

[00:00:00] Which is the outline application at Chisel Green Lane. So can I ask the officer to present the case to us, please? Thank you, Chair. Let me just share my screen. This slide shows the application site which is outlined in red. As this is an outline application, it is accompanied by a number of parameter plans which would control the nature of reserved matters applications, a condition requiring the development to be carried out in accordance with the submitted parameter plans is proposed at page 135 of the officer's report. This slide shows the proposed land use parameter plan with the residential area shown in orange green infrastructure shown in green and land for a new two form entry primary school in the north west of the site shown in pale blue. As this plan shows, the proposals comprise the provision of residential development and land for a new primary school set amongst green infrastructure, including a landscape buffer along the western boundary. This slide shows the building height parameter plan. Orange indicates dwellings of up to 2.5 stories with a maximum height of 9.8m. Red indicates dwellings of up to three storeys with a maximum height of 11.6m and yellow. Indicates the land for a new two form entry primary school, which would be up to two stories with a maximum height of 11m. This slide shows the Access and Movement parameter plan, which highlights the site access points and the indicative routes through the site. The thicker red lines show the indicative primary routes. The dashed blue lines show the indicative secondary roads and the dashed green lines show the indicative pedestrian and or cycle routes. The proposed development is split into two land parcels, one in the north and one in the south. As this plan shows, there is no vehicular connection between the north and south of the site. But there is pedestrian and cycle routes through the green infrastructure area. This panel also shows the location of the proposed site access points as follows. In terms of the northern parcel of land, two vehicular accesses are proposed via Chiswell Green Lane, a main access to the east and a secondary access to the west, which would also provide pedestrian and cycle access. In terms of the southern parcel of land. A vehicular access into the site via Forge end is proposed shown in the east of this plan, while a further pedestrian and cycle access is proposed via forge end in the Southeast. A further pedestrian and cycle access into the site excuse me into the southern parcel of land is proposed via a long fallow in the south east of this plan. This would also provide emergency vehicle access into the site. This slide shows the illustrative master plan, which has been submitted for illustrative purposes only and is not for approval. The plan shows how the proposed development could come forwards as shown in this plan, the previous and the previously displayed land use parameter plan. The proposed development is centred around a green core, which is a publicly, publicly accessible, open space. This slide shows the two vehicular accesses into the northern parcel of land from Chiswell Green Lane. This plan also shows that the proposed widening of the Footway on the north of Chiswell Green Lane to three metres and the creation of a shared pedestrian and cycle route to Watford Road to the east. This slide shows the proposed vehicular access into the southern parcel of land via Forge end. The plan on the left of this slide shows the proposed pedestrian and cycle access from the southern parcel of land into Forge End. The plan notes that that a removable bollard would be provided to prevent general vehicle access but allow maintenance access. The plan on the right of this slide shows the proposed pedestrian and cycle access and emergency vehicle access to into the site via long fallow. Removable bollards would be provided at the entrance to prevent general vehicular access. This photo shows the existing Chiswell Green Riding School site located in the northwest of the application site. This is a view of Chiswell Green Lane facing southwest towards the application site. This photo shows some of the existing Chiswell green farm buildings in the northeast of the application site. This is a view taken from the north of the site at Chiswell Green Lane facing southeast. This slide shows the location of the proposed vehicular access from the south of the site onto Forge End. This slide shows the location of the proposed pedestrian access and cycle access from the south of the site onto end. This slide shows the location of the proposed pedestrian and cycle access and emergency vehicle access from the south of the site via Longfellow. Finally, this slide shows an aerial image of the site, which shows the site is separated into four distinct fields by trees and has a generally vegetated

boundary. There's a few items to update members with. Since the publication of the report, there has been a representation received from Hertfordshire Constabulary, the East of England Ambulance Service and the Hertfordshire and West Essex Integrated Care Board, stating they have no further comments to make on the application. There have been late representations raised by a number of addresses that are already quoted in the officer's report, as well as the following addresses that are not listed in the report. Two way Stanley Avenue in Saint Albans. Two four trees in Saint Albans and four four acres Walk in. Hemel Hempstead. These stations do not raise any new material planning considerations that have not already been addressed in the officer's report, and no further comment from officers is required. Part B of the recommendation that page six of the officer's report would allow three months for the completion of the Section 106 agreement if planning permission is granted. However, due to the delays in the Section 1 to 6 process, with all the stakeholders involved, officers recommend that this period should be extended to allow six months for the completion of the Section 106 agreement. Policy. 65 of the Saint Albans districts local plan review has been omitted from the policy list at page 94 of the officer's report. But for the avoidance of doubt, the proposed development complies with the requirements of Policy 65 insofar as they relate to an outline application as demonstrated within the officer's report. Officers feel that we should refer the application to the National Planning Casework Unit as this has been the approach taken under the greenbelt sites in the past and it is considered to be the most robust position. Therefore taking the report and plans as read. It's recommended to approve subject to the completion of a section 1.6. Payment for the reasons set out at section ten on page 134. Thank you, Chair. Thank you very much, Mr. Burgess. So we have a number of speakers on this application, so please, can I first call Mr. Griffiths of Chisel Green? If you come to the podium in the front here, Mr. Griffiths, you have three minutes from when you press the microphone button. And again, can I urge people not to cheer and applaud every every statement because it will drag proceedings out. Thank you. I'm a fellow and past president of the Rural Town Planning Institute. I've lived and worked in the Hertfordshire for over 50 years. I represent Chiswell Green and the 98% of local residents who have objected to this application. I think you should refuse it. Why should you go against your officer's recommendation? Because the planning balance between greenbelt harm and exceptional circumstances has not been correctly weighted. The harm to the greenbelt is indisputable. Our photographs, our drone footage show the quality on this site. Your officers have downplayed the ways in which it contributes to greenbelt purposes, referring to urban fringe pressures which compromise its openness. This comes from the 2013 Land Review and a reference to Butterfly World. But this closed in 2015. Enforcement action is now in inaction and seeks to return it to Green Belt. That fact is not mentioned in your report. Traffic is also a material consideration in the planning balance. The transport report that we've produced clearly demonstrates the substantial harm which will result from the traffic generated by this unsustainable development. No weight has been given to the traffic and health implications for the local community, yet substantial weight has been given to a primary school which is clearly not needed and to obstante ated economic benefits. Positive weight has also been given to the destruction of a 14 hectare site of prime green belt and the loss of a 30 year old riding school and livery to be replaced by unsubstantiated biodiversity units and the playground. Insufficient weight has been given to the recently made neighbourhood plan, which allocates land for local needs and shows where green spaces should be protected. This is sufficient for the short term workers in progress on the South West Joint Strategic Plan and your new local plan. Officers cite the balanced Green appeal site and ask you to be consistent. They also advise you that each case should be considered on its own merits. You can do both. Just a few weeks ago, you unanimously refused the application for housing on the polo field. Residents are asking me, How can you possibly allow this proposal on an adjacent site to go ahead? I urge members to refuse this application for the harm it would cause to the greenbelt and its damaging effect on the local community. Keep chisel green. Thank you. Thank you, Mr. Griffiths. Can I now call on Mr. Justin Kenworthy to speak on behalf of the application? Mr. Kenworthy, you have three minutes from when you press the microphone. Thank you, Chair. This site is a previously identified housing allocation supported by the

council's evidence base. This is this is distinctively different from the Polo school application. There are very, very separately separate applications and with different merits. They are very sorry. This application is extremely similar to the Harpenden Road site approved by the committee in January last year. We note the clear and strong recommendation of your professional officers that very special circumstances exist in this case and the benefits of the proposal clearly outweigh the harm. This recommendation, quite rightly considers the Council's evidence base, including the Greenbelt review and the law. The previous decisions of the committee and the key appeal decisions made at Oaklands College, Burstons Nurseries College Heaths son Lane, Calicut. These are all significant material considerations here tonight. The benefits of our proposals are very substantial and include the delivery of much needed homes, including 3% self-build homes and custom build homes. 40% affordable housing comprising social rent, affordable rent, intermediate and first homes. It will also safeguard land for a two form entry primary school. It will deliver three hectares of publicly accessible amenity space and on what was previously or is currently private land. It will deliver 10% biodiversity net gain. It will secure over 400 construction jobs. It will secure over £10 million investment for local community infrastructure and sustainable transport improvements. It will deliver over £12 million of investment into the local economy through local expenditure, council tax and new homes Bonus Scheme. The benefits weigh heavily in favour of this proposal tonight, particularly when considering the Council has an out of date policy position with the second oldest local plan in the country. The Council has only 2.2 years housing land supply. The council is not currently meeting its housing delivery test, thereby triggering the presumption in favour tonight. And the Council has considered considerably sorry underdelivered its housing supply for a long period of time, resulting, unfortunately, in the lack of affordable housing delivery but also grossly inflated housing prices in the district. I live in the district, so I'm aware of all of this. This is all obviously impacting on an entire generation. The approval of our scheme will help the Council overcome the long term issues that I've just mentioned and will strengthen the Council's position in protecting the remaining green belt from other or less sustainable applications. And in terms of the matters raised by the objective Speaker. Only 14% of the council's housing need can actually be delivered on urban area or urban land, thus requiring the greenbelt to be released. There is no objection from national highways. There's no objection from Hertfordshire County Council's Highways team. There have been it has been confirmed by the Hertfordshire County Council that Killara school is fully occupied and therefore there is need for the school land. Thank you. Thank you very much, Kenworthy. Please, can I ask members not to heckle? Or we will have to remove people from the chamber. Okay. I have the right to suspend the meeting and to remove the public if we're going to have any more of that heckling. It's not fair on people who have a different view. We can see in the webcast so we can identify who is heckling. So please just don't do it. It's very discourteous. No, you're not allowed to say anything. You have speakers on your behalf. So please, if I have any more heckling, I will just have to remove the public from the chamber. Thank you. Can I now call Paris Councillor David Yates, speaking on behalf of Saint Stephen's Parish Council. Welcome back, David. You know the procedure. You have five minutes to address the committee. Good to be back. Councillors, since Stephen Parish Council is opposed to this application and supports the objections you've already heard. In particular, it believes that in coming to your decision this evening, you should ignore the response from the spatial planning team. The paragraphs are referring to the Greenbelt Review in the discussion section of the report and the planning judgement that draws upon them. There are more than 20 references to the review in the report before you, including the significant claim that it is considered that the Greenbelt Review is material insofar as it assesses sites against greenbelt purposes. The six pages from the council's spatial planning team in the report give the impression that since the review the council has intended that this area greenbelt should be built upon. There is, however, a short closing sentence six pages. In reading. In totality, it is considered that this recommendation is neutral. Despite that ten word disclaimer, the report does not treat the review as neutral in paragraph 8.3. 16 for example, it states. It is noted that in two relevant recent appeal decisions for applications five, 20, 20, 1992 and five 2021 0423 The

inspector did have regard to the Greenbelt review when assessing the proposals against greenbelt purposes, taking those in turn in a decision on the first appeal, Inspector Masters notes. Given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of greenbelt. When compared to the appeals site, there was no appeal in relation to the second application, so it's misleading to suggest that had there been one, an inspector would have had regard to the review. There are, however, a few statements from the planning inspector and the council's own officers that do have regard to the review and underline the importance of ignoring it. Inspectors Crosby and Worthington, who rejected the council's latest local plan, wrote in their letter to the council. Smaller sites have been disregarded as part of the plan making process. It is our view that this approach has ruled out an important potential source of housing that may have been found to have a lesser impact on the purposes of the greenbelt than the sites selected without sufficient justification. Tracy Harvey was very clear in her advice to the Planning Policy Committee in February 2021. Members need to remember that those eight broad locations, they're no longer in existence because they were in the old withdrawn local plan. Chris Briggs advised the local Plan Advisory group in January 22nd. Regardless of what's been the consideration of land parcels in the past and it will take a new stance on it, every single piece of the now withdrawn local plan has been stripped back. There are no assumptions of it was in the previous local draft plan with this boundary. So therefore, you know, that's a working assumption. That's okay. Absolutely not. Since Stephen Parish Council suggests that you follow the advice from the Planning Inspectorate, Tracey Harvey and Chris Briggs, and ignore the comments about the review and the contribution to the planning balance drawn from it. You are then left with a very similar application to the adjacent one at adjacent park, which this committee recently refused in some respect, such as affordable homes provision. This application is considerably less attractive than the refused Addison Park scheme. Whilst every application needs to be determined based on its merits, consistency of decision making is vitally important in planning. That reason alone is sufficient to make it preferable that this application is refused. Of graver concern, however, and making it imperative that this application is refused is the wider unbalanced nature of the report in front of you. Lady Hale observed in a Supreme Court judgement in 2011, Democratically elected bodies go about their decision making in a different way from courts. They have professional advisers who investigate and report to them. Those reports obviously have to be clear and full enough to enable them to understand the issues and make up their minds within the. That the laws allowed them. Lord Justice Lindblom addressed reports in a judgement in 2017. The question for the court will always be whether, on a fair reading of the report as a whole, the officer has materially misled the members on a matter bearing upon their decision. If the advice in the officer's report is such as to misdirect the members in a material way so that but for the flawed advice it was given, the committee's decision would or might have been different. The court will be able to conclude that the decision itself was rendered unlawful by that advice. Saint Stephen Parish Council believes that the report before you is misleading and five minutes after the application. Thank you very much, Councillor Yates. Can I now call District Councillor Giles Frye to the podium? Council. Frye. You have five minutes to address the committee. Thank you, Chair, Councillors, officers and also members of the 683 households that have actually lodged their objections to this particular planning application. There are in fact around about 1100 homes in this particular area, so you can do the maths. It's the majority of people within this area are saying no to this particular development because of the potential harm to this community. So here we go again. I thought we had set a precedent with the polo field, which was a very similar and reflective area to the other side of Chiswell Green, 330 houses, which were subsequently and unanimously objected to and refused at this particular committee. This application hinges on three things whether to build on the greenbelt in the first place, special circumstances and the weighting given to certain elements. My firm belief is that the harm outweighs the benefit. Let's be clear the ridiculous and dated method by which housing targets are set by government hell bent on delivery cannot be at the destruction of

what the local community holds dear. I am very mindful that housing is required, but there are other areas where we could deliver up to 11,000 houses of various sizes. These developments negate the need for this application to have special circumstances to build on the green belt. The Saint Stephen's Neighbourhood Plan, Section 3.2 has three visions for Saint Stephen's. It's protecting the green belt from inappropriate development, putting green and open spaces, trees and woodlands at the heart of planning and ensuring any development is sustainable. I turn my attention now to the National Planning Policy framework. It hinges on two paragraphs 147 and 148 harmful to the green belt. Very special circumstances and clearly outweighed by other considerations are the main phrases that you need to look at. The highways feedback in this particular report is a little bit tenuous. The traffic situation with 391 houses with perhaps approximately 600 cars only has a 20.1 peak time impact. The report suggests long fallow and forge end would be at a complete standstill during peak hours. There were 42 objections around highways and transportations in the objections. There was also in section 5.2. ten concerns over the M25 slip road, but with no surveys carried out. Highways permitted the scheme based on several transportation improvements, including issuing new households with bus vouchers. The proximity and cost of this particular development is for profit and not for the community. Much of Saint Stephen's parish lies within the green belt and there's a special consideration for village to village coalescence and has to be avoided. The average property prices Saint Albans, based on 2018 figures £555,000 in Chiswell Green, that rises to 590. And if you take the cost of living with the interest rate hikes, you could approximate anywhere between 700 and £750,000 for a house in this particular development. And will the developer achieve their 40% social housing target in these difficult financial times? The development in the Elephant and Castle only achieved a fraction of their original social housing target. The application also promotes houses for the military. And of course, if you're up to date with your military, the nearest significant base is the third Battalion, the Royal Anglian Regiment, based in Bury St Edmunds. So let's talk about the new primary school. So as well as being a councillor, I'm also chair of governors at Killebrew. This year we had 34 children in our two form entry school that has a capacity of 60 children. This 26 child gap poses all sorts of financial pressures on the school and we'll continue to do so for seven years. We are in a birth dip at the moment. When the rate goes up, we have the capacity and space to increase year groups to a three form entry, as we have done six years ago. An additional primary school would put pressure on all our primary schools in the area, including Park Street. Harwood And pray. Wood. Put simply, we simply don't need another school in this area. It's all part of the smoke and mirrors tactics that a developer is employing and should diminish the weighting away from special circumstances. 8.7.9 of the report. The proposition the provision for land for a new two form entry primary school is therefore afforded substantial positive weight. And I strongly agree with this. I respect the work of the experience and council officers led in this planning application. But the community has sent a very clear message which is fully supported by material circumstances, both in the Saint Stephen's Neighbourhood Plan and the National. Policy framework. Please do not set any more precedents. Use your vote wisely this evening and please refuse this application. Thank you very much, Councillor Frey. Okay, so we've heard the officers presentation, we've heard speakers for, against and to local councillors. Now is the committee's chance to ask the officers any technical queries or questions they may have on the report. So if I start with Councillor Mitchell, Thank you. I've got a number of questions, but I'll just start with a general question is how is the harm to the greenbelt against the benefits to the community? How is that actually done? Is there a scientific method to it? Is it done objectively or is it just a matter of opinion of the planning officers? Thank you, George. Uh, it's a planning judgement, essentially. So it's based on the merits of the individual application with all applications decided on their own merits, and then also based on other decision making precedents which have been made in the district. So the weighting given to certain benefits is consistent and and harm is consistent with other decisions which have been made in the district. So there is no methodology then it's applied. It's just you're looking at previous cases as simple as based on professional judgement as well. Right. Thank you. Did you want to ask another question? Sure did. Yeah, I didn't want to jump in before everybody else but the the Green Belt

Review and the SKM report that is referred to quite a lot, as Councillor Yates pointed out. And yet on page 86, it says that it should be noted that the withdrawn local plan has no legal weight. So why are there so many references to the previous plan when we know that there's another local plan coming through now with a new green belt review that may change everything considerably? Who you chat. The wait isn't given to the plan itself. It's given to the evidence base which supports it. So the Green Belt evidence based review, which is quoted several times throughout the report from 2013, that is still a material consideration in the determination of the application. And that is an opinion that's been an approach that's been supported by numerous planning inspectors. And in a recent case in Basildon Council, there's also been an inspector in the last couple of weeks who has confirmed that that is the approach to take, and especially in this case, where the actual green belt, the situation in the green belt surrounding this site hasn't changed significantly since that Green Belt review was undertaken. But we do know that we're looking at sites below 500 now and above 100, I believe. So this could be a quite a lot more sites coming into the equation and they would have to be judged against this site. And obviously, depending on how many houses we actually need to build, we still need to do the assessments on merit, don't we? According to which sites are most appropriate. And we're not at that stage at the moment, as far as I can see. Yeah. So we have to determine the application based on the policy framework that's in front of us at the moment. And at the moment the latest Greenbelt assessment and Greenbelt review is the review from 2013. And so that's a material consideration in determining this planning application. And we can't take into account anything that we think may or may not come forward in the new local plan, as we don't know what the new Greenbelt review will show yet or what any policies in the new local plan will actually be. Can I bring in Councillor Hill first and then come back to Counsellor Mitchell? Thanks, Chair. And that last comment concerns me enormously, actually, because it sort of goes towards the question I was going to ask. I mean, we're aware of the fact that there's a local plan in its development. There's a huge amount of work going into that. And there have been lots of considerations on how that's going to work as it's going to take up some green belt land and some green land a suitable location. After much deliberation, has been identified. Now, we were aware that developers would be probably trying to jump the gun here. And it does feel to me, with things being as close as they are with the with a new local plan being agreed that they've they've started the race before we've started the shot the gun they've gone well let's let's build here but we haven't looked at everything else. We haven't considered how everything else is going to impact. Now you say. That we can't consider something that may or may not happen. Well, the local plan will happen. It's not a matter of it may or may not happen. It will happen. It has to happen. It has to happen in law. Where does it say that we can't consider what is due to happen in the coming years? The application needs to be made on the current framework in front of us in terms of kind of prematurity, which I think is what you're getting at. If you look at paragraph 8.2, point four of the report at page 96, it sets out the approach of the in terms of prematurity and sets out the situations in which an application could be considered to be premature. So you'll see here what to read out. It's in the report of page paragraph eight, .2.4, but essentially sets out where an application could be considered to be premature. But no draft policies for the new local plan have been prepared yet and therefore no weight can be given to them in decision making simply because we don't know what they are going to be yet. Sorry. Have you have that answer to the question? It's not the answer I wanted, but yes, answered the question. Thank you. Can I cancel it? Okay, then cancel it. I'll come back to Councillor Mitchell. One of the key justifications for for saying there's a of the key benefits of the development that justify development on green belt is the provision of the two for mentary primary school. Now from what I'm hearing from a governor of an existing primary school, the net benefits of an additional primary school would be negative rather than positive because it's going to undermine the existing primary school. Why do you really see that as a benefit? Why do you see delivering land that is going to undermine a primary school? Is bringing in actual benefits rather than having a negative effect? For you too. So the application includes land for a new two form entry primary school. The actual primary school isn't included in the application itself, so Hertfordshire

County Council have commented on the application, on the application and said that as the school is it needed at the at the current stage. Instead they want to see the land safeguarded for future, for if the land is needed in the future for to accommodate housing growth essentially, and population growth through that housing growth. So so the land is safeguarded so it wouldn't come forward to undermine an existing school. And as part of the application, a contribution of around £3 million, which is set out at page um, page hundred and 25, so it's 3,000,024. So 3 million, 3 million, £24,011 would be a contribution made towards the expansion of the killer group primary school. So the expansion of that school is supported as mitigation of this application and the land for new school to accommodate future growth is a benefit of the application because it's not directly mitigating the impacts of the development, it goes above and beyond that.

[00:35:14] Thank you. I think it was Councillor Jurassic Councillor Mitchell, then Council leader. Thank you Chair. I've got two questions, if that's okay. One is actually following on on the school. So let's, let's play with that theme in the report. The County Council actually said that they don't know if they actually need a school. They just want to safeguard the land. So why is it that that is a I think in your case, it's in this case, it's the high weight is assigned to that. Wouldn't that be more logical to have that lower weight assigned? That's the first question. Yet the waiting is really a planning judgement. So the land is being safeguarded for a school to accommodate future growth and it's been given substantial weight in this case because of the challenges with finding land for infrastructure and this being a suitable size and meeting other criteria that the county sets in terms of what it looks for in a school. And the county has said that they would like it to be safeguarded for the future. So in that context, it's been given substantial weight in the planning balance. And your second question? My second question is about the Green Belt Review. So if you're saying or if what the report is, say that the new plan doesn't have any implication, any substantial evidence and weight and the old one doesn't have either, why does the old Green Belt review has any material consideration? It doesn't make sense to me. Logically. It's because that's actually the most up to date evidence that's available for the Green Belt Review and for the point I made earlier.