommendation is that an appropriate assessment followed by field evaluation should be undertaken to assess this site for its heritage impact in advance of development.

- 8.8.3. The NPPF in para 205 relates to heritage assets (not necessarily 'designated' heritage assets such as listed buildings) and states:

*205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

- 8.8.4. The applicants in the Planning Statement and in response to the Archaeologist's concerns state that the site is not a heritage asset and will have no impact on any nearby heritage assets including The Three Hammers and Old Cuckmans Farmhouse; and that as no heritage assets will be lost, paragraph 205 doesn't apply. However, paragraph 205 does not solely refer to 'designated' heritage assets, and without further assessment it is not known whether below-ground undesignated heritage assets would be affected.

- 8.8.5. It is noted that the Council's Archaeologist recommends that if officers are minded to approve without the information sought, it is recommended that conditions be added in the event of approval. The suggested conditions are in relation to: Archaeological desk based assessment, field evaluation and archaeological excavation; and publication and dissemination. It is further noted that in a comparable situation for planning permission 5/2021/0423 at land R/O Harpenden Road it was noted (para 8.14.1 of Officer's Report):

*As this is an outline application with all matters reserved except access, it is considered there is scope to require such a statement by planning condition, and that the results of the assessment can influence the detailed design at reserved matters stage. There is nothing in the consultation response to suggest that the development is unacceptable in principle on archaeological grounds, and therefore it is not considered that a reason for refusal would be sustainable in this instance.*

- 8.8.6. Taking the above discussion into account, and noting the approach taken for application 5/2021/0423 it is considered that conditions and further details at Reserved Matters stage can suitably mitigate potential harm in this regard at this site, such that it weighs neutrally in the planning balance in this case.

## 8.9. Highways and Sustainable Transport

### Policy background

- 8.9.1. 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.

- 8.9.2. 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.
- 8.9.3. 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.
- 8.9.4. 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
- 8.9.5. 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.

- 8.9.6. 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.
- 8.9.7. 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

- 8.9.8. The site has two opportunities to connect to routes classified as public highway in Chiswell Green Lane and The Croft. The development proposal includes a main vehicle access to Chiswell Green Lane and a secondary access restricted to emergency/cycling/walking to The Croft. In addition, the development proposes to utilise upgraded rights of way adjacent to the site.
- 8.9.9. The primary access for vehicular, pedestrian and cycle access to the proposed development would be achieved by the creation of a priority give-way junction located off the northern side of Chiswell Green Lane. It would take the form of a simple junction with 6.0-metre kerb radii and a 5.5-metre-wide access road, sufficient to accommodate the simultaneous entry and exit movements of various sized vehicles.
- 8.9.10. As part of the proposed access design, a short section of the carriageway of Chiswell Green Lane to the east of the site's access would be narrowed to 3.5-metres in width, to promote one-way operation (priority afforded to westbound traffic movements). As stated by the applicant, this feature would influence motorised users to travel at low speeds (i.e. sub-30-mph) in both an east and westbound direction. This feature can/should also make a feature of the right of way (St Stephen 082) which must also be upgraded to form a main pedestrian access to the development. However, further detail is required to ensure footpath 082 is upgraded to reflect the most direct route for cyclists and pedestrians accessing the development.
- 8.9.11. The section of Chiswell Green Lane to the west would remain unchanged/maintained as a quiet rural lane. This is intentional. The quiet, narrow rural nature of the western section provides a natural deterrent which discourages 'rat running'. This view is supported by traffic surveys which indicate relatively minor use of the route which aligns with the general lack of clear destinations that would lead to rat running traffic. It is noted that there are sites within the first section of Chiswell Green Lane which are not currently fully operational, the additional traffic generated that may be generated by these land uses is not considered sufficient to lead to a severe impact on the route.
- 8.9.12. The design of the proposed access would require the full utilisation of land classified as public highway, and result in the displacement of parked vehicles, likely to be in association with property in Chiswell Green Lane. To compensate for the loss of off-street parking, the design includes the provision of 3 parallel parking bays within a section of the public highway located off the southern side of the carriageway. Judging by the condition of the verge in this location the area appears to be used by more than three vehicles. The HA raise some concern that three spaces will be an under provision leading to displaced parking becoming a nuisance, and that either additional parking spaces or greater parking control will be necessary. The informal parking area affected, opposite No's 36, 38 and 40 Chiswell Green Lane, does not appear to be formally allocated to specific

properties, albeit it is noted that No's 46/48 do not appear to be served by off street parking provision and the annotation on the plan is that the provision of the parallel parking spaces is to accommodate demand from no's 46 and 48 Chiswell Green Lane. Additional information in the Transport Assessment Addendum sets out that to compensate for the loss of informal parking within the highway verge, it is proposed that a proportion of spaces in the memorial park will be allocated to existing residents, and the HA do not recommend a refusal for this reason. Noting the above, it is not considered that there is a sustainable reason for refusal in relation to loss of informal parking spaces.

- 8.9.13. The HA are satisfied that the applicant has shown that the design of the proposed access can achieve adequate visibility splays and that car drivers would be afforded sufficient inter-visibility with other road users, thereby enabling safe manoeuvres to be undertaken at the two-way priority junction with Chiswell Green Lane.

#### Other highway works

- 8.9.14. The design of the proposed main access would also incorporate a shared foot / cycleway measuring 3.0 metres in width on the eastern side of the proposed access road. This would connect to a new shared foot/cycleway running in an easterly direction along the full length of the northern side of Chiswell Green Lane and tie into existing infrastructure either side of the double mini-roundabout junction of the B4630 Watford Road/Tippendell Lane. The improvements at the double mini roundabout are shown 'in principle', and further extensive work will need to be carried out to ensure an attractive enhanced environment is delivered, details of which could be secured by condition in the event of approval.
- 8.9.15. A secondary emergency vehicle access measuring circa 5 metres in width would be located off the western side of The Croft. The applicant states that pedestrians and cyclists would be prohibited from using the emergency vehicle access. It is not made clear why this access includes this restriction and it is difficult to understand how in practice this will work. The HA would encourage all developments of this nature to maximise permeability to help fully integrate development to the adjacent network. Furthermore, it is assumed the route will be constructed using tarmacadam or similar. The Transport Assessment Addendum (TAA) provided further information in this regard, further details could be agreed by condition / s106, and no harm is identified in this regard.
- 8.9.16. The width of the carriageway of Chiswell Green Lane would be reduced to 5.5-metres, 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. Further 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.
- 8.9.17. A similar raised table feature would be provided at the junction of Chiswell Green Lane and Watford Road, the latter 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 an upgraded Zebra Crossing positioned on a raised table.

- 8.9.18. The footway located along the eastern side of the Zebra Crossing would be upgraded to a shared foot/cycleway and widened to circa 5.5-metres in width. This would 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.
- 8.9.19. The footway along the eastern side of the access road serving the local shops would comprise of dropped kerbs to enable vehicles to enter and exit the area of hardstanding that is used for parking, adjacent to the main entrances.
- 8.9.20. The HA advise that the provision of this new infrastructure would enhance the area and provide a convenient, safe walking and cycling route to public transport infrastructure/services as well as a range of amenities available in Chiswell Green local centre and a good starting point to longer journeys.
- 8.9.21. The HA initially raised concern that the applicant has not taken the process further in relation to typical/routine destinations, and whether car journeys used to make those journeys could be replaced by walking, cycling and public transport. It also initially raised concern that although the applicant has made a connection to the local centre, other destinations slightly further afield had not been considered and that the barriers deterring active or public transport as a first choice had not been considered. The Transport Assessment Addendum contained further information and justification in these regards, and following a review of the TAA the HA advise that the addendum includes additional clarification and supporting measures which overcome the points previously raised, and the HA removed its previous recommendation for refusal, but identify that a series of planning conditions and s106 clauses would be required in these regards and to mitigate impacts. As a result, 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.

#### Internal layout

- 8.9.22. In relation to the internal layout, the HA note that the application is for outline planning permission and that subsequent revisions are likely to lead to a different layout and unit mix than shown indicatively on the submitted layout plan. There is potential to create a layout with safe routes for vehicular traffic, but which ultimately promotes the interests of residents as pedestrians and cyclists, providing optimal access to local amenities and sustainable transport connections. The HA advise that the aim is to encourage the use of walking and cycling within the proposed development and to surrounding amenities; and that ideally this will be achieved by combining the provision of new and improved infrastructure and with the implementation of a Residential Travel Plan.

#### Trip Generation, Distribution and Capacity impacts

- 8.9.23. The applicant has used Trip Rate Information Computer System (TRICS) database to establish the predicted person/multi-modal trip generation. The results show that the development proposals would have the potential to generate in the order of 2,584 two-way person trips over the course of a typical weekday including 296 and 242 during the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods, respectively. The assessment goes on to establish that approximately three quarters (75%) of all households living within the area surrounding the site are dependent on travelling by private car for their journey to/from various

workplace destinations, 13% regularly travel by public transport. Approximately 6% travel by the 'active' modes (walking and cycling).

- 8.9.24. Normally, an assessment of the impact of development on the local road network is carried out against the morning/evening peak hours. In this case, the development proposal is predicted to generate in the region of 296 and 242 two-way person trip movements during the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods respectively. Of these, approximately 223 and 182 would comprise private car trips, 38 and 31 by public transport and 17 and 14 by the 'active' modes of walking and cycling.
- 8.9.25. The predicted distribution of vehicular traffic movements likely to be generated by the development proposals has been based on origin-destination dataset 'Location of Usual Residence and Place of Work from the 2011 Census. Firstly, it is evident that the majority (96.8%) 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. This would equate to a total of 218 and 178 two-way vehicular movements during the weekday AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods, respectively. Only a small proportion (3.2%) of vehicular traffic, equating to 4 two-way movements would travel to/from the proposed development via the western/rural section of Chiswell Green Lane.
- 8.9.26. Beyond the mini-roundabout junction of the B4630 Watford Road/Chiswell Green Lane, approximately 66% of vehicular traffic would head in a northerly direction. On reaching the mini-roundabout junction of B4630 Watford Road/Tippendell Lane, approximately 43% of vehicular traffic would turn right and head in a south-easterly direction along Tippendell Lane and the A405 North Orbital Road. A total of 23% of vehicular traffic would head in a northerly direction along the B4630 Watford Road.
- 8.9.27. Approximately 32% of vehicular traffic (equivalent to 71 and 58 two-way movements) would head in a north/southbound direction along the B4630 Watford Road to/from The Noke Roundabout junction.
- 8.9.28. Assessing the impact of the development on the capacity of the network is routinely set against five years post application (2026), taking into account background traffic growth and any significant committed development. It is acknowledged in relation to the local road network in the vicinity of the development that the double mini roundabout junction is a busy junction and during peak times can suffer from a level of congestion. The results from the baseline model scenario demonstrates the area being close to normal operating capacity.
- 8.9.29. The development proposals are anticipated to generate in the order of 71 and 58 two-way vehicular movements along the B4630 Watford Road during the weekday AM (08:00 – 09:00) and PM (17:00 – 8:00) peak hour periods, respectively. In comparison with the observed baseline traffic flows, this equates to circa 5%. It was agreed between the HA and the applicant that it was not considered necessary to assess the impact of the development proposals on the 4-arm Noke roundabout junction. It is noted that congestion at this junction is largely associated with tailbacks caused by M25 (J21a).
- 8.9.30. Regarding Watford Road/Chiswell Green Lane/Tippendell Lane double mini-roundabout junction within the future 2026 scenario, there is a predicted material

worsening on the operational performance of all arms of the junction during the weekday AM (07:45 – 08:45) and PM (17:15 – 18:15) peak hour periods, respectively.

- 8.9.31. It was acknowledged during the pre-application discussions between the HA and the applicant, due to the lack of highway boundary available on either side of the double mini-roundabout junctions, there is little or no scope to enhance the performance of the double mini-roundabout junctions through increasing the entry width and effective flare length of several of the approach arms.
- 8.9.32. Notwithstanding this, the applicant points out that development proposals would deliver substantial enhancements to the walking and cycling environment in Chiswell Green village centre. The theory being that the provision of pedestrian and cycle infrastructural measures would provide a more balanced travel demand for future households and visitors to the proposed development, in accordance with the main aspirations of relevant planning policy, most notably the NPPF and Policy 1 of the HCC's latest Local Travel Plan (LTP4). The HA would agree with this approach and in many cases, creating additional highway capacity is not necessarily the long-term solution in supporting growth in sustainable transport.
- 8.9.33. With regard to person trip movements undertaken on-foot, It is noted that the applicant commits to enhanced pedestrian and cyclist routes through the provision of a shared foot/cycleway along the full length of the northern side of Chiswell Green Lane, which the HA notes would provide convenient, direct, and safe access on-foot and by cycle to local public transport infrastructure/services and range of amenities situated in Chiswell Green local centre.
- 8.9.34. The applicant claims the development is within walking distance of bus stops located either side of the B4630 Watford Road and Tippendell Lane which are served by frequent bus services to a host of local and regional destinations. However, in support of the overarching need to increase bus patronage to reduce car use, access to bus routes is a key consideration. HCC's highway design guide states that '...bus stops should be located so that the maximum walking distance from any dwelling is 400m'. Although at this stage the internal layout is only indicative clearly the distance between bus stops in Watford Road is greater than 400m. The applicant reiterates predicted patronage to be in the region of 37 and 30 two way movements by public transport during the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods, and considers that this demand can be easily accommodated on existing bus routes (based on the existing resident's modal split).
- 8.9.35. The HA would not disagree with this assessment, but advise that we should not lose sight of the fact that we are seeking to improve the existing situation by increasing the proportion of residents using bus services. The applicant's Travel Plan predicts the new residents will increase their bus use by 4% over the first five years. If retaining the current level of bus service and expecting a new community (which are potentially a greater distance from the services compared with existing residents) it is likely to fail to achieve this objective. However, the TAA sets out that, following communication with HCC's Passenger Transport Team, a suitable financial contribution towards upgrading / enhancing the frequency of bus route 321 is proposed.

#### Mitigation Summary

- 8.9.36. The applicant has considered the hierarchical approach of the HA's LTP4 Policy 1 as a key feature of the proposal ensuring that priority is given to more sustainable

forms of transport and opportunities to reduce demand to use private cars. Following initial concerns from the HA with regards the initial package of mitigation measures, and in communication with the HA, the submitted TAA sets out a number of measures to mitigate impacts including:

- Provision of the foot / cycle way to north side of Chiswell Green Lane; and other enhancements to junctions and crossings shown on the drawings for approval;
- A number of upgrades to the Public Rights of Way network (St Stephens FP080 and FP082);
- a number of enhancements to the local cycling environment;
- Enhancement of local bus route 321;
- Other Residential Travel Plan measures of provision of Home Travel Packs, e-bikes, monthly bus tickets.

8.9.37. The updated package of measures in the TAA has been reviewed by the HA and the package is now considered acceptable in relation to enhancement to non-car modes of transport and achieving *meaningful changes in travel behaviour and an ambitious shift in modal share targets*.

8.9.38. The applicant has acceptably investigated in the TAA cycling routes beyond the junction with Watford Road, which was an initial concern of the HA.

#### Planning Obligations / Conditions

8.9.39. The County Council have recently published their 'Guide to Developer Infrastructure Contributions', the Transport section includes the consideration of their two strand approach to securing appropriate supporting infrastructure. The HA advise that the applicant's supporting infrastructure and financial contributions need to be matters covered in detail within a s106 agreement. In addition, should the planning application be considered for grant of planning permission the HA advise that they would provide a series of planning conditions.

#### Conclusion

8.9.40. Taking the above discussion into account, and noting that the HA have removed an initial objection following submission of the TAA, 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 or negative weight..

#### 8.10. Impact on social and physical infrastructure

8.10.1. 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.

- 8.10.2. 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.
- 8.10.3. 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.
- 8.10.4. 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 Section 106 Legal Agreement (s106 agreement), that is compliant with the requirements of the aforementioned CIL Regs.
- 8.10.5. The following requests for contributions were made from consultees, to mitigate the impacts of the development on social infrastructure:

EEAST (East of England Ambulance Service Trust) request as set out in their consultation response summarised in Section 6.7 of this report:

- Capital Cost calculation of additional health services arising from the development proposal - £80,190

HCC GIU Requests, as set out in their consultation response summarised in Section 6.9 of this report:

- Primary Education towards the possible new two form entry (2fe) primary school on land to the south of the application site (£4,367,023 (£4,185,478 + £181,545) index linked to BCIS 1Q2020). (Includes Nursery provision)
- Secondary Education towards the expansion of Marlborough Science Academy/ Samuel Ryder Academy or any secondary school with expansion in the area (£3,896,293 index linked to BCIS 1Q2020) index linked to BCIS 1Q2020)
- Special Educational Needs and Disabilities (SEND) towards the new West Severe Learning Difficulty school (£300,756 index linked to BCIS 1Q2020)
- Library Service towards increasing the capacity of community spaces in St Albans Central Library (£32,671 index linked to BCIS 1Q2020)
- Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility (£124,852 index linked to BCIS 1Q2020)

SADC Community Services Requests – as set out in their consultation response summarised in Section 6.16 of this report:

- Play Areas - £78,699 - Cherry Hill Play Area
- Parks and Open Spaces - £135,415 - Greenwood Park Open Space Improvements
- Leisure & Cultural Centres - £214,222 - Greenwood Park Community Centre & Pavilion improvements

NHS Herts Valleys CCG request as set out in their consultation response summarised in Section 6.18 of this report:

- to extend the Midway Surgery, Chiswell Green; in order to cope with an increase in patient population = £426,329.64 (~ £1,290 per dwelling)



8.10.6. It would also be necessary to secure the delivery of other mitigation measures in a Section 106 agreement, to secure:

- Provision of the affordable housing: The s106 agreement would set out the detailed tenure information and the overall split between rented and intermediate tenures.
- Provision of self-build housing, as appropriate: The s106 agreement would set out the arrangements for delivery and marketing of the self-build dwellings.
- Provision of public open space, play space, new public right of way and improved access to rights of way network.
- Provision of Biodiversity Net Gain, including on-site and off-site provisions. The s106 agreement would include mechanisms to calculate any required contribution and to secure its delivery at reserved matters stage.
- Delivery of Sustainable Transport improvements: This would include mechanism to provide for on-site and off-site improvements to promote the use of walking, cycling and bus modes of transport for future residents of the development; and to secure the mitigation measures set out in the relevant section above. The works within the existing adopted highway would be expected to be secured through a s278 agreement with the County Council as Highway Authority, as well as through a s106 agreement.
- A Travel Plan including Evaluation and Support Fee.
- 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.

8.10.7. There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures, listed in the above 2 paragraphs respectively, can be justified against the relevant tests found in the Regulations and NPPF as follows:

8.10.8. (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).

8.10.9. (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, highways and sustainable transport and recreation 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.

8.10.10. (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 open space and play space provision, footpath and recreation and sustainable transport improvements, other highway-related measures 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

8.10.11. 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.

8.10.12. It is noted that Sport England requested contributions based on the projected population and their 'Sport Facility Calculator', of £4,708 towards indoor bowls, £151,754 towards Sports Halls, and £170,605 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.

8.10.13. 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 ongoing in this regard with the relevant parties.

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

8.11. Provision of affordable housing

8.11.1. As set out above in the 'Principle' section, Paragraphs 147 and 148 of the NPPF provide the most up to date basis against which to assess the proposed development in this particular case, and 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."*

8.11.2. This means that the proposed development will be unacceptable in principle, 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. The above sections of this report have considered the Green Belt harm and 'other harm resulting from the proposal'. The principal 'other consideration' that weighs in favour of the proposal is the provision of 100% affordable housing, including the potential for self-build housing.

8.11.3. The Council cannot demonstrate a 5 year housing land supply. The District currently has a housing land supply of 2.2 years from a base date 1 April 2020. It is acknowledged that 2.2 years is substantially below the 5 years required in the NPPF. There is a clear and pressing need for affordable housing in the District, and the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing. The proposed development is for up to 330 new homes which would be discounted by a third from market rates, available for key workers, and would meet the following NPPF definition of affordable housing (From NPPF Annex 2: Glossary):

*Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

8.11.4. The 'Key Workers' for whom the housing would be provided would meet the NPPF definition of 'essential local workers', being "*Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers*". Furthermore, there is potential for the necessary 25% of the affordable housing to meet the Government requirement for 'First Homes', which requires amongst other things that units must be discounted by a minimum of 30% against the market value; which is here proposed for all of the units (being discounted by 33%). Provisions in a s106 agreement could potentially secure the 'local essential worker' criteria for future occupiers, and could secure the First Homes requirement.

8.11.5. The Planning Statement sets out that the housing is anticipated to be predominantly Shared Ownership discounted by a third, and that the amount of self-build units will be subject to discussion with the Council and other interested parties.

- 8.11.6. Noting the clear and pressing need for affordable housing within the District, the provision of the proposed affordable housing weighs heavily in favour of the proposals.
- 8.11.7. The application submission includes an 'Affordable Housing needs Assessment' which sets out 'An assessment of Affordable Home Ownership housing for Key Workers in St Albans and South West Hertfordshire'. It extrapolates data from the September 2020 'South West Hertfordshire Local Housing Needs Assessment' (LHNA) and other publicly available sources to calculate an assessment of Affordable Home Ownership housing for Key Workers in St Albans. From the LHNA assessment that there is a need for 385 'Affordable Home Ownership' dwellings per annum in St Albans District, and then reducing this figure in accordance with the number of 'Key Workers' identified in this proposal (listed in the document as Teachers, Police, Firefighters, NHS, Social and Care Workers, Local Authority Staff and Military Personnel) as a proportion of the total workforce (roughly 19% in the document); an estimate of Affordable Home Ownership Housing Need for Key Workers of 74 dwellings pa or 1,332 over the next Local Plan period of 2020-2038 is arrived at.
- 8.11.8. The applicants consider the report shows that the clear and pressing need for AH as a whole includes the need for key worker housing. There is no requirement for the Local Planning Authority to separately produce an assessment of 'Key Worker' affordable housing needs, but there is no dispute that the provision of housing of the type here proposed is a very substantial benefit of the proposal which carries weight.
- 8.11.9. The degree of weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (Ref: 5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 after the withdrawal of the most recently draft Local Plan, and therefore considers a similar housing and affordable housing position in the District as applies in relation to the application subject of this committee report (albeit need is now very slightly greater). The Inspector concluded that:

*"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.”*

- 8.11.10. The housing situation and the emerging plan situation are very similar, albeit the current proposal is for 100% affordable housing and the housing need has very slightly increased in the meantime. Accordingly, very substantial weight is attached to the delivery of the proposed 100% affordable housing, including the potential delivery of self build plots, albeit it is unclear what the details for this element would be.
- 8.11.11. However, in assessing the benefits of the proposal the following factors are also relevant:
- (i) The type of development proposed
  - (ii) Uncertainty over delivery of the Affordable Housing
- 8.11.12. These matters are considered further below.
- (i) The type of development proposed
- 8.11.13. It is noted that the applicants identify an appeal decision dated 29/10/2021 which sets out that there is no national policy or guidance that justifies ranking one form of affordable housing over another, and that the weight should not be diluted; albeit the Appeal reference provided appears incorrect and it is not clear that the case quoted is directly comparable to that currently under consideration. However, it is noted that the NPPF states in para 63 that ‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...’.
- 8.11.14. The Council’s Spatial Planning consultation response notes that in the South West Herts – Local Housing Need Assessment (LHNA) (September 2020) the majority of the need in the District is for rented affordable accommodation, but that all of the affordable housing is described as discount market housing. This is considered to slightly reduce the potential benefits of the development proposed.
- 8.11.15. Furthermore, the Council’s Strategic Housing Manager notes:
- “With regards to the above planning application, the Strategic Housing department welcomes the reference to the delivery of affordable housing in the district. However, there is no evidence that these homes will be meet the demand for affordable rented properties or that there is a demand for such a large development or how genuinely affordable these properties will be in an area of such high house prices. The development is not policy compliant and a concentration of such a large amount of discounted affordable homes does not promote a sustainable community which is typically mixed tenure.”*
- 8.11.16. Policy 8 relates to “Affordable Housing in the Metropolitan Green Belt”, but due to the scale of proposed built development in an open Green Belt site and associated impacts on the Green Belt, the proposed development would fall outside the scope of this policy.
- 8.11.17. It is noted that Local Plan Policy 7A and its associated Supplementary Planning Guidance relating to affordable housing does not directly apply to the development here proposed, as it only relates to “Affordable Housing in Towns and Specified Settlements”.

8.11.18. The NPPF at para 63 sets out that an objective of affordable housing provision is to create mixed and balanced communities, and noting that the provision would be solely for 'Key Workers' this objective may not be met, even when noting that details of house size and layout would be finalised at Reserved Matters stage. It is considered that a mixture of general market housing and affordable rent, plus the proposed discounted Key Worker dwellings, would be more likely to lead to a mixed and balanced community as sought in policy.

8.11.19. In relation to the mix of uses proposed (housing plus open space), it is noted that para 93 of the NPPF states:

*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

...

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

8.11.20. Although the new foot and cycleway would help enable access to Chiswell Green local centre and its associated shops and facilities, the lack of any other built community uses or facilities on the site reduces slightly the extent of the benefits.

#### (ii) Uncertainty over delivery of the Affordable Housing

8.11.21. There are no identified delivery partner(s) for the housing, or indication over the proportion of shared ownership and self-build etc. This increases uncertainty at this stage over the extent to which the final housing mix would reflect the type of homes most needed as identified in the LHNA; for example if the delivery model of the final delivery partner(s) favoured a mix of property types not in accordance with the mix recommended in the latest LHNA.

8.11.22. It is also noted that the affordable housing is not currently secured under a s106 agreement.

8.11.23. Taking the above discussion into account, although the provision of discounted market housing which meets the NPPF definition of 'Affordable housing' is a significant benefit of the scheme and is given very substantial positive weight; the amount of positive weight is slightly reduced due to the factors outlined above. Whilst the weight is slightly reduced, it doesn't materially affect the weight to be given to affordable housing which is still very substantial.

#### 8.12. Recent planning decisions of relevance

8.12.1. 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, along with another more recent case at Burston Manor which was approved at appeal. 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 (Ref: 5/2020/1992) in 2021, such that applications at R/O 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. That has been the approach here, and it is found that the circumstances in the current application are fundamentally different to those other applications which were approved, including those approved at appeal.

- 8.12.2. The fundamental difference in this case compared with the aforementioned cases is that this application site at St Stephens Green Farm is an open green field site that is not an 'edge of settlement' site, and which has greater landscape sensitivity and performs a more important Green Belt function than all of the other aforementioned sites. As found when assessed in the previous Green Belt assessment (referenced above):

*Settlement Form:*

*This area is separate from the edge of the settlement and relates more to the wider countryside.*

- 8.12.3. The other sites where housing was recently approved in the Green Belt, either by the Council or at appeal, were 'edge of settlement' sites where the harm caused to the function of the Green Belt and its openness was less than would result from the construction of the proposed housing development at the more open St Stephens Green Farm site; which lies within open countryside.
- 8.12.4. Therefore, the circumstances in this case are fundamentally different to those cases where housing was recently approved in the Green Belt, either by the Council or at appeal, and it is considered that those approvals do not set a useable precedent for approval in this case, and at this site.

8.13. Other matters including matters raised by objectors/in consultation responses

- 8.13.1. Most of the issues raised in representations have already been covered in this report. Those that have not been are set out below.
- 8.13.2. Flooding: The site is located in Flood Zone 1, which is land at lowest risk of river flooding, but there is a variable risk of groundwater flooding ranging from low to high. A submitted Flood Risk Assessment (FRA) recommends that, as there is a risk of flooding from surface water (pluvial) sources, where flood depths could be up to 0.3 m in depth: Finished Floor Levels (FFL) of the proposed developments affected (five residential plots in the north western corner) should be set at least 0.3 m above surrounding ground levels and ground levels should aim to slope away from buildings; Ground levels should be designed to channel any overland flows from off-Site away from the development and Site drainage systems; and regular maintenance of drains and culverts should be undertaken to reduce flood risk. Although the final layout would only be known at Reserved Matters stage, it is considered that suitably worded conditions could be added to a grant of planning permission to secure further details, such that risks of flooding could be suitably mitigated.
- 8.13.3. Drainage: A submitted Sustainable Drainage Assessment includes an indicative sustainable drainage systems (SuDS) scheme layout including drainage pipe layout, swales and attenuation / infiltration basins in the lowest part of the site. The

County Council as Local Lead Flood Authority (LLFA) raised an initial objection but following receipt of Addition Information of a Sustainable Drainage Assessment the proposed development would be now considered acceptable in this regard subject to a planning condition that no development be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority.

- 8.13.4. Security: The comments of Hertfordshire Constabulary are noted, and further details in relation to security would be forthcoming at Reserved Matters stage.
- 8.13.5. Contamination: The Council's Contaminated Land Officer, Affinity Water and the Environment Agency offer no objection, and suitably worded conditions could be added in the event of approval to mitigate potential impacts in this regard.
- 8.13.6. Wider Environmental Impacts: A number of objections reference increased carbon footprint, impact on global warming, 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. If approved, various measures to secure environmental mitigation or enhancement could be secured by condition or s106 agreement.
- 8.13.7. Air Quality: Noting the comments of the Environmental Compliance officer, based on the submitted Air Quality Assessment report air quality is not considered to represent a planning constraint in this case.
- 8.13.8. Noise: Further details would be provided at Reserved Matter stage in relation to the proposed housing, and conditions could be added in this regard.
- 8.13.9. 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 inasmuch as they enable a decision to be made; albeit the conclusions of some relevant documents are not accepted, as set out in Discussion above.
- 8.13.10. Objections have been received referencing cumulative impacts of this proposal and the current Outline residential proposal for land to the south of Chiswell Green Lane, Ref: 5/2022/0927 (see planning history section above). Furthermore, the Local Highway Authority identify potential issues relating to the incompatibility of the access points for the 2 schemes as currently shown in the relative applications' drawings. However, the referenced application for the site to the south is currently pending and the outcome of the application is unknown. The current application at St Stephen's Green Farm site is assessed on its merits and the proposals at the site to the south are not currently given significant weight in this report recommendation.
- 8.13.11. Path Design: The concerns raised by the Ramblers and others in relation to the footpath improvements, particularly that if use is shared between pedestrians and cyclists the paths should be made wider, are noted. In the event of approval, proposals for the improvements to the local paths network would be required, which would be subject to agreement.
- 8.13.12. Active Design: The comments of Sport England are noted, where 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.

- 8.13.13. Other Conditions requested by Consultees: The conditions requested in consultation responses of the HCC Water Officer (in relation to provision and installation of fire hydrants), HCC as Waste Planning Authority (for a Site Waste Management Plan) and Thames Water (in relation to foul water capacity, development and infrastructure phasing plan and foul water network upgrades) are noted; and suitably worded conditions in these regards could be added in the event of approval.
- 8.13.14. 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 conditions where relevant; and environmental and highway impacts are covered under non-planning legislation in these regards.
- 8.13.15. Objections relating to the memorial park: Objections on grounds that the indicatively proposed memorial park would be out of character, that it is a cover to justify the development or and that there is no military history, are noted. However, it is also noted that the memorial park is shown indicatively only and details of the park would be provided at Reserved Matters stage, and although it is seen as a potential benefit to the scheme, its positive weight is not sufficient to decisively weigh in the planning balance such as to lead to a recommendation for approval; as set out below.
- 8.13.16. Objections on grounds of loss of property values are noted but this is not a material planning consideration.
- 8.13.17. Objections on grounds of lack of pre-application consultation with local residents are noted, and although this is generally recommended it is not a requirement, and statutory publicity requirements for the application were met by the Council.
- 8.13.18. The representations in support are noted, and the very substantial benefits of the proposed housing are considered in the planning balance.
- 8.13.19. Special Area of Conservation: The Council was advised on 14th March 2022 by Natural England and Dacorum Borough Council about damage to Chilterns Beechwoods Special Area of Conservation (CBSAC). The sites, impacted by high visitor numbers, are Ashridge Commons and Woods, and Tring Woodlands. The CBSAC is in Dacorum, however, there is an impact on St Albans District through an area known as a Zone of Influence (ZOI). This takes in some of the western parts of St Albans District including Redbourn. The CBSAC has legal protection which requires tests to be met before planning approvals, which could impact on the areas, are made by the Council in the ZOI. The ZOI impacts on the Council's ability to grant planning permission for additional housing within the zone, and would be in place until an interim strategy on mitigating the impacts of such developments on the Chiltern Beechwoods is agreed. However, the current application site lies outside the ZOI and this matter is therefore not considered to be material to the determination of this application.

#### 8.14. Planning Balance

8.14.1. 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."*

8.14.2. 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.

8.14.3. 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.

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

- the impacts on the spatial and visual openness of the Green Belt – significant harm;
- the site being open and of higher landscape sensitivity than other potentially more suitable sites that may be considered 'settlement edge' sites (this site is not considered to be 'settlement edge') – significant harm;
- the site being found to perform well against the Green Belt purposes of preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment; and limited and significant harm respectively being found to result in relation to these purposes – substantial harm;
- loss of high-quality agricultural land – some limited harm; and
- impacts on landscape character and appearance – significant harm.

8.14.5. The above harm is considered to unavoidably result from the proposed development of up to 330 houses at this site, and cumulatively amounts to very substantial harm.

8.14.6. The 'other considerations' weighing in favour of the development consist of:

- The provision of up to 330 affordable housing units, which would contribute very significantly to meeting a pressing identified need for affordable housing in the District, including the potential for provision of self-build plots. Very substantial positive weight is given to this provision.
- Potential for provision of a significant area of public open space and a new public footpath, which are seen as benefits of the scheme (other landscaping and open space would be considered to mitigate impacts only and so are not seen as benefits which would weigh positively in this balance). Some limited positive weight is given to this provision.

- 8.14.7. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is not clearly outweighed by other considerations.
- 8.14.8. There is also harm identified in relation to impacts on social and physical infrastructure through lack of a s106 agreement, to which significant weight is given. The lack of a section 106 agreement is therefore a further reason for refusal. However, if Members disagreed with the officer recommendation and considered that permission should be granted, this matter may be capable of being resolved.
- 8.14.9. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

### Conclusion

- 8.14.10. 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 do not 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 do not exist. As such, the proposed development is not in accordance with the relevant provisions of the St Albans District Local Plan Review 1994, the St Stephen Parish Neighbourhood Plan and the National Planning Policy Framework 2021, and planning permission should be refused.

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

- 9.1. The strong objection of the Parish Council on grounds of inappropriate development where the harm outweighs the benefits is reflected in the officer recommendation to refuse. The matters raised in the Councillor call-in if minded to grant are addressed in the above Discussion section.

## **10. Reasons for Refusal**

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.

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.

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**RECOMMENDATION:** Refusal

**Decision Code:** R1

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## **11. Reasons for Refusal**

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 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.

## **12. Informatives:**

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraphs 39-46 of the NPPF. The applicant did not engage in pre-application discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information: Planning Statement, Affordable Housing Needs Assessment, Affordable Housing Statement 21086 001 Rev B, 21086 002 Sht 1 – Stanley Avenue, 21086 Sht 2 – Watford Road, 21086 TK01 Rev A, 21086 TK02 Rev A, TSA-21-1163/201, TSA-21-1163/202, TPP/LCGLSAH/010 A, Agricultural Land Classification Report, Air Quality Assessment, Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement, Design and Access Statement, Draft Proposed Heads of Terms for a Section 106 Agreement, Ecological Appraisal, Flood Risk Assessment, Desk Study and Preliminary Risk Assessment, Landscape and Visual Impact Assessment Rev A, Outline planning noise assessment for a proposed residential development, Statement of Community Involvement, Sustainable Drainage Assessment, Transport Assessment, Residential Travel Plan and Utilities Assessment received 16/11/2021; Site Location Plan Rev D and Indicative Proposed Site Layout – Rev C received 23/11/2021; Errata to Planning Statement received 25/11/2021; Agent Response – Minerals received 18/01/2022; Agent Response – Sport England received 19/01/2022; Agent Response – Heritage and agricultural use received 21/01/2022; Agent Response – HCC Landscape and Agent Response – Archaeology received 27/01/2022; Addison Park Opinion Final CT SADC, Agent Email to Councillors 23<sup>rd</sup> March, ‘Addison Park Why Are You Being Asked’ leaflet, Extracts from emails between officers and Agent, Rebuttal of Officers Report received 23/03/2022; Minerals Resource Assessment received 25/04/2022; Transport Assessment Addendum June 2022 received 23/06/2022; and Sustainable Drainage Assessment received 06/07/2022.

## **LOCAL GOVERNMENT ( ACCESS TO INFORMATION ) ACT 1985**

<b>Officer</b>	<b>Andrew Wright</b>
<b>Section 65 Parties</b>	Hertfordshire County Council
<b>Plans on website</b>	<a href="https://www.stalbans.gov.uk/view-and-track-planning-applications">https://www.stalbans.gov.uk/view-and-track-planning-applications</a>