

Main Statement of Common Ground between

Headlands Way Limited and St Albans City and District Council

Land north of Chiswell Green Lane, Chiswell Green, St Albans, Hertfordshire

SACDC Ref: 5/2021/3194

Planning Inspectorate Ref: APP/B1930/W/22/3312277

Outline application (access sought) for the 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 highways works including new foot and cycle path and works to junctions.

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November 2022



MRP Planning, 10 Orient Close, St Albans, Hertfordshire AL1 1AJ

5 List of any new plans not seen prior to commencement of Appeal

- 5.1 Site Location Plan Rev. E
Indicative Proposed Site Layout Rev. D

6 Relevant Planning History

Application Site

- 6.1 Ref: 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.
- 6.2 Ref: 5/2016/3787 - Erection of agricultural barn – Conditional Permission – 10/02/2017.
- 6.3 Ref: 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.
- 6.4 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

Relevant Green Belt Decisions in the District

- 6.5 Ref: 5/2018/1324 – Land to rear of Burston Nurseries. Refused by the Council. Dismissed at Appeal, APP/B1930/W/19/3235642, 09/01/20
- 6.6 Ref: 5/2020/1992 – Bullens Green Lane. Not-Determined by the Council. Allowed at Appeal, Ref: APP/B1930/W/20/3265925, 14/06/21
- 6.7 Ref: 5/2020/3022 – Land to rear of Burston Nurseries. Refused by the Council. Allowed at Appeal, Ref: APP/B1930/W/21/3279463, 31/01/22
- 6.8 Ref: 5/2021/0423 – Land to rear of 111-156b Harpenden Road. Granted Conditional Permission by the Council on 26/07/21 subject to the completion of a S106 (completed 12/01/22).
- 6.9 Ref: 5/2021/2730 – Land off Orchard Drive, Park Street. Granted Conditional Permission by the Council on 20/12/21 subject to the completion of a S106 (completed 16/06/22).

Relevant decision-making

- 6.10 In respect of major schemes, the Council continues to measure the quality of its performance against guidance revoked in England in 2014. At the Planning (Development Management) Committee at which

the Application was Refused, Item 7 saw the Council assess its decision-making performance against DoE Circular 22/80, a measure that was replaced in England over 8 years ago and now only applies in Wales. The evidence demonstrates that the Council's decision-taking performance is worsening.

7 List of the most important development plan policies

7.1 1994 Local Plan

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

7.2 The St Stephen Neighbourhood Plan

- S1 Location of Development
- S2 Dwelling Mix
- S3 Character of Development
- S5 Design of Development
- S6 Minimising the Environmental Impact of Development
- S7 Protecting Natural Habitats and Species
- S10 Green Infrastructure and Development
- S11 Improvement to Key Local Junctions and Pinch Points
- S12 Off-Street Car Parking
- S13 Bus Services and Community Transport
- S14 Provision for Walking, Cycling and Horse-Riding

- S15 Improving the Bridleway Network
- S16 Community Facilities
- S17 Leisure Facilities for Children and Teenagers
- S24 Broadband Communications

7.3 The Hertfordshire Minerals Local Plan 2007

8 Other relevant planning policy/guidance/material considerations

Policy

8.1 The National Planning Policy Framework, July 2021

Guidance

8.2 Planning Practice Guidance, online resource published March 2014 and updated since

8.3 St Albans Council Design Advice Leaflet No. 1, 1998

8.4 St Albans Council Revised Parking Policies and Standards, January 2002

8.5 St Albans Council Affordable Housing – Supplementary Planning Guidance, March 2004

Other material documents

8.6 Annual Monitoring Report, December 2022

8.7 St Albans Housing Delivery Test Action Plan, December 2021

8.8 SW Hertfordshire Local Housing Needs Assessment, GL Hearn, September 2020

8.9 St Albans Corporate Plan 2022-2027

8.10 The Draft Housing Strategy

9 Areas where the parties are working together

9.1 The Draft Section 106 Agreement. This includes

10 Areas of agreement and disagreement

10.1 The Guidance suggests that the areas of agreement and disagreement should be set out in a Table: please see below.

Table of Agreements and Disagreements

| | | COMMENT |
|--|----------|--|
| GREEN BELT | | |
| The Appeal Site is entirely within the Green Belt | AGREE | |
| The Appeal proposal is inappropriate development for which Very Special Circumstances are required | AGREE | |
| Substantial harm caused by way of inappropriateness | AGREE | |
| Substantial harm caused by loss of openness | AGREE | The level of harm is disputed. |
| Level of harm to Green Belt purposes | DISAGREE | The Council doesn't support the findings of the LVIA (UBU Design). |
| Level of harm to visual amenity | DISAGREE | In February 2022, the Council explained that it considered Spatial Planning's reliance on the Review relevant in Recommending Refusal. |
| It is appropriate to rely on the SKM Green Belt Review in decision-making | DISAGREE | The Appellant's Legal Opinion is that such reliance is inconsistent and may be unlawful. |
| | | |
| HOUSING | | |
| The latest calculation of deliverable housing sites is 2.2 years | AGREE | |
| The latest measure of local housing needs is the GL Hearn study for SW Hertfordshire, September 2020 | AGREE | |
| The 2004 Affordable Housing SPG defines Key Workers | AGREE | |
| The Council signed the Armed Forces Covenant in 2011 (re-signed 2021) | AGREE | |
| The Council has never measured the housing need of Key Workers | AGREE | |
| There is no Adopted Policy which sets an Affordable Housing contribution for large sites in the Green Belt | AGREE | |
| There is no Adopted Policy or Guidance which sets how a contribution of affordable housing should be split between tenures | AGREE | |
| There is no Adopted Policy or Guidance which supports one form of affordable housing over another | AGREE | |
| A scheme for 100% Key Worker housing is contrary to Para 63 of the NPPF | DISAGREE | The Appellant submits that Para. 63 is a district-wide concept for Plan Making not decision-making on individual applications. |
| DESIGN AND AMENITY | | |
| Any concerns over design and amenity could be addressed at the Reserved Matters stage | AGREE | |
| MINERALS | | |
| Suitable Conditions in respect of mineral extraction may be applied | AGREE | |
| LOSS OF AGRICULTURAL LAND | | |
| Harm will be caused by the loss of such land | AGREE | |
| The degree of harm | DISAGREE | |
| ECOLOGY | | |
| The site is of no or little ecological interest | AGREE | |

| | | |
|---|----------|--|
| ARCHAEOLOGY | | |
| Any potential harm can be mitigated by Conditions and further details at the Reserved Matters stage | AGREE | |
| HIGHWAYS AND SUSTAINABLE TRANSPORT | | |
| The Highways Authority has no objection, subject to suitable Conditions and Obligations. | AGREE | |
| FLOODING | | |
| This issue can be dealt with by way of suitable Conditions | AGREE | |
| SUSTAINABLE DRAINAGE | | |
| The issue can be dealt with by way of suitable Conditions | AGREE | |
| SECURITY | | |
| Will be subject to further consideration at the Reserved Matters stage | AGREE | |
| CONTAMINATION | | |
| The issue can be dealt with by way of suitable Conditions | AGREE | |
| AIR QUALITY | | |
| Generates no constraints | AGREE | |
| NOISE | | |
| The issue can be dealt with by way of suitable Conditions | AGREE | |
| ACTIVE DESIGN | | |
| An issue for the Reserved Matters stage | AGREE | |
| BIODIVERSITY NET GAIN | | |
| An issue that can be finalised at the Reserved Matters stage | AGREE | |
| LANDSCAPE | | |
| The Site is not within a "Valued" Landscape | AGREE | |
| PLANNING BALANCE | | |
| The Planning Balance demonstrates that Very Special Circumstances exist | DISAGREE | The Council considers the other considerations do not outweigh the principle of harm and other harm and so "very special circumstances" do not exist. The Appellant submits that the Council has exaggerated the harm and underplayed the other considerations: and that "very special circumstances" do exist. |

11 List of possible conditions

- 11.1 The parties will work together to provide a list of conditions ahead of the Inquiry, indicating areas of agreement and disagreement between the parties.

12 Statement of compliance with statutory and policy requirements

- 12.1 To follow.

13 Draft Heads of Terms for Section 106 Agreement

- 13.1 The latest iteration and correspondence are included with the Appeal Documents.

14 List of Core Documents

Original Application Documents:

- 4.1 Affordable Housing Needs Assessment
- 4.2 Affordable Housing Statement
- 4.3 Agricultural Land Classification
- 4.4 Air Quality Assessment
- 4.5 Application Form
- 4.6 Arboricultural Report
- 4.7 Design & Access Statement
- 4.8 Draft S106 Heads of Terms
- 4.9 Ecology Appraisal
- 4.10 EIA Screening Decision Ref: 5.2021.2520
- 4.11 Flood Risk Assessment Part 1
- 4.12 Flood Risk Assessment Part 2
- 4.13 Geoenvironmental Preliminary Risk Assessment Part 1
- 4.14 Geoenvironmental Preliminary Risk Assessment Part 2
- 4.15 Geoenvironmental Preliminary Risk Assessment Part 3
- 4.16 Geoenvironmental Preliminary Risk Assessment Part 4
- 4.17 Landscape and Visual Impact Assessment
- 4.18 Local Requirements Checklist
- 4.19 Noise Assessment
- 4.20 Planning Application Plans
 - 4.20.1 Existing Site Plan

- 4.20.2 Indicative Proposed Site Layout Rev. B - Superseded
- 4.20.3 Site Location Plan Rev. C - Superseded
- 4.21 Planning Statement
- 4.22 Site Photos
- 4.23 Statement of Community Involvement
- 4.24 Sustainable Drainage Assessment
- 4.25 Topographical Survey
- 4.26 Transport Assessment Part 1
- 4.27 Transport Assessment Part 2
- 4.28 Transport Assessment Part 3
- 4.29 TA Plans:
 - 4.29.1 Proposed Access Arrangements Ref 21086 001 B
 - 4.29.2 Proposed Foot Cycle Enhancements Sheet 1 Ref 20108 002
 - 4.29.3 Proposed Foot Cycle Enhancements Sheet 1 Ref 20108 002
 - 4.29.4 Swept Path Analysis Fire Tender Ref 21086 TK0 A
 - 4.29.5 Swept Path Analysis Refuse Vehicle Ref 21086 TK1 A
- 4.30 Travel Plan Part 1
- 4.31 Travel Plan Part 2
- 4.32 Tree Protection Plan
- 4.33 Utilities Assessment Part 1
- 4.34 Utilities Assessment Part 2
- 4.35 Utilities Assessment Part 3

To make Valid:

- 4.36 Plans:
 - 4.36.1 Indicative Proposed Site Layout Rev. C - Superseded
 - 4.36.2 Site Location Plan Rev. D – Superseded

Additional/Amended Reports and/or Plans Submitted after Validation

- 4.37 Errata to Planning Statement
- 4.38 Legal Opinion of Mr Paul Stinchcombe KC
- 4.39 Leaflet for Planning Committee Councillors
- 4.40 Rebuttal of Officer Report sent to Councillors
- 4.41 Emails referred to in CD 4.39 and 4.40
- 4.42 Minerals Resource Assessment
- 4.43 Sustainable Drainage Assessment Revised

- 4.44 Transport Assessment Addendum
- 4.45 TAA Plans:
 - 4.45.1 Proposed PRow Improvements Ref 21086 003
 - 4.45.2 Proposed PRow Upgrades Ref 21086 004
 - 4.45.3 Proposed Memorial Car Parking Allocation Ref 21086 005
 - 4.45.4 Proposed Pedestrian Cycling Upgrades Toucan Crossing Ref 21086 006
- 4.46 Submission re: The St Stephen Neighbourhood Plan
- 4.47 Final Plans
 - 4.47.1 Indicative Proposed Site Layout, Rev. D
 - 4.47.2 Site Location Plan, Rev. E

Other Documents

- 4.48 Officer Report, October 2022
- 4.49 Spatial Planning recommendation to refuse
- 4.50 Officer Report, March 2022
- 4.51 Officer Report, August 2022
- 4.52 Proof of Evidence of Mr Shaun Greaves of GCCP Town Planning Consultants, 2019
- 4.53 Proof of Evidence of Mr Shaun Greaves of GCCP Town Planning Consultants, 2021
- 4.54 Decision Notice
- 4.55 Statement of Case
- 4.56 Draft Statement of Common Ground
- 4.57 Officer Report Ref: 5/2021/2730 – Land off Orchard Drive, Park Street. Granted Conditional Permission by the Council on 20/12/21 subject to the completion of a S106.Preface
- 4.58 LVIA for Sewell Park
 - 4.58.1 LVIA for Sewell Park, Part 1
 - 4.58.2 LVIA for Sewell Park, Part 2
 - 4.58.3 LVIA for Sewell Park, Part 3
 - 4.58.4 LVIA for Sewell Park, Appendices
- 4.59 Officer Report Ref: 5/2021/0423 – Land to rear of 111-156b Harpenden Road. Granted Conditional Permission by the Council on 26/07/21 subject to the completion of a S106 (completed 12/01/22).
 - 4.59.1 Preface
- 4.60 South West Hertfordshire Local Housing Needs Assessment (GL Hearn, Sept. 2020)
- 4.61 The Council's Decision-Making Performance
- 4.62 Different Approach to Similar LVIA's
- 4.63 Haringey Council Housing Needs Assessment, Fordham Research, 2007
- 4.64 St Albans City and District Council, Future Housing Targets, Fordham Research 2011
- 4.65 Bullens Green Lane SoCG

- 4.66 LPAG Work Programme June 2022
- 4.67 LPAG Work Programme September 2022
- 4.68 Keep Chiswell Green submission
- 4.69 Draft S106 Agreement, September 2022
- 4.70 Spatial Manager at LPAG Jan 2022
- 4.71 Notification of Intention to Appeal
- 4.72 Written Ministerial Statements and PPG on unmet need and Very Special Circumstances
- 4.73 Third Party Comments
- 4.74 Draft Housing Strategy
- 4.75 Corporate Plan 2022-2027

Signatures

Signed on behalf of McPartland Planning Limited



Brian Parker, Director

Planning Consultant for Headlands Way Limited

Date 2A/03/23

Signed on behalf of St Albans City and District Council

Stephen Connell


Stephen Connell (0203 8751)

Stephen Connell, GC Planning Partnership Ltd,

Planning Consultant for St Albans City and District Council

Date 20/03/2023