

<b>REGISTERED NUMBER:</b>	5/2021/2730/SSM
<b>APPLICANT:</b>	Mr R James Hilton House Properties
<b>PROPOSAL:</b>	Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works
<b>SITE:</b>	Land off Orchard Drive Park Street St Albans Hertfordshire
<b>APPLICATION VALID DATE:</b>	28/09/2021
<b>HISTORIC BUILDING GRADE:</b>	N/A
<b>CONSERVATION AREA:</b>	N/A
<b>DISTRICT PLAN REVIEW:</b>	Metropolitan Green Belt
<b>WARD</b>	Park Street

<b>RECOMMENDATION</b>	<p>A. That the applicant, within 6 months of the date of this decision, enter into a legal agreement, pursuant to s106 of the Act to secure developer contributions towards: affordable housing (35%), self build housing (1 unit), appropriate financial contributions to play areas, parks and open spaces and leisure and cultural centres; sustainable transport, biodiversity net gain; secondary education; special educational needs and disabilities; library service, youth service.</p> <p>B. That Planning Permission be GRANTED subject to conditions.</p> <p>C. And in the event that the s106 agreement is not entered into by 20 June 2022, grant officers delegated authority to refuse planning permission for the following reason:</p> <p>1. In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of: affordable housing (35%), self build housing (1 unit), appropriate financial contributions to play areas, parks and open spaces and leisure and cultural centres; sustainable transport, biodiversity net gain; secondary education; special educational needs and disabilities; library service, youth service, the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the national planning policy framework, 2021, and policy 143b (implementation) of the St. Albans District Local Plan Review 1994.</p>
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## **1. Reasons for Call in to Committee**

- 1.1. This is an application for major development in the Green Belt for which officers are recommending conditional approval subject to the completion of a s106 Agreement. Each application must be treated on its own merits, however, given the nature of the proposal there could be District wide implications.

## **2. Relevant Planning History**

- 2.1. 5/2018/0509 - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works – refused 12 October 2018:

*1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994. The proposed housing represents an inappropriate development within the Green Belt as set out in the National Planning Policy Framework 2018. The proposed development would have a substantial detrimental impact on the openness of the Green Belt and the purposes of including land in it, due to the presence of up to 30 houses throughout the site, the likely impacts on trees including a woodland TPO, a significant reduction in the landscape belt which would increase views into the site and a significant and harmful impact on both Green belt openness and the visual screening to the edge of the Green Belt currently provided by the tree belt. The potential harm to the Green Belt by reason of inappropriateness and other harm resulting from the proposal, is not clearly outweighed by other considerations sufficient to represent very special circumstances. The development would therefore result in significant and demonstrable harm that would not be outweighed by the stated benefits in this case. The proposal is therefore contrary to Policies 1, 74 and 104 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2018.*

- 2.2. 5/2019/2487 - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works (resubmission following refusal of 5/2018/0509) – withdrawn.

- 2.3. The Meadowside travellers site has been in situ for several decades (since at least 1976).

## **3. Site Description**

- 3.1. The application site is a total of 1.35ha in area and located within the Metropolitan Green Belt, adjacent to residential houses in Chiswell Green. It is separated into 2 rectangular parcels of land, with 'Meadowside' in between, which is in use as a Gypsy and Traveller site. The site is bordered to the north west side by the A405 dual carriageway, to the north east and south east by existing residential development and to the south by Mayflower Road Play Area, and is entirely within the Metropolitan Green Belt. It is currently open and grassed with some mature trees and hedges, particularly to the west and north boundaries. There is a group TPO covering the western part of the northern parcel of land, plus an individual TPO in the south of this parcel. There are public rights of way to the north and south of the site, and running along the North Orbital Road (A405).

## **4. The Proposal**



- Concern that residents leaving the site will not have clear visibility of approaching traffic
- Orchard Drive is a cut through without traffic calming measures and will become even more dangerous.
- Impact on wildlife
- Loss of existing trees and hedges
- Impact on views from houses opposite.
- Noise pollution which existing trees assist with.
- Impact on air quality
- Privacy implications for properties on Orchard Drive
- Meadowside properties not allowed to access onto Orchard Drive for safety reasons. Is this now being overruled.
- Existing drainage problems including raw sewage contaminating local gardens will be exacerbated (this can be verified by Thames Water).
- Emergency and refuse access will be compromised
- Character of dwellings proposed is out of character with surrounding roads
- Disruption during construction
- Overdevelopment – too dense.
- Impact on existing house values.
- Development will exacerbate flood problems.
- Development is in Park Street not How Wood.
- There are more suitable alternative sites that do not destroy green belt land
- Front gardens and direct driveways onto Orchard Drive are not appropriate.
- A better option would be to move the existing park to land opposite Dell Rise and building housing where the current Mayflower Park is would be preferable due to road widths.
- The homes will not be affordable for local people.
- Trees should be planted instead given the Government commitment to net zero and tree planting.

5.3.1. St Albans Cycle Campaign responses 31 October 2021 to state:

*I write on behalf of St Albans Cycle Campaign to support the points made by Phil Escritt, the footpaths secretary of the St Albans district of the Ramblers, in his letter of 29th October 2021.*

*If this development goes ahead, it is essential that Public Footpath PF75 is widened sufficiently to accommodate both people cycling and people on foot. It is an important link to and from Chiswell Green with its shops and other facilities. It is also part of National Cycle Network Route 6, a 400-mile route to the Lake District in Cumbria. Other improvements to cycling facilities in the area are needed and we would be happy to discuss these with the developers and their transport consultants. The simplest and least expensive improvement is likely to be the widening of FP75 to make it suitable for upgrading to a cycle track or bridleway.*

**6. Consultations:**

6.1. Design and Conservation

6.1.1. No response.

6.2. Community Services

- 6.2.1. Response received 2 November, confirming contributions will be sought in line with Policy 143B:

***Planning Obligation Requirements for the Proposed Development***

*The process the Council will use to determine the extent and nature of measures needed to mitigate the anticipated impacts of the proposed development is:*

- *Determine the appropriate basis for contributions. This will be based on the net increase in the on-site population based upon the indicative house type schedule provided with the application.*
- *Determine the types of mitigation that the proposed development may require*
- *Apply the Council's provision standards and /or standard tariffs.*

*This section covers the first and second of these topics while the final section summarises the requested planning obligations.*

<b><u>Net Increase in On-Site Population</u></b>			
<i>The Council will base its calculations for the net increase in on-site population on the following occupancy rates, which are taken from the latest available information development by Hertfordshire County Council.</i>			
<b><i>Dwelling Size</i></b>		<b><i>Occupancy</i></b>	
<i>Dwellings with 1 bedroom</i>		1.5	
<i>Dwellings with 2 bedrooms</i>		1.7	
<i>Dwellings with 3 bedrooms</i>		2.3	
<i>Dwellings with 4 bedrooms</i>		3.0	
<i>Dwellings with 5 or more bedrooms</i>		4.0	
<b><i>Dwelling Size</i></b>	<b><i>No. of Units</i></b>	<b><i>Household Size (People per unit)</i></b>	<b><i>Occupancy</i></b>
<i>1 Bed/Studio</i>	0	1.5	0
<i>2 Bed</i>	5	1.7	8.5
<i>3 Bed</i>	21	2.3	48.3
<i>4 Bed</i>	4	3.0	12
<i>5+ Bed</i>	0	4.0	0
<b><i>Total</i></b>	30	-	68.8

***Infrastructure and Service Requirements***

The residents of different types of dwellings will have different infrastructure and service needs. For example, sheltered housing will not increase the local demand for sports pitches, and 1 bedroom developments will not increase the demand for the provision of play areas. This means that it will not be appropriate for the Council to require developers to make or fund new or enhanced provision for all those forms of infrastructure or services for which it has identified provision standards.

a) *Play Areas*

Based on the Local Plan Policy 143B (see above) the Council will seek to secure planning obligations to improve the play area provision within the vicinity of the development for the purpose of use by residents in the development.

b) *Parks and Open Spaces*

Based on the Local Plan Policy 143B (see above) the Council will seek to secure planning obligations to improve the park/open space provision within the vicinity of the development for the purpose of use by residents in the development.

c) *Leisure & Cultural Centres*

The Council's Sport and Recreation Facilities Strategy (page 133, section 9, point 9.25) recommends that a local standard of 82.58 m<sup>2</sup> of leisure and cultural centre provision per 1000 population should be applied to all new housing developments, that all residents should be within a 15 minute drive of such a facility and that all leisure and cultural centres should meet the quality standard outlined in the Strategy.

Based on the Local Plan Policy 143B (see above) the Council will seek to secure planning obligations to mitigate against the increased need arising from the proposed development by using the funds to improve existing provision and/or develop new leisure and cultural centre provision for the purpose of use by residents in the development.

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:

<b>Type of Provision</b>	<b>(A) Local Standard of Provision</b>	<b>(B) Cost per square metre</b>	<b>(C) Contribution Per Person</b>	<b>(D) Total Contribution</b>	<b>Project to Which Contribution Will Be Applied</b>
<i>Play Areas</i>	<i>600 m<sup>2</sup> per 1000 population (see note 1)</i>	<i>£213 per square metre (see note 2)</i>	<i>£127.80 (excluding 1 beds)</i>	<i>£8,793</i>	<i>Mayflower Road Play Area</i>
<i>Parks and Open Spaces</i>	<i>12,000 m<sup>2</sup> per 1000 population (see note 3)</i>	<i>£17 per square metre (see note 4)</i>	<i>£204</i>	<i>£14,035</i>	<i>Mayflower Road Open Space Improvements</i>
<i>Leisure &amp; Cultural Centres</i>	<i>82.58 m<sup>2</sup> per 1000 population (see note 5)</i>	<i>£3,908 per square metre (see note 6)</i>	<i>£322.72</i>	<i>£22,203</i>	<i>Greenwood Park Pavilion improvements</i>
<b>Total = £45,031</b>					

*Formula is:  $(A \times B) / 1000 = C \times \text{Occupancy} = D$*

**Note:**

- 1. This figure is based on the Councils Green Spaces Strategy 2016 (section 6, pg105 point 6.2).*
- 2. This figure is based on the development of play areas at Fleetville Recreation Ground (2014) and Cotlandswick Leisure Centre (2015), which were subject to a tender process to achieve best value. Both play areas are 22m x 16m and were built at a cost of £75,000.*
- 3. This figure is based on the Councils Green Spaces Strategy 2016 (section 6, pg105 point 6.2).*
- 4. This figure is based on a landscaping project at London Rd Open Space of 1,169 m<sup>2</sup>, at a cost of £20,000, having obtained three quotes.*
- 5. This figure is based on the Councils Sport & Recreation Facilities Strategy (page 133, section 9, point 9.25).*
- 6. This figure is based on the re-development of Westminster Lodge Leisure Centre in 2012. The centre is 4862sqm in size and cost £19million to build under a tender process.*

*The Council considers that the contribution sought in respect of leisure facilities:*

*Is necessary to make the development acceptable in planning terms. Local Plan Policy 143B requires provision for the infrastructure consequences of a development, including off-site facilities necessary as a result of the development, in order to avoid placing an additional burden on the existing community. There will be an increase in population as a result of the development, as set out above, with a consequent increased pressure on existing facilities serving the area.*

*Directly relates to the development. The need for the contribution arises out of the increase in population as a result of the development. The Council has considered the increased pressure only on the facilities which serve the development, either because they are nearby (Mayflower Road Open Space and Greenwood Park Pavilion) or because they are the nearest of that type of facility available to the residents of the development.*

*Is fairly and reasonably related in scale and kind to the development. The appropriate level of provision for facilities is based upon the Council's strategies set out above. The level of the contribution to address the off-site impact of the development is based upon the actual historical costs to the Council of providing similar facilities.*

*Less than five obligations identifying these specific projects have been entered into since April 2010 – meeting the requirements of CIL Regulations Regulation 123.*

6.3. Environmental and Regulatory Services

- 6.3.1. Environmental health officer advises no objection subject the imposition of conditions as follows:

*Noise issues:*

*Noise Monitoring Post Construction - Residential Dwellings*

*Condition:*

*The units hereby approved shall not be occupied unless details of noise and vibration levels within a selection of the most affected units/flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The selection of the most affected premises shall be made by a competent person.*

*If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.*

*Reason:*

*To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.*

*Noise Mitigation - Residential*

*Condition:*

*Before construction works commence a scheme providing for the insulation and double glazing of residential properties against the transmission of noise and vibration from surrounding commercial uses shall be submitted to and approved in writing by the Local Planning Authority.*

*The scheme so approved shall be carried out and verified by a competent acoustician before the use commences which includes evening time periods when commercial uses operate. The findings shall be presented in an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. This report shall be submitted to and approved in writhing by the Local Planning Authority.*

*Reason:*

*To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.*



## *Contaminated Land:*

### *Desk-top study*

#### *Condition:*

*A desk-top study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.*

#### *Reason:*

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

### *Site investigation*

#### *Condition:*

*A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:*

*(i) a desk-top study has been completed satisfying the requirements of (10) above;*

*(ii) The requirements of the LPA for site investigations have been fully established; and*

*(iii) The extent and methodology have been agreed in writing with the LPA.*

*Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.*

#### *Reason:*

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

### *Options appraisal and remediation strategy*

#### *Condition:*

*The results of the site investigation and the detailed risk assessment referred to in (X), shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.*

*Reason:*

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

*Verification report*

*Condition:*

*A verification report demonstrating completion of the works set out in the remediation strategy in (12) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.*

*Reason:*

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

*Remediation*

*Condition:*

*Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing.*

*On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.*

*Reason:*

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

*Unsuspected Contamination*

*Condition:*

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation*

*scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.*

*Reason:*

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

### **INFORMATIVES**

#### *Hours of Demolition/Construction Works*

*No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.*

*The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.*

#### *Noise Insulation - Conversion*

*The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.*

#### *Internal ambient noise levels for dwellings*

<i>Activity</i>	<i>Location</i>	<i>0700 to 2300</i>	<i>2300 to 0700</i>
<i>Resting</i>	<i>Living room</i>	<i>35 dB Laeq, 16 hour</i>	
<i>Dining</i>	<i>Dining room/area</i>	<i>40 dB Laeq, 16 hour</i>	
<i>Sleeping (daytime resting)</i>	<i>Bedroom</i>	<i>35 dB Laeq, 16 hour</i>	<i>30 dB Laeq, 8 hour</i>

*The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.*

*The L<sub>Amax,f</sub> for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L<sub>Amax,f</sub> to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.*

#### *Dust*

*Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.*

*The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.*

### *Bonfires*

*Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.*

### *Lighting details*

*Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.*

### *Contaminated Land*

*Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.*

### *Asbestos*

*Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.*

*The officer also notes that the noise assessment notes the possibility of installing timber acoustic fence panels/acoustic barrier. The performance of these barriers reduces within the first 5 years by 4-7dB. As such, other types of acoustic barrier would be preferable.*

## 6.4. Spatial Planning

### 6.4.1. Response received 2 December 2021:

<b>Planning Application No.</b>	<b>5/2021/2730</b>
<b>Site:</b>	Land Off Orchard Drive Park Street St Albans Hertfordshire
<b>Description of development:</b>	Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works
<b>Recommendation:</b>	<b><u>Neutral</u></b>

## **ADVICE/ COMMENTS**

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

## **Principle of Development**

### Relevant Policy

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

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

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

- a) mineral extraction;*
- b) agriculture;*
- c) small scale facilities for participatory sport and recreation;*
- d) other uses appropriate to a rural area;*
- e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.*

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

*NPPF states:*

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

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

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

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

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

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation”*

#### Evidence Base and previous Local Plan work

##### SKM Green Belt Review

The SKM Green Belt Review comprises:

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

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

*The site is identified as part of GB26 in the Green Belt Review. The assessment and key functions of the site towards Green Belt purposes are summaries as;*

*“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”*

*The assessment of purposes is set out in Annex 1.2 of the Review. The extract of this assessment is provided at Appendix 1 of this report.*

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

*The site was not taken forward as part of the Sites & Boundaries Study.*

##### Strategic Housing Land Availability Assessment

*The site was identified in SHLAA 2009, 2016 and 2018. For these assessments it has the reference numbers of 100 or SHLAA-GB-HW-573.*

*The Council’s Stage 1 assessment of this concluded that should this site be given further consideration for housing development;*

*“Yes. The existing tree-lined A405 North Orbital Road lying immediately to the west is a significant feature separating the two settlements of How Wood and Chiswell Green physically, visually and in terms of their identity and function. Whilst this site is still primarily green space, it serves no real Green Belt purpose and is suitable in principle for housing, given that it is already surrounded on three sides by existing residential development.*

*Existing natural screening protects residential properties from the adverse impacts of the North Orbital Road and should be retained and enhanced as a natural buffer. The north western corner of the site is also covered by TPO woodland. Furthermore, a single*

*detached dwelling ('Meadowside') occupies approx 0.1 ha in the centre of the site, whilst a recreation ground/ equipped play area is situated in the southern corner of the site. These constraints would reduce any net developable area."*

### Draft Strategic Site Selection Evaluation Outcomes – 2018

*Only strategic sites were considered as part of May 2018 PPC Draft Strategic Site Selection Evaluation Outcomes. It was agreed at PPC's March meeting that strategic scale sites are those that are "capable of accommodating residential development of a minimum of circa 500 dwellings or 14 hectares of developable land". As the site is approximately 1.3 ha, it was decided it was of insufficient scale to be considered.*

### Withdrawn Local Plan 2020-2036

*The site was not included in the withdrawn Local Plan.*

### Call for Sites - 2021

*The site has been submitted via the Call for Sites process which ran from January to March 2021. The Call for Sites references are:*

- Currently 664A, to be carried forward as STS-27-21 under the current HELAA process.*
- Currently 664B, to be carried forward as STS-28-21 under the current HELAA process.*
- Currently 573, to be carried forward as STS-29-21 under the current HELAA process.*

*These are being assessed for suitability, achievability and availability.*

### **Housing**

*The proposed development is for up to 30 new homes and would provide 35% affordable housing.*

### Housing Land Supply

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

### Housing and Affordable Housing Need

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

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

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

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

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

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

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

Source: Census/CoRe/Projection Modelling and affordability analysis

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

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

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

Source: Range of data sources as described

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



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

### **Other Relevant Case Law**

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

### **Overall Conclusion**

*It is considered clear that a number of significant harms and significant benefits would result from a grant of permission for this application. 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 the proposed development on the parcel which contains this site would constitute limited harm to one Green Belt purpose:*

- *To prevent neighbouring towns from merging*

*The SKM Green Belt Review, it is considered that the proposed development on the parcel which contains this site would constitute some harm to the Hertfordshire Green Belt purpose (as identified at that time in that study):*

- *Maintain existing settlement pattern*

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

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

#### 6.5. Housing

6.5.1. No response received at the time of writing the report.

#### 6.6. Parking

6.6.1. No response received at the time of writing the report.

#### 6.7. Waste Management

6.7.1. Response received 7.10.2021 as follows:

*I have not been able to locate a vehicle sweep of the site- the roads look very narrow- a parked vehicle would make it impossible for our vehicles to pass.*

*Please can you provide clarification?*

*At this stage, I am not satisfied that consideration has been given to the practicalities of collection freighters accessing the site to collect the waste and recycling.*

Officer Note: this is an outline application and layout is a reserved matter, so not under consideration at this time.

#### 6.8. HCC Growth and Infrastructure

6.8.1. Initial response received dated 28 October 2021

*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 30 dwellings we would seek financial contributions towards the following projects:*

HOUSES			FLATS		
Number of bedrooms	A) Open Market	B) Affordable (Social Rent)	Number of bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	0	1	0	0
2	4	3	2	0	0
3	10	8	3	0	0
4+	5	0	4+	0	0
<b>Total</b>	<b>19</b>	<b>11</b>	<b>Total</b>	<b>0</b>	<b>0</b>

*PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought.*

*Secondary Education towards the expansion of Marlborough Science Academy (£382,777 index linked to BCIS 1Q2020)*

*Special Educational Needs and Disabilities (SEND) towards the new West Severe Learning Difficulty school (£36,540 index linked to BCIS 1Q2020)*

*Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£3,094 index linked to BCIS 1Q2020)*

*Youth Service towards the re-provision of St Albans Young People's Centre in a new facility (£10,966 index linked to BCIS 1Q2020).*

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

*Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.*

*The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".*

*Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a*

*contribution towards other services could be required at the time any application is received in respect of this site.*

#### *Justification*

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

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

*(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 NPPG states “No payment of money or other consideration can be positively required when granting planning permission.”*

*The development plan background supports the provision of planning contributions.*

*The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.*

*(ii) Directly related to the development.*

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

*(iii) Fairly and reasonably related in scale and kind to the development.*

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

6.8.2. Supplementary response requested from applicant and received 11 November 2021:

*In relation to why contributions towards education have been sought for the latest application, but not in the original agreement dated 11 October 2018:*

- *Secondary education*

*Our education officer has assessed the County's current needs which has identified a need for expansion of Marlborough Science Academy. You will also note that our response on planning application 5/2019/2487 included contributions towards the expansion of Marlborough Science Academy, our secondary need has not changed since that response. The request for contributions towards this project meets the three CIL tests, as explained within our consultation response. Although consideration of our previous response is given for consistency, every application is treated on its own merits and assessed against the needs of services at the time the application is submitted. The contributions we are seeking are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.*

- *Special Education Need and Disabilities (SEND)*

*On 19th July 2021 HCC adopted a New Developers Contribution Guide (DCG), applications submitted on and after this date have included SEND contributions. Please see the SEND technical appendix on our website for more detail- Technical Appendix 4 - Special Schools (hertfordshire.gov.uk)*

*Hertfordshire County Council have developed a strategy to ensure that there are sufficient local places for children with special educational needs and disabilities. The strategy can be found here : <https://democracy.hertfordshire.gov.uk/documents/s24950/201214%2006a%20Appendix%201%20SEND%20Special%20School%20Place.pdf>*

*All Hertfordshire special schools are at capacity and demand for places continues to rise. Demand for special school places is forecast to rise by 364 places between January 2020 and January 2025. It is clear that new capacity must be built into the system, particularly in some sectors, to ensure that Hertfordshire can continue to meet need locally now and into the future. One of the identified priorities of the Strategy is to build capacity in the SLD/PNI sector by creating up to 300 new SLD places to meet demand now and into the future. The forecast shows that 75% of the overall increase in demand across the life of the forecast is for SLD and PNI places.*

*Our calculated figures are in line with the new DCG. Please refer to our website, in particular the technical appendix documents and the Guide to the Hertfordshire Demographic Model for information on how contributions are calculated for each service.- Planning obligations and developer infrastructure contributions | Hertfordshire County Council*

## 6.9. HCC Countryside and Rights of Way

6.9.1. No response. The Highways response notes that this department should be consulted if any diversion of the existing rights of way is proposed at detailed stage.

## 6.10. HCC Local Lead Flood Authority

6.10.1. Response received dated 12 November 2021 as follows:

*Following a review of the submitted Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70029954 version 10 dated September 2021, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained*

*and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.*

*We note that the development site is split into two and understand that two options have been proposed for the surface water drainage of this site. Option 1 intends to use a Type 2 surface water pumping station to pump to a cellular storage tank via a filter drain in the southern site at 7.0l/s. The tank will be overlain by permeable paving within private driveways. A swale will provide additional treatment for the access road and road leading to the pumping station. Option 2 intends to pump surface water to a Thames Water sewer at 1.5l/s and there is record of an agreement from Thames Water that this is acceptable in principle. As LLFA, we would prefer Option 1 as discharge via infiltration is preferred over discharge to nearby surface water sewer as per the discharge hierarchy.*

*Shallow infiltration tests have been carried out onsite and the results are shown to be variable due to the presence of clay in some locations. Deep borehole testing was also carried out at 10-12mbgl however infiltration rates were shown to be not feasible. We note that there are no watercourses or surface water sewers within the site.*

*Preliminary surface water drainage calculations have been provided to support the proposed scheme. Both options include porous paving within the driveways and private roads and attenuation tanks to provide the required attenuation volumes. As this is a greenfield site, we would not expect the use of below ground attenuation features. Attenuation tanks have been proposed to provide underground storage, however this lies at the bottom of the SuDS hierarchy and should be technically justified within the surface water drainage strategy.*

*We therefore recommend the following conditions to the LPA should planning permission be granted.*

### **Condition 1**

*The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70029954 version 10 dated September 2021 and the following mitigation measures:*

- 1. Undertaking appropriate drainage strategy based on infiltration (option 1) and attenuation supported by infiltration testing carried out in accordance with BRE Digest 365 at the location of proposed SuDS infiltration features.*
- 2. If discharge via infiltration only (option 1) is not feasible, undertaking appropriate drainage strategy based on a combination of infiltration (southern section of South Parcel) and attenuation and discharge into Thames surface water sewer at 1.5l/s (option 2).*
- 3. Providing attenuation to ensure no increase in surface water run-off volumes of minimum 368m<sup>3</sup> (option 1) or where the alternative strategy is used, 336m<sup>3</sup> (option 2) for all rainfall events up to and including the 1 in 100 year + 40% climate change event.*
- 4. Implementing drainage strategy as indicated on the drawing Outline Drainage Strategy Option 1 reference 9954-D-02 P02, and where the alternative strategy is used, as indicated on Outline Drainage Strategy Option 2 reference 9954-D-03 P02.*

*The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.*

*Reason*

- 1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.*
- 2. To reduce the risk of flooding to the proposed development and future occupants.*

**Condition 2**

*No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the principles of the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70029954, version 10, dated September 2021.*

*The scheme shall also include;*

- 1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.*
- 2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.*
- 3. Detailed infiltration tests to BRE Digest 365 standard carried out at the location and depth of proposed infiltrating features.*
- 4. Silt traps for protection for any residual tanked elements.*
- 5. Detailed modelling of existing surface water flow path through the centre of the northern and southern parcels of the site to ensure no impact on the footprint of proposed buildings.*
- 6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.*
- 7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*

*Reason*

*To prevent the increased risk of flooding, both on and off site.*

**Condition 3**

*Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;*

- 1. Provision of complete set of built drawings for site drainage.*

2. *Maintenance and operational activities.*

3. *Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.*

*Reason*

*To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

6.11. HCC Highways

6.11.1. Response received dated 29 September 2021 as follows:

*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 does not wish to restrict the grant of permission subject to the following conditions:*

*No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*

*i) Roads, footways.*

*ii) Cycleways.*

*iii) Foul and surface water drainage.*

*iv) Visibility splays*

*v) Access arrangements*

*vi) Parking provision in accordance with adopted standard.*

*vii) Footway improvements and extent of areas for adoption*

*Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

*Prior to the first occupation of the development hereby permitted the proposed access /onsite car and cycle parking / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.*

*Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)*

*Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that on-site vehicular turning space is sufficient to accommodate service vehicles and a refuse vehicle of 11 metres in length. Reason: To enable all vehicles to enter and exit the site in forward gear, in the interests of highway safety and in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)*

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

*Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

#### ADVISORY NOTES

*The Highway Authority recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.*

*AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.*

*AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.*

*AN3) The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their*



permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) The applicant is advised that the new footway along Oaklands Drive and at the access point will need to be dedicated as public highway. This Deed of dedication or s38 agreement should form part of the s278 agreement and be completed before first occupation of the development. All other new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN5) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way,

Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. [https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_8](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8)

AN6) A pooled financial contribution of £204780 index linked by SPONS to November 2019 towards: Package PK35 of the emerging Hertfordshire County Council South Central Growth and Transport Plan, being Chiswell Green Corridor Active Travel Improvements which seek to improve connectivity between Chiswell Green, Park Street and St Albans and includes improvements along the A405 including roundabout upgrades at the A414 / A405 / A5183 Park Street Roundabout, and therefore is a policy objective / scheme for the plan period.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

*Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works*

*It is recognised by this Authority that previous planning history for this site includes district reference (5/2019/2487 – being Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works (resubmission following refusal of*

*5/2018/0509)), to which this Authority provided response and recommendations dated 30-10-2019. It is understood this application was subsequently withdrawn.*

*The current application, in terms of scale and general highway principles are unchanged to this previous application. Similarly, the nature of the application – as Outline – is repeated.*

*On such basis the Highway Authority repeat its' earlier comments and recommendations (reviewed / revised). One matter to note is that the Highway Authority has, following public consultation, adopted a revised approach to S106 contributions. The recommendations herein have been revised in compliance with this revised policy approach.*

*Orchard Drive is an unclassified and provide a local access function in the road hierarchy. It is 4.8m in width, permitting 2- way traffic flow, vehicle speeds past this site are limited to 30mph. Orchard Drive features grass verge separating footway from carriageway, with vehicle crossovers at points along its' length. A review of accidents locally (5 year, latest to date), continues to not identify any significant history immediate to the site, with a small cluster of collision / injury accidents associated with the operation of Tippendell Lane j/w Penn Road.*

*The proposed development site comprises two parcels of land, separated by an existing occupied development called Meadowside (travellers' site). There is no pedestrian footway along the site boundary on the western side of Orchard Road.*

*The site is an unoccupied greenfield (covering approximately 1.35 hectares) and does not generate any existing trips on the local transport networks. The northern development and southern development sites are approximately 0.66 hectares and 0.69 hectares respectively. The application is submitted accompanied by the originally accepted Transport Assessment to earlier applications (WSP, October 2019)*

*The Transport Assessment (2.2.2) describes the southern site area accommodating 20 detached and semi-detached dwellings fronting Orchard Drive. The norther side would accommodate 8 detached dwellings and 2 maisonettes all fronting Orchard Drive. A cul-de-sac of Orchard Drive is located at the northern end of the site with dwellings (62-68) fronting the northern side of the cul-de-sac. A simple 'T' junction of Orchard Drive is proposed to access the site on the southern boundary edge.*

*The site is bounded to the south by a public right of way as shown on the Definitive Map for Hertfordshire (Footpath St Stephens 077) and to the north (Footpath St Stephens 075).*

## **ACCESS**

### *Pedestrian*

*Pedestrian and cycle access into the northern site are proposed via a new simple T-Junction located on the Orchard Drive cul-de-sac. This site access will provide pedestrian and cycle connectivity to St Stephen 075 footpath, Orchard Drive and the existing footways along Orchard Drive.*

*Pedestrian and cycle access into the southern site are proposed via a new simple T-Junction located to the south of Dell Rise. This site access will provide pedestrian and cycle connectivity into the site from Orchard Drive and the existing footway along the eastern side of Orchard Drive.*

*A new 2.0m wide footway is proposed along the site frontage on the western side of Orchard Drive. This should conform to Roads in Herts (RiH Sec 4 1.14). Uncontrolled pedestrian crossings consisting of dropped kerbs and tactile paving will be provided at the two proposed site access junctions and either side of Meadowside. This should conform to (RiH 11.3.6) The proposals omit the footway along the frontage of Meadowside due to insufficient boundary available.*

*It should remain an aspiration that if the middle section is ever developed for housing that best endeavours shall be taken to secure a continual footway at this point.*

## **RIGHTS OF WAY**

*The site is bounded by St Stephens 077 to the south right of way, and the northern plot crossed by St Stephen 75. Development proposals shall need to respect the existing line of the rights of way (particularly 75) and any proposed deviation shall require the definitive map record changed and shall necessitate discussions with the County Councils RoW team.*

*Both paths were added to the Definitive Map and Statement following negotiations with the land owner (Gorcast Ltd Handley Page In Receivership ) in the 1990's resulting from claims under section 53 Wildlife & Countryside Act 1981 . Both have recorded width are well used and are maintained by HCC.*

*Any proposal to include within an estate footway scheme or be fenced between garden fences should be consulted upon direct with the Rights of Way team ([row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk)) prior to any reserved matters application.*

## **VEHICULAR ACCESS**

*The TA proposes two simple T-Junctions which provide vehicular access into each of the development parcels. Drawing 9954-GA-001 A demonstrates the junctions designed based on the following principles:*

*i 5m corner radii;*

*ii 4.8m wide shared-use surface; and*

*iii 2.0m wide footways at the junction bell mouths and site frontage onto Orchard Drive.*

*The applicant is directed to note that the County Council as Highway Authority is presently reviewing its' standards and specifications. It is expected that Roads in Hertfordshire Design Guide will reflect an increased necessary road width of 5.5m, with associated bell-mouth kerbs. Any s278 scheme shall be required to comply with the HAs requirements, and therefore as part of details submitted in respect of recommended condition 1 and as part of any detailed design for the s278 works, it may be necessary (and is recommended) be observed.*

*Furthermore, the carriageway proposed width would need to consider potential for parked vehicles especially where refuse and emergency vehicles would need to pass. Further, there shall be a need to ensure that the detailed design of the site enables emergency and refuse vehicles to draw within an acceptable distance of all habitable points of the development (45m for maximum hose length for emergency access) and maximum carry distance for refuse bins from point of storage to point of collection (25m).*

*At the northern junction a 2.4m x 21m visibility splay is proposed as approaching vehicles are travelling at low speeds when entering the cul-de-sac. Although Roads in Herts recommend 43m this is considered acceptable due to expected low speeds*

*A visibility splay of 15m to the west (footpath 75) is proposed with existing vegetation. This is at the end of the cul-de-sac and again, although MfS recommend 43 this is acceptable due to low speeds and given the only movements approaching the junction from the west will be pedestrians or cyclists.*

*At the southern junction 2.4m x 43m visibility splays in accordance with the Manual for Streets requirements for a 30-mph road can be achieved.*

*Any future proposals to gate the access(s) will need to have regard to the needs of large vehicles turning, and as a minimum would need to ensure that this ability is not prejudiced*

*It is worth noting that (in respect of proposed crossovers on Orchard Drive) the developer may, subject to outline being permitted, be required to group vehicle crossovers (and therefore layout) to respect the need to provide visibility splays of a minimum of 43m in each direction, measured an appropriate distance from kerb face back into the site. Such distance may be reduced dependent on measured vehicle speeds on Orchard Road.*

*Appropriate dropped kerb provision shall need to be made across each of the two bell mouth access points as part of detailed design of the access(es).*

#### *Internal Vehicle Access*

*Whilst the Department for Transport (DfT) has suspended Local Transport Note 1/11: Shared Space and asked Authorities to pause new shared space schemes while they carry out research and produce updated guidance. HCC have interpreted this request such that shared space schemes may be permitted in circumstances including for cul-de-sacs for motorised traffic serving less than 25 dwellings. The nature of the access will encourage lower speeds on approach, and it is recommended that raised table, or change in materiality be used within the site to ensure that driver behaviour considers the change in priority within the site. Both access points shall be provided with raised table entry treatment, serving to*

*ensure vehicle speeds into the site are managed. Footways are provided to both sides of the access linking to the highway network.*

## **PARKING**

*Care will need to be taken to ensure that appropriate levels of parking are secured at reserved matters stage to minimise any potential overspill of parking onto local roads, as such parking has the potential to interfere with use of crossovers. The indicative masterplan groups private drives to double width, shared driveways, and therefore limits the number of points of vehicle access along this stretch. Whilst the County Council does not, commonly, permit vehicle crossovers within 10m of any junction, such a requirement is for 'same side'. Any vehicle crossover opposite Dell Rise is unlikely to be prejudicial to highway safety.*

*Parking shall be a reserved matters application. The Highway Authority would observe that any potential for on-street parking would have the potential to further exacerbate any on-street parking issues. There is no evidence that parking occurs on bends, or within the turning head. The LPA shall be responsible for agreeing overall levels of parking, however the TA sets out the District Plan standards and suggests that parking at the maximums permitted shall be provided.*

*As part of any reserved matters application the developer is encouraged to make adequate and*

*appropriate provision for Electric Vehicle charging facilities for residents.*

*The LPA are encouraged to ensure that adequate provision for cycle parking is secured.*

## **TRIP GENERATION**

### *Residential Trip Generation*

*The site selection criteria in the TA is acceptable with 10 -50 dwellings for the number of units and 9 sites as the sample size. Section 5.2.4 demonstrates table 5-2 shows that the total daily person trip rate is 7.8 trips per dwelling (0700-1900 hours) Furthermore, table 5-3 shows that the residential development is predicted to generate 25am, 28pm with combined trips of 235. This has been verified by duplicating the results with the TRICS database.*

*Section 5.3.4. states 'It is anticipated that the majority of vehicles travelling to and from the site will route via Orchard Drive, Ruscombe Drive and Tippendell Lane. From Tippendell Lane vehicles will become dispersed on the local network from the A405/Tippendell Lane roundabout or eastwards towards the A5183 depending on their destination' It is accepted given the number of predicted vehicle movements in the highway peak periods therefore, a detailed distribution and assignment assessment is not considered to be necessary.*

*The TA presents that the development, as a whole (30 dwellings) shall generate (13) vehicle trips in the AM peak departing the site, with negligible arrivals, and a similar (but opposing (17)) vehicles attending the site in the PM peak. The Highway Authority recognise that these flows are for the development as a whole and therefore movements at each of the access shall be less than the overall (138) for the site.*

*Considering the development as a whole and considering all vehicles direct to Tippendell Lane (and in turn direct to the 414) via Ruscombe Drive, the Highway*

*Authority shall not consider that 16 to 20 two-way movements at this junction (worst case) shall represent a severe impact on the local highway network. The development is therefore not considered as unacceptable in terms of impacts on the wider highway network.*

## **GENERAL**

*Road markings, at present appear lost through resurfacing – opportunities to re-provide give way markings and consider improvements to signage / signage of on-street cycle routes exist and would reasonably form part of the necessary s2678 highway works to deliver the access and footway (within highway boundary). The County Council, as Highway Authority, would seek to adopt footways along the western boundary, but should direct that roads internal to the site would not meet the Highway Authorities current policy that it shall only considered adoption of routes that serve to provide a wider public utility.*

*Appropriate provision should be made for the future private maintenance of such roads, and HCC would expect any signage to the development to include a reference to the private nature of the development in order that prospective residents are clear of the status of the development's internal roads. It is recommended that the roads be laid out and constructed to adoptable standards in order that any future changes in this matter do not result in undue difficulties in adopting.*

## **SUSTAINABILITY / S106**

*The site is within acceptable walk distance of a number of destinations west of the A405 including the Chiswell Green shops, the frequent bus services along the Watford Road, Killigrew and Marlborough schools, local doctors' surgery etc. Access to all these facilities relies on the footbridge over the A405 which is reached via public footpath No 75 (FP75) and the track along the eastern side of the A405.*

*Penn Road and Orchard Drive carry on-carriageway advisory cycle routes, directing cyclists over the North Orbital Road (A405) via off-carriageway cycle routes, and thereby enabling cycle links between Howe Wood and Chiswell Green.*

*The County Council (in discussion with Highways England) have identified opportunities to fill improve or provide a shared use cycle/footway along the east side of the A405 between junction 21a of the M25 and j6 of the M1. The proposals support the Hertfordshire County Council strategic objectives and policies to encourage active travel. HCC have aspirations to improve cycle links between St Albans and Watford and are currently looking at opportunities to address local and strategic gaps on their cycle network. The A405 is seen as a key direct link between the two destinations.*

*Since earlier applications the County Council has consulted on the South Central Growth and Transport Plan, and such consultation has now concluded, with expectation the GTP for the area shall be adopted broadly in the form against which it was consulted. The above scheme is identified within this Strategy document, specifically as Package PK35, being Chiswell Green Corridor Active*

*Travel Improvements which seek to improve connectivity between Chiswell Green, Park Street and St Albans and includes improvements along the A405 including roundabout upgrades at the A414 / A405 / A5183 Park Street Roundabout, and therefore is a policy objective / scheme for the plan period.*

The County Council sets out its' approach to secure planning obligations here;

<https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/property/planning-obligations-guidance.aspx>

As above, this approach has been revised since time of commenting previously to development proposals at this location, and the position of the HA adjusted accordingly.

The County Council, as Highway Authority, applies a calculation based on the size of the Our Planning Obligations Toolkit adopts a two strand approach – the first strand being necessary works in an immediate context (i.e. those secured by condition and delivered by s278), and second strand works being necessary in a cumulative context (generally schemes which HCC design and deliver). In this case the second strand contribution shall be pooled towards measures within the emerging south central growth and transport plan.

The site, existing, is green field and therefore has nil existing impact / demand on the local network, but shall rely on the above scheme to improve the sustainable of the site. It is therefore considered by this Authority that it is reasonable to secure a contribution towards the above delivery. The basis for calculations is set out in the above guidance, but directs that the principle sum per dwelling shall be calculated at £6,826. Given the existing nil demand of the site, there is no justification for off-setting this amount. On such basis, the principle sum sought by this Authority towards sustainable travel initiatives detailed above would calculate to £204,780 (30 x £6,826).

## CONSTRUCTION

Given the residential nature of local roads, and scale of development, it is considered reasonable (by condition) to secure a Construction Management Plan to ensure that the developer has appropriate management controls over the implementation of any consent to ensure that construction does not create unnecessary pressures on local road conditions.

### 6.12. Hertfordshire Ecology

#### 6.12.1. Response received 26/11/2021 as follows:

*Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:*

*The application is supported by the Following ecological information:*

- *Preliminary Ecological Appraisal and Ecological Impact Assessment (PEA) by the Ecological Partnership (report date September 2021)*
- *Reptile Survey by the Ecological Partnership (report date May 2017)*
- *Biodiversity Net Gain Report by the Ecological Partnership (report date September 2021)*
- *A completed Natural England Biodiversity Metric version 3*

## *Habitats*

*The largest and most impacted habitat on site consist of semi-improved grassland variously described in the different ecological report's dependent on the management and mowing regime at the time of the survey. This has areas of ruderal vegetation at its margins and areas where it is being invaded by scrub. There is a line of trees adjacent to the western boundary which in the north thickens to form a woodland within a portion of the north western section of the site. The trees within this section are protected by TPO's. None of the habitats were identified as priority habitats and the site is not listed as a Local Wildlife Site and based on the species by the Ecological Partnership (report date May 2017) list within the Preliminary Ecological Appraisal does not meet the qualification as LWS grassland site.*

*I am pleased to see that most of the existing woodland is being preserved.*

## *Protected species*

*A reptile survey, date 2017, carried out during appropriate conditions and according to best practice found no evidence of their presence. The 2019 Preliminary Ecological Appraisal assessed the mown state of the grassland as unsuitable reptile habitat, although if left to return to a taller sward it could attract reptiles. Given the absence of evidence to their presence the proposed precautionary measures are suitable mitigation for this species.*

*A number of trees within the woodland had some potential as bat roosts however these are stated within the PEA as being retained which is consistent with the arboricultural report. Precautionary mitigation for bats, nesting birds, badgers and reptiles are included within section 5.6 of the report and should be followed in full. A biodiversity lighting report demonstrating how a negative impact on the foraging and commuting habitats of the adjoining woodland is being avoided should be submitted to the LPA and secured by Condition.*

## *Compensation, enhancements and biodiversity net gain*

*The proposal will result in the loss of all the grassland habitats on site and the loss of the associated ruderal and scrub habitats. Whilst measures have been proposed to compensate for this loss these are not sufficient to mitigate the loss to area habitats. A biodiversity metric version 3 has been submitted and demonstrates a net gain in hedgerow habitats of 0.6 biodiversity units (924%) but a deficit in area habitats of 2.5 biodiversity units (-45%). Since these figures cannot be summed there is still an outstanding loss to area habitats. Furthermore, the NPPF states that developments should aim to deliver a biodiversity net gain which is set at 10% by the Environment Act.*

*I understand from the Planning Statement section 5.32 to 5.35 that as part of a s106, the applicant is prepared to enter into an undertaking to provide the Council with a financial contribution to address this shortfall in 'biodiversity units' along with an additional 10% net gain. Advice provided by Defra estimates the typical cost across the country to replace the units lost to be in the region of £9,000 to £15,000. Drawing on this, Herts Ecology normally recommends that the mid-point value should be adopted, ie £12,000. Given the base line area habitats of 5.53 units and the shortfall of 3.05 units (including the 10% net gain), adoption of this figure would result in a figure of £36,600.*



*In addition to the habitat improvements mentioned above the Preliminary Ecological Appraisal and planning statement make a commitment to provide further ecological enhancement such as bat, bird boxes and access holes for hedgehogs. The location number and type of these features as well as how the habitat measures listed in the Preliminary Ecological Appraisal and used in the metric will be managed to deliver the aimed at condition should be demonstrated in a Landscape and Ecological Management Plan. I advise this is secured by Condition and submitted to the LPA for consideration.*

*Whilst I support the use of plants from the RHS plants for pollinators within people's gardens. The long-term sustainability of this measure is outside the control of planning.*

*Suggested conditions:*

*Funded by the following Local Planning Authorities:*

*The development hereby permitted shall be carried in accordance with the recommended ecological mitigation measures set out in section 5.6 of the Preliminary Ecological Appraisal and Ecological Impact Assessment by the Ecological Partnership (report date September 2021)."*

*"Prior to first occupation of the development hereby approved a biodiversity lighting report must be submitted to and approved in writing by the Local Planning Authority to demonstrate that impact on wildlife and habitats would be minimised. The external lighting scheme must include: the quantity, type and nature of lighting; the extent to which the lights will illuminate hedges, bushes, flowerbeds, trees, bat and bird boxes. The development must be carried out in accordance with the approved external lighting scheme".*

*"No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should give details of all the onsite compensation and enhancement measures including, but not be limited to, those listed within approved biodiversity metric submitted with this application and the Preliminary Ecological Appraisal and Ecological Impact Assessment by the Ecological Partnership (report date September 2021. As a minimum the following specific information should be provided:*

- 1. Purpose and conservation objectives for the proposed works.*
- 2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting.*
- 3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value.*
- 4. location of retained ecological features, location and type of any habitat boxes/structures to be installed.*
- 5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure*

*their sustained value to biodiversity for a minimum of 30 years;”*

*These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.*

#### 6.13. Hertfordshire Landscape Services

##### 6.13.1. Response received dated 24 November as follows:

#### *NATIONAL PLANNING POLICY FRAMEWORK1*

*The National Planning Policy Framework2 confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes,3 and recognising the intrinsic character and beauty of the countryside.*

*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.*

*The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves 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.*

#### *LOCAL DEVELOPMENT PLAN*

*It is understood that the site is located within the Metropolitan Green Belt.*

#### *SITE HISTORY / PREVIOUS LANDSCAPE ADVICE*

*It is noted that a similar application for the site was submitted to the LPA previously and was refused on the grounds of harm to the Green Belt as well as adverse impact on the existing trees. It is understood that the previous application was not sufficient to represent the very special circumstances needed to accept development within the Metropolitan Green Belt.*

#### *SUBMITTED INFORMATION4*

*The following submitted documents and plans have been reviewed:*

- *Preliminary Ecological Appraisal produced by The Ecology Partnership, dated September 2021*
- *Ecology Note produced by The Ecology Partnership, dated 21 September 2021*
- *Green Belt Assessment produced by LUC, Version 2, dated 11.04.2019*
- *Design and Access Statement produced by Carter Jonas, dated September 2021*
- *Planning Statement produced by Carter Jonas, dated 24 September 2021*

- *Tree Survey Data Tabulation produced by Dr David Brown, dated June 2017*
- *Illustrative Landscape Masterplan produced by LUC, drawing no. LUC-10595-LD-PLN-100 Issue A, dated 19.09.19*
- *Illustrative Landscape Sections produced by LUC, drawing no. LUC-10595-LD-SEC-600 Issue B, dated 25.05.19*
- *Illustrative Masterplan produced by Carter Jones, Ref: 805.04 Version 11, dated 16.09.21*

#### **EXISTING TREES5**

*It is understood that there is a Tree Preservation Order on a large area of woodland at the north western boundary of the top parcel of the site. The submitted masterplan and tree survey propose to retain the trees under the TPO – this is supported.*

*The tree protection plan confirm sit is purposed to remove a partial group of 5 trees (G19), and one individual tree (T3) to accommodate the development, and one individual tree (HB3) due to its poor condition - this is deemed acceptable, the loss of trees is adequately compensated for with new replacement tree planting across the site.*

*The tree protection plan and method statement show the location of protective fencing and indicates areas that requires ground protection and no-dig construction. Overall providing that providing that they are complied with, the development should have a negligible impact upon the existing trees.*

#### **LANDSCAPE & VISUAL APPRAISAL6**

- *The northern site parcel is well defined by the North Orbital Road A405 and associated vegetated corridor to the north and west, Orchard Drive and existing development to the north and east, and the existing traveller's site to the south.*
- *The southern site parcel is well defined by the North Orbital Road A405 and associated vegetated corridor to the west, Orchard Drive and existing development to the east, the existing traveller's site to the north, and the existing public right of way (PROW) and public open space to the south.*
- *The existing vegetation along the western site boundaries provides important landscape and visual mitigation as a landscape buffer and visual screen to views between the North Orbital Road A405 and the proposed development. It is proposed to retain the existing vegetation – this supported.*
- *There are short distance public views of the sites from users of Orchard Drive, and the PROW and public open space. From here the new development will be viewed in context with existing development along Orchard Drive and will not appear unexpected in principle*

#### **LANDSCAPE SCHEME**

- *The proposed housing backs onto the existing PROW and public open space to the south. It is advised that a positive frontage here would provide passive surveillance of the footpath and a more pleasant outlook for the new dwellings.*

- *With the exception of the additional tree planting within the existing vegetation along the western site boundaries, all of the proposed soft landscape, shrub and tree planting is within private front and rear gardens, and therefore could be removed by residents. It is strongly recommended that soft landscape is provided within the public realm to deliver important ecosystem services, urban cooling etc.*
- *The existing development along Orchard Road is characterised by dwellings set back behind front gardens and grass verges trees. It is suggested that there is an opportunity to reflect this local character more strongly.*

*The following conditions are recommended - C556 (Protection of Trees), C565 (Landscape Design Proposals), C566 (Soft Landscape Works), C567 (Landscape Works Implementation), C577 (Tree/Plant Replacement).*

6.14. HCC Minerals and Waste

6.14.1. Response received 25 October 2021 as follows:

**Minerals**

*In relation to minerals, the site falls entirely within the ‘Sand and Gravel Belt’ as identified in Hertfordshire County Council’s Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt’, is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.*

*Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral*

*Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.*

*Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to ‘opportunistic’ use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings.*

6.15. HCC Water Officer (Fire and Rescue Service)

6.15.1. *The ... application will require a condition for the developer to provide and installed fire hydrants, at no cost to the county or F&RS. This is to ensure all proposed dwellings have sufficient water supplies in the event of an emergency.*

6.16. Head of GP Premises/CCG

6.16.1. No response.

6.17. National Highways

6.17.1. Response received 14 October 2021 as follows:

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

*In the case of this proposed development, National Highways is interested in the potential impact that the development might have upon the SRN, in particular M25 and A414. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.*

*We responded to a previous application (reference 5/2019/2487) at this site in October 2019 with no objection.*

*We have reviewed the updated Transport Statement (TS) that has been produced to support this new application. The TS calculates a car / van trip rate by subtracting the TRICS Taxi and OGV trip rates from the total TRICS vehicle trip rates. The vehicle passenger trip rates have been calculated by subtracting the TRICS vehicle trip rates from the TRICS. This methodology seems unnecessary considering TRICS provides standalone trip rates for each vehicle type. We assume it may be for ease of applying Census data to TRICS data. We would generally expect to see a total vehicle trip rate presented. We note the importance of following the TRICS best practice guidelines in the future.*

*We have undertaken an independent TRICS assessment and are content that the number of additional trips (14 in the AM peak and 17 in the PM peak) will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly paragraph 111), in this location and its vicinity.*

*Therefore please find attached our formal HEPR response of no objection.*

*Council's Reference: 5/2021/2730*

*Location: Land Off Orchard Drive Park Street St Albans Hertfordshire*

*Proposal: Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works*

*National Highways Ref: 14960 / 92775*

*Referring to the notification of a planning application dated 29 September 2021 referenced above, in the vicinity of the M25 and the A414 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:*

*a) offer no objection\*;*

*\*on the basis that we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2021, particularly paragraphs 110 and 111) in this location and its vicinity.*

6.18. Herts and Middlesex Wildlife Trust

6.18.1. Response received 04.10.2021 as follows:

*Objection: Full Natural England Biodiversity Metric spreadsheet required before a decision can be made, condition for biodiversity offset needed.*

*The ecological report references a NE biodiversity metric. This must be supplied to enable verification of the figures, before this application can be approved.*

*Once the metric has been approved, it is likely to reveal a net loss in habitat units (as stated in the ecological report). In order for the proposal to be consistent with NPPF and deliver a measurable net gain in biodiversity, SADC must request the applicant provide details of a biodiversity offset of the requisite amount of habitat units, or negotiate a suitable commuted sum from the applicant that enables them to purchase or deliver the necessary units. As stated in the ecological report, a net gain is an increase in habitat units of 10%. This can be secured through a S106 agreement or a condition.*

6.18.2. Note: the biodiversity metric has been supplied 25/11/2021 and placed on the application file. It informed the consultation response from Hertfordshire Ecology.

6.19. Affinity Water

6.19.1. Response received 13 October 2021 as follows:

*Water Quality*

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

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

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

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

*Water efficiency*

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

#### *Infrastructure connections and diversions*

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

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

## 6.20. Thames Water

### 6.20.1. Response received 30 September 2021 as follows:

#### *Waste Comments*

*Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.*

*Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.*

*With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you*

require further information please refer to our website. <https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly9kZXZlbnR0RldmVsb3BpbmctYS1sYXJnZS1zaXRIL0FwcGx5LWFWZC1wYXktZm9yLXNlcnZpY2VzL1dhc3Rld2F0ZXItc2VydmljZXM=&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=MzlvdEQvdUcyRXdBcnlyL1IsT WoyUkRkC0phUnVaSWJWdFZKOTNyOVVZZz0=&h=4a389e6407f14de9bc05529d6be4d5b7>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://eu-west-](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly9kZXZlbnR0RldmVsb3BpbmctYS1sYXJnZS1zaXRIL1BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvV29ya2luZy1uZWFiLW9yLWLRpdMvYdGl uZy1vdXItcGlwZXM=&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=LzFK eGE4czFLOUF1UnU0MEtRWIQ5TldiWDkrUnYwREVDeGtiaFlxM2tYOD0=&h=4a389e6407f14de9bc05529d6be4d5b7)

[1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly9kZXZlbnR0RldmVsb3BpbmctYS1sYXJnZS1zaXRIL1BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvV29ya2luZy1uZWFiLW9yLWLRpdMvYdGl uZy1vdXItcGlwZXM=&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=LzFK eGE4czFLOUF1UnU0MEtRWIQ5TldiWDkrUnYwREVDeGtiaFlxM2tYOD0=&h=4a389e6407f14de9bc05529d6be4d5b7](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly9kZXZlbnR0RldmVsb3BpbmctYS1sYXJnZS1zaXRIL1BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvV29ya2luZy1uZWFiLW9yLWLRpdMvYdGl uZy1vdXItcGlwZXM=&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=LzFK eGE4czFLOUF1UnU0MEtRWIQ5TldiWDkrUnYwREVDeGtiaFlxM2tYOD0=&h=4a389e6407f14de9bc05529d6be4d5b7).

#### Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eu-west-1.protection.sophos.com?d=www.gov.uk&u=aHR0cHM6Ly93d3cuZ292LnVrL2dvd mVybmlbnQvcHVibGljYXRpb25zL2dyb3VuZDhdGVyLXByb3RlY3Rpb24tcG9za XRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3 &t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0 ZxYz0=&h=4a389e6407f14de9bc05529d6be4d5b7>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### 6.21. Ramblers Association

##### 6.21.1. Response received 29 October 2021 as follows:

The Ramblers is a national organisation whose charitable objectives include protecting and enhancing the places where people walk. Our major concern with this application is that there is no commitment to increase the width of Public Footpath 75 (FP75) which runs along the northern boundary of the site.



*FP75 is an essential link to several important destinations west of the A405 all of which are within walking distance of both this site and its surrounding existing developments. They include the Chiswell Green shops, the bus services along the Watford Road, Killigrew and Marlborough schools, Midway Surgery and Greenwood Park. The route to all these facilities relies on the footbridge over the A405 which is reached via FP75 and the track along the eastern side of the A405. FP75 is also a designated cycle route although it does not meet the minimum width for a shared pedestrian/cycle track and cyclists should dismount. In practice many do not and cyclists can present a hazard to pedestrians.*

*We note that the S106 agreement for a previous application for this site (5/2018/0509) included a Sustainable Transport Contribution towards improving cycling to and from the site including improvements or provision of a shared cycle/footpath along the east side of the A405 between junction 21a of the M25 and junction 6 of the M1 or improvements to the local shared cycle/footway facilities within the vicinity of the Site.*

*We welcome this provision which we trust will be included in any s106 agreement for the present application but money alone cannot make FP75 suitable for shared use by pedestrians and cyclists. Additional width is essential.*

*The Ramblers will oppose any proposal to upgrade FP75 to a cycle track or bridleway if the width remains inadequate. We urge the council to use this opportunity to ensure that additional width will be provided so that FP75 can be safely be upgraded for shared pedestrian and cyclist use.*

## 6.22. St Albans and District Footpaths Society

### 6.22.1. Response received 29 October 2021 as follows:

*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.*

*With the previous application for this site 5/2018/0509 the developer had drafted a Section 106 Agreement which included a contribution towards the cost of creating a multi user path parallel to the A405 on the north side of the development site. This path would be an extension to the existing track which runs west towards Burston's garden centre, and would meet up with the Meadowside access track which joins FP 75. This work would make a start to the requirement for a multi user route alongside the A405.*

*The Society would welcome a similar commitment with this application to improve the local cycling and walking network.*

*The Society note that FP 75 is currently the route chosen for National Cycle Network 6 between Watford and St Albans, but cyclists have to dismount on this path as it is not wide enough for both pedestrians and cyclists to use. Money alone cannot solve this problem more land needs to be made available so that this path can be widened. This is an ideal opportunity for the developer to demonstrate his commitment to improve the local cycling network. The Society therefore object to this proposal.*

## 6.23. CPRE

### 6.23.1. Response received 19<sup>th</sup> November as follows:

*I write with reference to the above application which is to all intents and purposes the same proposal as has been submitted twice previously for the same site; once refused and a subsequent application withdrawn. The applicant is clear in their Planning Statement that the sole reason for the resubmission is the recent planning appeal decision at Bullens Green Lane, Colney Heath and that there are no material changes from the previous applications in the present submission.*

*CPRE Hertfordshire continues to object to this application due to its location in the London Metropolitan Green Belt for the reasons previously stated. The applicant acknowledges that the proposal represents inappropriate development in the Green Belt, but refers to the*

*appeal decision cited above to constitute the 'very special circumstances' required by the National Planning Policy Framework (NPPF) to enable a permission to be granted.*

*The recent appeal decision at Coney Heath relates only to the circumstances pertaining to that location and each application should be determined on its merits. CPRE Hertfordshire believes that there have been no material changes in circumstances since the previous refusal in 2018 and that the matter of housing land supply should not over-ride the guidance in paragraph 11 of the NPPF which enables a Local Planning Authority to take account of designated protected areas, including Green Belt, when making planning application decisions.*

*We suggest that, in the light of the forth-coming Planning Bill and amendments to technical guidance and the NPPF, which should clarify what are becoming inconsistencies in the interpretation of planning guidance with regard to the relationship between housing need and designated protected areas, a decision on this application would be premature. Previous cases established that the lack of a five year housing supply was only one consideration in the determination of planning applications in the Green Belt, but recent decisions are challenging this position.*

*As an essential characteristic of the Green Belt is its permanence, it is appropriate to maintain the protection afforded by its designation and the site should be considered against the Green Belt policies in the adopted St Albans Local Plan. On this basis, the proposal represents inappropriate development which will cause harm to the openness, and other harm, to the Green Belt, and we urge the Council to maintain its previous position and refuse this application.*

6.24. Hertfordshire Constabulary

6.24.1. Response received 14.10.2021 as follows:

*Thank you for sight of this outline-application on which I comment from a crime prevention perspective only. I have read the supplied documentation and I have attended the location. It is clear that matters relating to security have been given serious consideration and the paragraph on page 51 of the Design & Access statement makes this very clear. The intention to achieve accreditation under Secured by Design (as stated), will ensure all reasonable crime prevention measure are incorporated at the design stage, where they are most cost effective as well as bringing most benefit. I am able to fully support this application at this stage.*

6.25. St Stephens Parish Council

6.25.1. *Objection – excessive number of properties has resulted in poor design and layout. Access compromised by close proximity to the road. Insufficient vegetation barrier between properties and the A405 in southerly section. Scheme that comes forward should allow for intermittent widening of Orchard Drive as this is a narrow road.*

## **7. Relevant Planning Policy**

7.1. National Planning Policy Framework

7.2. St. Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 106	Nature Conservation
POLICY 143B	Implementation
POLICY 2	Settlement Strategy
POLICY 39	Parking Standards, General Requirements
POLICY 4	New Housing Development in Towns
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

7.3. Supplementary planning Guidance/Documents

7.3.1. Affordable Housing SPG 2004

7.4. Policy Context

7.4.1. 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.

7.4.2. The development plan is the St Albans District Local Plan Review 1994.

7.4.3. The National Planning Policy Framework 2021 is also a material consideration.

7.4.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

*For decision-taking this means:*

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

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

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

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

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

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

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

7.4.6. Given the age of the development plan, assessment of the proposal against the relevant policies will be limited to those which accord with the NPPF. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

## **8. Discussion – issues of relevance**

### **8.1. Principle of Development in the Green Belt**

8.1.1. The statutory development plan is the St Albans Local Plan Review 1994. The National Planning Policy Framework 2021 is an important material consideration.

8.1.2. The land is in the Metropolitan Green Belt, covered by Policy 1 of the Local Plan. The development would be classed as inappropriate development for which very special circumstances must be demonstrated. This policy differs in the detail from the more recent NPPF 2021, but the fundamental policy test remains.

8.1.3. The Council cannot demonstrate a 5 yr supply of land for housing. 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.

8.1.4. *Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.*

*For decision-taking this means:*

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

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

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and*

*demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole.*

- 8.1.5. Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.1.6. 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:

*“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.”*

- 8.1.7. This means that the proposed development will be unacceptable in principle, unless there are very special circumstances sufficient to clearly outweigh the harm caused, and in this eventuality planning permission should be granted.
- 8.1.8. 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 test in paragraph 148 of the NPPF, in order to determine whether very special circumstances exist in this case.

#### Green Belt – Harm

- 8.1.9. As noted above, the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to this harm. Policy 1 of the St Albans Local Plan confirms the approach to Green belt development. It is broadly consistent with the NPPF which provides the most up to date policy basis against which to assess the application.
- 8.1.10. 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.*

- 8.1.11. The NPPG states:

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

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

- *the degree of activity likely to be generated, such as traffic generation.”*

8.1.12. Paragraph: 001 Reference ID: 64-001-20190722

8.1.13. The assessment of harm to the Green Belt assessment should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.1.14. The harm to the green belt is assessed as follows:

8.1.14.1. Definitional harm, arising from inappropriate development attracts significant weight.

8.1.14.2. Harm to openness has a spatial and a visual element. Spatial harm to openness is significant, because the proposed development extends across the vast majority of the site which is currently devoid of buildings, and is permanent. Additional harm from a visual perspective is limited by virtue of the fact that the site is very well contained and surrounded on all sides by existing housing, and therefore any visual harm to the green belt will be local in nature.

8.1.14.3. Turning to harm to purposes, spatial planning observations confirm that of the 5 purposes, the site makes a significant contribution to preventing neighbouring towns from merging into one another. However, the site's contribution to this purpose is arguably already compromised by the fact the site is surrounded on all 4 sides by development, and that the gypsy and traveller site is already established and extends across the full width of the area, in between the two parts of the site. This harm is considered to be low to moderate.

8.1.14.4. The spatial observations refer to the site making a significant contribution to maintaining the existing settlement pattern. This is in the context of evidence base provided for the now withdrawn Local Plan. Maintaining the settlement pattern is not one of the 5 stated NPPF green belt purposes and so does not carry material weight in decision making at application stage, in the absence of an up to date Local Plan.

8.1.15. Harm to the Green Belt attracts significant weight in decision making.

## 8.2. Impact on Character and Appearance

8.2.1. Policy 2 states that the District Council will seek to protect the character of existing settlements. How Wood and Chiswell Green are both specified settlements, categorised as large settlements excluded from the Green Belt. The site's location outside of the settlement boundary and in the green belt means that there is a conflict with Policy 2.

- 8.2.2. Local residents have stated that the site contributes to the character of the area through its openness and its contribution to biodiversity. It is also argued that the site performs a screening function from the dual carriageway (in relation to noise and pollution).
- 8.2.3. The significant tree screen adjacent to the A405 which is not proposed for built development would retain a significant screening function and maintain the visual separation between the two settlements. This represents a change from the previous application where more of the site was proposed for built development.
- 8.2.4. Is it also the case that, as noted in the landscape consultation response, residential development will not appear unexpected in this location in the context of Orchard Drive.
- 8.2.5. Finally, the existing travellers site extends across the width of the site to the A405 which already compromises to an extent any function the site has in maintaining the existing settlement pattern.
- 8.2.6. In conclusion, there is some conflict with Policy 2 in terms of the settlement strategy and impact on character and appearance this is considered to be minor given the site specific and mitigating factors outlined, but to weigh against the proposed development in terms of the planning balance.

### 8.3. Landscaping and Trees

- 8.3.1. The full landscaping consultation response is set out above. Landscaping is a reserved matter, however, there are TPO protected trees on the site, and the existing trees provide an important screening function.
- 8.3.2. In respect of trees, the approach of the applicant in retaining the majority of the existing trees is supported. The consultation response notes that:

*“The tree protection plan confirm sit is purposed to remove a partial group of 5 trees (G19), and one individual tree (T3) to accommodate the development, and one individual tree (HB3) due to its poor condition - this is deemed acceptable, the loss of trees is adequately compensated for with new replacement tree planting across the site.”*

- 8.3.3. Planning conditions can be applied to protect retained trees, to guide the scope of reserved matters and to require a Landscape and Ecology Management Plan for the site.

### 8.4. Provision of housing including affordable and self-build housing

- 8.4.1. The housing need position and lack of 5 year housing land supply are outlined in the spatial planning observations above and are not repeated here, but in summary there is a clear and pressing need for housing including affordable housing within the District.
- 8.4.2. The provision of housing therefore weighs heavily in favour of the proposals. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Colney Heath (appeal by Canton Limited) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers the very same housing and affordable housing position in the District as applies in relation to the application subject of this committee report. Some data, such as ward specific data is not relevant, but the Council acknowledges that there is pressing need across the District in its entirety.

The Council did not contest the data on housing need submitted by the appellant to the Inquiry. Extracts from the Inspector's decision are included in the spatial planning observations above.

8.4.3. There is no material reason for officers to apply a different weighting to the proposals subject of this officer's report. The housing situation and the emerging plan situation are the same. There is no reason to think that the site cannot come forward immediately on receipt of full planning permission and significantly boost local supply. Accordingly, very substantial weight in favour is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self build plots.

#### 8.5. Residential Amenity

8.5.1. Layout, which is the principle driver of impacts on amenity for existing and new residents, is a reserved matter. Residents on Orchard Drive have expressed concerns about privacy.

8.5.2. The illustrative masterplan is for information only and would not carry any weight in the event permission was granted. The site parameters plan is proposed to be conditioned, and this does show the scope for built development up to the boundary with Orchard Drive. Orchard Drive is a narrow road and at the detailed stage, impact on amenity will need to be carefully assessed and may impact on the layout and overall quantum which is acceptable. However, these matters do not affect the question of the principle of the development, since they are considered to be resolvable at reserved matters stage. It may be that the overall quantum of development is impacted, but as the application is for "up to" 30 units, again, this does not undermine the principle of what is being sought at this stage. As a result, there are not considered to be any impacts on residential amenity that would affect whether the development can be supported in principle at outline stage.

8.5.3. In terms of noise and air quality, there is no objection from Environmental Health who have recommended the imposition of conditions.

#### 8.6. Illustrative masterplan and parameter plans

8.6.1. The illustrative masterplan submitted is for information as opposed to for approval, and if permission is granted there would be no requirement for reserved matters to confirm to it.

8.6.2. Some concerns with the illustrative masterplan have been raised. Waste and recycling is concerned that emergency and refuse trucks may not have adequate access. As layout is a reserved matter, this is not for consideration at this stage. The consultation response from County Highways addressed this point and ensures it can be adequately dealt with when full details are submitted for approval.

8.6.3. There are some concerns regarding the dwellings facing Orchard Drive (referred to above) and the use of crossovers in this location. Again, this relates to the layout which is a matter for future consideration, when these issues can be fully explored. The access points to the site proposed within this outline application are as shown on the proposed parameters plan, to which no objection is raised.

8.6.4. Some residents have expressed concerns that the proposal amounts to overdevelopment. Only the principle of development along with the main access is sought at this stage. The application is for "up to" 30 dwellings. At reserved



matters stage it will be for the applicant to demonstrate that this quantum of development can be satisfactorily accommodated on site. If officers are not persuaded that this is the case it would be appropriate not to approve those reserved matters. However, there is nothing to suggest that fundamentally 30 dwellings are not achievable on this site, subject to the detail that would need to be resolved at reserved matters stage, where details of layout can be thoroughly assessed. The “up to” nature of the permission provides added flexibility should it be needed.

8.6.5. A site parameters plan has been submitted and it is proposed to require that reserved matters are in accordance with it. This will ensure that the areas of built development and planting are as indicated, helping to secure the protection of existing trees as set out earlier in this report. It also secures the continued provision of FP75.

8.6.6. The site parameters plan also confirms the location and dimensions of the access – further detail in relation to the access to the site is provided in the County Highways consultation response and in the assessment below.

### 8.7. Suitability of Location

8.7.1. The application site is surrounded on all sides by residential development, albeit separated on the western boundary by the A404. There are local facilities within reach by pedestrian and cycle at Chiswell Green. Public transport is within reach as outlined in County Highways’ consultation response.

8.7.2. The site is considered to be in a suitable location for residential development overall, and this weighs in favour in the overall planning balance.

### 8.8. Transportation, Highways and Parking

8.8.1. The full response of the Highways Authority is set out above.

8.8.2. Access is applied for in full and County Highways state that the access itself and the visibility splays are acceptable. It is noted that reduced splays are available but this is considered acceptable due to reduced speeds.

8.8.3. Whilst County Highways are not objecting to the access, they note that guidance is expected to increase the required width of the access including bellmouths to 5.5m. As this guidance is not yet in place, it cannot be applied at this time and can only be noted. However, given that layout is reserved, there would appear nothing to prevent a wider access being provided.

8.8.4. Whilst the concerns of local residents are noted in respect of the access location and visibility splays, officers are content that the County Highways officer has carried out a full assessment of the matter and officers have no evidence to dispute the conclusion reached.

8.8.5. In terms of the sustainability of the location, County Highways note:

*The site is within acceptable walk distance of a number of destinations west of the A405 including the Chiswell Green shops, the frequent bus services along the Watford Road, Killigrew and Marlborough schools, local doctors’ surgery etc. Access to all these facilities relies on the footbridge over the A405 which is reached via public footpath No 75 (FP75) and the track along the eastern side of the A405.*

*Penn Road and Orchard Drive carry on-carriageway advisory cycle routes, directing cyclists over the North Orbital Road (A405) via off-carriageway cycle routes, and thereby enabling cycle links between Howe Wood and Chiswell Green.*

*The County Council (in discussion with Highways England) have identified opportunities to fill improve or provide a shared use cycle/footway along the east side of the A405 between junction 21a of the M25 and j6 of the M1. The proposals support the Hertfordshire County Council strategic objectives and policies to encourage active travel.*

- 8.8.6. More detail about the improvements can be found in the infrastructure section later in this report, but in general terms it is clear that the site is in a sustainable location for development.
- 8.8.7. The points made by County Highways about internal roads and emergency and refuse access are noted. These can be considered at reserved matters stage.
- 8.8.8. In respect of parking, again this is a reserved matter forming part of the layout considerations. A parking management plan may be appropriate to ensure that on street parking within the development is appropriately controlled. This can also be dealt with at reserved matter stage, when it is clear whether such a plan is necessary to make the development acceptable.
- 8.8.9. In conclusion, the proposals are acceptable from a highways perspective. The requirements of Policy 34 of the St Albans Local Plan are complied with. This is neutral in the planning balance.

#### 8.9. Ecology and Biodiversity

- 8.9.1. Paragraph 174 of the NPPF 2021 states that planning policies and decisions should, inter alia, minimise impacts on and provide net gains for biodiversity.
- 8.9.2. The comments of Hertfordshire Ecology are noted and the recommended conditions are considered necessary in the context of the NPPF provisions outlined above.
- 8.9.3. The Hertfordshire Ecology response refers to 10% net gain being specified in the Environment Act. However, this particular part of the Act requires secondary legislation to come into force, and therefore is not yet a legal requirement. The commitment to deliver 10% net gain as secured in a s106 agreement therefore counts as a benefit of the proposed development, weighing in favour in the overall planning balance. .
- 8.9.4. The response also makes a calculation about what the required contribution would be if the development were to come forward as anticipated by the illustrative masterplan. As this is an application in outline and only the site parameters plan is proposed for approval, it is considered appropriate that a final calculation is made at reserved matters stage when precise details of the development are known, and this approach is reflected in the agreed s106 heads of terms outline in this report.

#### 8.10. Drainage and flooding, Ground Conditions

- 8.10.1. The local Lead Flood Authority has confirmed no objection in principle and are content with the submitted drainage strategy. Conditions are recommended.
- 8.10.2. In terms of ground conditions and potential for contamination, planning conditions are proposed to deal with this issue. This is appropriate given layout is reserved.

#### 8.11. Above and below ground heritage

8.11.1. There is no evidence of any potential for impact on archaeology. The site is not close to any heritage assets.

#### 8.12. Planning history of the site as a material consideration

8.12.1. The refusal of planning permission in 2018 is acknowledged.

8.12.2. Since that time, the housing need and 5 yr housing land supply positions have both worsened in the district, and therefore more weight should be attached to the delivery of housing than previously.

8.12.3. In addition, the 2015 Ministerial statement which referred to housing considerations being unlikely to constitute VSC was not carried forward to the NPPG or NPPF.

8.12.4. Officers consider that the approval on appeal at Colney Heath is a material consideration in some respects (for example in terms of the weight to be attached to housing), but as acknowledged in that decision itself, each application must be treated on its own merits. This application has been subject to its own assessment of harms and other considerations, which are drawn together in the overall planning balance. This assessment will be different for each site.

#### 8.13. Impact on physical and social Infrastructure/Planning Obligations

8.13.1. Development at this scale will have an impact on local social and physical infrastructure. Policy 143B of the Local Plan 1994 requires planning applications to include within the provision for the infrastructure consequences of development. A s106 Agreement is proposed to contain planning obligations on the developer in order to ensure that any impacts of the development are appropriately mitigated and that elements of the scheme such as affordable housing and biodiversity net gain, are secured. The Heads of Terms put forward by the applicant have been subject to further discussion and are now agreed to comprise:

##### **1. Affordable housing provision - SADC**

- a) That 35% of the dwellings will be affordable housing. A tenure ratio of 2:1 Affordable Rented Housing to Shared Ownership Housing (or such other tenure mix as may be agreed in writing with the District Council).
- b) The s106 agreement to provide for final details of the affordable housing provision to be agreed in advance of the approval of Reserved Matters.

##### **2. Self-Build Housing Self-build housing - SADC**

- a) That a total of 1 dwelling will be made available as self-build dwellings where the initial owner of the home will have primary input into its final design and layout. The Section 106 agreement will set out the arrangements for delivery and marketing of the self-build dwelling.
- b) The locations of the self-build unit shall be agreed via the reserved matters process.

##### **3. Financial contributions - SADC**

- a) SADC: Play areas – see table below
- b) SADC: Parks and Open Spaces – see table below

c) SADC: Leisure and cultural centres – see table below

To provide that the final amounts shall be calculated once the precise number of dwellings is known at reserved matters stage and required to be paid prior to commencement. Amounts to be index linked to PUBSEC 175.

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)	£TBC	Mayflower Road 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	£TBC	Mayflower Road 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	£TBC	Greenwood Park Pavilion improvements
<b>Total = £TBC</b>					

NB: sums are calculated based on the table and formula set out in the consultation response which is included in full earlier in this report

#### 4. Biodiversity Net Gain – SADC

The Section 106 agreement will secure the provision of a 10% net gain in biodiversity, including on-site and off-site provisions. Mechanisms to calculate the contribution and secure its delivery at reserved matters stage will be included in the s106 Agreement.

*Note: the consultation response from Hertfordshire Ecology in their capacity as advisors to SADC includes a specific biodiversity matrix calculation based on an illustrate layout. As this application is in outline with all matters reserved it has been agreed with the applicant that the s106 should allow for the calculation to be made at reserved matters stage when full details of the site layout are known. This is consistent with the approach taken for other recent s106 Agreements for outline applications within the SADC administrative area.*

#### 5. County Council Financial Contributions (full details including indexation requirements to be provided to County Council Legal Department via their officers)

##### a) County Highways

Financial contribution towards the principle sum sought by this Authority towards sustainable travel initiatives at £6,826 per dwelling, with the final sum to be calculated at reserved matters stage and payable prior to commencement.

##### b) Growth and Infrastructure

- o Secondary Education towards the expansion of Marlborough Science Academy (£382,777 index linked to BCIS 1Q2020)
- o Special Educational Needs and Disabilities (SEND) towards the new West Severe Learning Difficulty school (£36,540 index linked to BCIS 1Q2020)

- Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£3,094 index linked to BCIS 1Q2020)
- Youth Service towards the re-provision of St Albans Young People's Centre in a new facility (£10,966 index linked to BCIS 1Q2020).

NB: it is expected that the s106 will include appropriate clauses to allow for a review of these figures should the housing mix be different at reserved matters stage than what was anticipated at outline.

#### 8.14. Any other considerations raised by applicant

8.14.1. The applicant raises a number of additional matters in favour of the application:

1. St Stephens Neighbourhoods Plan - no material weight in decision making can be attached to the emerging Neighbourhood Plan at this time.
2. Economic benefits – these are noted but are not specific to this site and would arise from any proposal for residential development within the District.

#### 8.15. Other matters raised in consultation responses

8.15.1. The objection from CRPE suggests this application may be premature in the light of the Planning Bill and anticipated amendments to the NPPF. Prematurity is tightly defined in the NPPF paragraph 49

*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.*

*50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*

8.15.2. The prematurity test is not satisfied in this case by either the stage of local plan preparation or the scale of the proposal.

8.15.3. It is not appropriate to judge an application as premature in anticipation of future changes to policy or guidance, which in themselves carry no weight in decision making.

8.15.4. One representation refers to energy and climate change and the need for the development to be sustainable and use PV panels and EV charging points. The

Council does not have any policies to require this at outline stage, but the developer can be encouraged to employ them at reserved matters stage.

8.15.5. One objector is concerned about problems with sewage locally and refers to Thames Water. However, Thames Water have no objection to the development.

8.15.6. Concerns are raised about disruption during construction. This will be temporary. Hours of construction are controlled by legislation, and a construction management plan can be secured by condition.

8.15.7. One objector raises concerns about impact on house prices – this is not a material consideration in planning terms.

8.15.8. One objector suggests building on the Mayflower Park instead and relocating that park. However, this is not the proposal before the Council for consideration.

#### 8.16. Planning Balance

8.17. 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 judgements based on the merits or otherwise of each individual case.

8.18. Taking the development plan first, compliance with the most important policies of the St Albans Local Plan Review 1994 needs to be considered.

8.19. Policy 1, Green belt, requires that very special circumstances are demonstrated for inappropriate development to proceed, mirroring the NPPF. This requires the harms and benefits of a scheme to be weighed up, and this is dealt with below.

8.20. Policy 2, Settlement Strategy, seeks to direct development to the main towns, and seeks to protect and enhance the essential character of existing settlements. In accordance with the analysis set out in this report, the impacts of the development must be seen in the context of the specific characteristics of the site as outlined in this report, and in the context of those impacts being considered to be localised. There is not considered to be a significant impact on the essential character of either settlement as a result of this development, albeit officers do not consider there is evidence to show its character will be enhanced by the development. There is therefore some minor conflict with Policy 2.

8.21. As noted above, the requirements of Policy 34, Highways Considerations in Development Control, have been complied with.

8.22. Policies 69, 70 and 74 deal with matters that have been reserved as part of this outline application. The submission of parameter plans provide comfort that the requirements of those policies can be met at reserved matters stage.

8.23. In terms of other material considerations, the NPPF is highly material.

8.24. Paragraph 148 advises:

8.25. 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.

- 8.26. This report has identified significant harm to the Green Belt by definition of inappropriate development, significant harm in relation to openness and low to moderate harm in relation to preventing the merging of neighbouring towns. This harm carries substantial weight in line with paragraph 148 of the NPPF.
- 8.27. In terms of other harms, there is limited harm to character and appearance as noted in this report. Aside from this, there is not considered to be any additional material harm arising from the proposals. All technical issues have been resolved and there are no objections from statutory consultees that cannot be resolved by way of planning conditions, s106 Agreements or which are for the reserved matters stage. The development is in a sustainable location for housing. The submitted parameter plans ensure that the detailed reserved matters will be as anticipated and will secure the protection of TPO trees and the retention of existing rights of way. There will potentially be some harm to amenity during construction, these can be mitigated via the construction traffic management plan and are not considered in themselves to warrant a reason for refusal. There is some minor conflict with Policy 2 of the Local Plan 1994 as noted above.
- 8.28. Turning to the “other considerations” which weigh in favour of the proposals, as this report has indicated, the delivery of market and affordable housing are both afforded very substantial positive weight. The provision of self-build is given substantial positive weight. The commitment from the applicant to deliver 10% biodiversity net gain on the site is afforded moderate positive weight. The site is located in a sustainable location, and this benefit is given low to moderate positive weight.
- 8.29. Each application for planning permission is unique and must be treated on its own merits. In this particular case, it is considered that as a matter of planning judgement, the “other considerations” set out above do clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 148 of the NPPF, it follows that very special circumstances exist. As such, although there is some minor conflict with Policy 2 of the St Albans District Local Plan Review 1994, the proposal would accord with the National Planning Policy Framework 2019 and planning permission should be granted.

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

- 9.1. As noted in this report.

## **10. Reasons for Grant**

- 10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the green belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). In this case, the harm relates to harm to the green belt, limited harm to character and appearance, and some harm to amenity during construction. There is limited conflict with the most important policies of the development plan (St Albans Local Plan Review 1994). The benefits include the provision of housing, self build housing and affordable housing, and the commitment to 10% biodiversity net gain. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 Agreement.

**11. A. That the applicant, within 6 months of the date of this decision, enter into a legal agreement, pursuant to s106 of the Act to secure developer contributions towards:**

- affordable housing (35%),
- self build housing (1 unit),
- play areas, parks and open spaces and leisure and cultural centres;
- sustainable transport,
- biodiversity net gain;
- secondary education;
- special educational needs and disabilities;
- library service,
- youth service.

**B. That Planning Permission be GRANTED subject to conditions.**

**C. And in the event that the s106 agreement is not entered into by 20 June 2022, grant officers delegated authority to refuse planning permission for the following reason:**

1. In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of: affordable housing (35%), self build housing (1 unit), appropriate financial contributions to play areas, parks and open spaces and leisure and cultural centres; sustainable transport, biodiversity net gain; secondary education; special educational needs and disabilities; library service, youth service, the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the national planning policy framework, 2021, and policy 143b (implementation) of the St. Albans District Local Plan Review 1994.

**12. Conditions**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.



3. The development hereby permitted shall be carried out in accordance with the following approved plans: 805.01 Site Location Plan and 805.03 Site Parameters Plan insofar as it relates to the vehicular access to the site.

REASON To ensure that the development is carried out in accordance with the approved plans and details

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans: Site parameters plan 805.05.

REASON For the avoidance of doubt and in the interests of proper planning

5. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments; and
- f) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting)

REASON To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policies 70 and 74 of the St. Albans District Local Plan Review 1994 and; the National Planning Policy Framework.

6. A landscape and ecological management plan (LEMP) should be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:

- a) A description of the objectives;
- b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion
- c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
- d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
- e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

REASON To maximise the on site mitigation for biodiversity impact, in line with the requirements of the NPPF.

7. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

REASON To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

8. No development shall commence unless a method statement has been submitted to and approved in writing by the Local Planning Authority to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837. Thereafter the development shall be carried out in accordance with these approved details

REASON To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

9. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the contractual practical completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

REASON To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

10. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: i) Roads, footways; ii) Cycleways; iii) Foul and surface water drainage; iv) Visibility splays; v) Access arrangements; vi) Parking provision in accordance with adopted standard; vii) Footway improvements and extent of areas for adoption.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34, 69 and 70 of the St Albans Local Plan, Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted the proposed access /onsite car and cycle parking / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34, 39, 40, 69, and 70 of the St Albans Local Plan 1994 and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

12. Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in

consultation with the Highway Authority, which clearly demonstrate that on-site vehicular turning space is sufficient to accommodate service vehicles and a refuse vehicle of 11 metres in length.

REASON: To enable all vehicles to enter and exit the site in forward gear, in the interests of highway safety and in accordance with Policy 34 of the St Albans Local Plan 1994 and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

a. Construction vehicle numbers, type; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; e. Cleaning of site entrances, site tracks and the adjacent public highway; f. Timing of construction activities to avoid school pick up/drop off times; g. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 34 and 70 of the St Albans Local Plan and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the commencement of development, a desk-top study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.

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

15. Prior to the commencement of any works other than those required to comply with the condition, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:

(i) a desk-top study has been completed satisfying the requirements of Condition 14 above;

(ii) The requirements of the LPA for site investigations have been fully established; and

(iii) The extent and methodology have been agreed in writing with the LPA.

Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

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

16. The results of the site investigation and the detailed risk assessment referred to in Condition 15 shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of any works other than those required to satisfy the condition, and all requirements shall be implemented and completed to the written satisfaction of the LPA by a competent person.

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

17. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 16 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

18. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing.

On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

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

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected.

20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70029954 version 10 dated September 2021 and the following mitigation measures:

1. Undertaking appropriate drainage strategy based on infiltration (option 1) and attenuation supported by infiltration testing carried out in accordance with BRE Digest 365 at the location of proposed SuDS infiltration features.
2. If discharge via infiltration only (option 1) is not feasible, undertaking appropriate drainage strategy based on a combination of infiltration (southern section of South Parcel) and attenuation and discharge into Thames surface water sewer at 1.5l/s (option 2).
3. Providing attenuation to ensure no increase in surface water run-off volumes of minimum 368m<sup>3</sup> (option 1) or where the alternative strategy is used, 336m<sup>3</sup> (option 2) for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
4. Implementing drainage strategy as indicated on the drawing Outline Drainage Strategy Option 1 reference 9954-D-02 P02, and where the alternative strategy is used, as indicated on Outline Drainage Strategy Option 2 reference 9954-D-03 P02.

The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants as required by the National Planning Policy Framework.

21. No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the principles of the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70029954, version 10, dated September 2021.

The scheme shall also include;

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Detailed infiltration tests to BRE Digest 365 standard carried out at the location and depth of proposed infiltrating features.
4. Silt traps for protection for any residual tanked elements.
5. Detailed modelling of existing surface water flow path through the centre of the northern and southern parcels of the site to ensure no impact on the footprint of proposed buildings.
6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.
7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON To prevent the increased risk of flooding, both on and off site as required by the National Planning Policy Framework.

22. Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, as required by the National Planning Policy Framework.

23. The units hereby approved shall not be occupied unless details of noise and vibration levels within a selection of the most affected units/flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The selection of the most affected premises shall be made by a competent person.

If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

REASON: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

24. Before above ground construction works commence a scheme providing for the insulation and double glazing of residential properties against the transmission of noise and vibration from surrounding commercial uses shall be submitted to and approved in writing by the Local Planning Authority.

The scheme so approved shall be carried out and verified by a competent acoustician before the use commences which includes evening time periods when commercial uses operate. The findings shall be presented in an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. This report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

25. The development hereby permitted shall be carried in accordance with the recommended ecological mitigation measures set out in section 5.6 of the submitted Preliminary Ecological Appraisal and Ecological Impact Assessment by the Ecological Partnership (report date September 2021).

REASON: To ensure that the ecological mitigations proposed as part of the proposed development are delivered and the ecological impacts suitably mitigated, to comply with the relevant provisions of the National Planning Policy Framework.

26. Prior to first occupation of the development hereby permitted a biodiversity lighting report must be submitted to and approved in writing by the Local Planning Authority to demonstrate that impact on wildlife and habitats would be minimised. The external lighting scheme must include: the quantity, type and nature of lighting; the extent to which the lights will illuminate hedges, bushes, flowerbeds, trees, bat and bird boxes. The development must be carried out in accordance with the approved external lighting scheme.

REASON: To ensure that an appropriate lighting scheme is delivered having regard to the sensitive location of the site, to comply with the relevant requirements of the National Planning Policy Framework.

27. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

REASON: To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans Local Plan Review 1994 and the NPPF.

### **13. Informatives:**

1. This decision was based on the following drawings and information:

Site Location Plan 805.01 Version 1;

Site Topography Plan 805.02 Version 01;

Site Parameters Plan 805.03 Version 4;

Illustrative Masterplan

Illustrative landscape masterplan and Illustrative Landscape Sections

Indicative affordable housing and schedule of accommodation

Air Quality Statement

Flood Risk Assessment

Design and Access Statement

Noise Impact Assessment and Addendum

Planning Statement

Preliminary Ecological Appraisal and 2021 Update, Reptile Survey

Green Belt Assessment

Transport Assessment

Tree Survey

2. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see [www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx](http://www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx)

3. No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

4. The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

#### Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA<sub>max,f</sub> for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA<sub>max,f</sub> to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

5. Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

6. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

7. Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

8. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.



9. The submitted noise assessment notes the possibility of installing timber acoustic fence panels/acoustic barrier. The performance of these barriers reduces within the first 5 years by 4-7dB. As such, other types of acoustic barrier would be preferable.

10. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

11. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

12. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

13. The applicant is advised that the new footway along Oaklands Drive and at the access point will need to be dedicated as public highway. This Deed of dedication or s38 agreement should form part of the s278 agreement and be completed before first occupation of the development. All other new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

14. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

[https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_8](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8)

15. A pooled financial contribution of £204780 index linked by SPONS to November 2019 towards: Package PK35 of the emerging Hertfordshire County Council South Central Growth and Transport Plan, being Chiswell Green Corridor Active Travel Improvements which seek to improve connectivity between Chiswell Green, Park Street and St Albans and includes improvements along the A405 including roundabout upgrades at the A414 / A405 / A5183 Park Street Roundabout, and therefore is a policy objective / scheme for the plan period.

16. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

<b>Officer</b>	<b>Ruth Ambrose</b>
<b>Section 65 Parties</b>	None
<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>