

<b>REGISTERED NUMBER:</b>	5/2019/3022/SSM
<b>APPLICANT:</b>	Stackbourne Ltd
<b>PROPOSAL:</b>	Outline application (all matters reserved) - Redevelopment of the site including demolition of existing buildings to provide up to 100 residential units
<b>SITE:</b>	Smallford Works Smallford Lane Smallford St Albans Hertfordshire AL4 0SA
<b>APPLICATION VALID DATE:</b>	19/12/2019
<b>HISTORIC BUILDING GRADE:</b>	N/A
<b>CONSERVATION AREA:</b>	N/A
<b>DISTRICT PLAN REVIEW:</b>	Green Belt

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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## 1. Reasons for Call in to Committee

- 1.1. The application has been called in by Cllr Brazier if minded to recommend refusal of permission for the following reason:

*This plot of land is a Brownfield Site which should according to the PPG document should be used for housing, before we build on the Green Belt. If officers are minded to refuse I would like the application discussed at Committee. The application needs to be assessed carefully against policies 69, 70 & 72. I have not predetermined this application.*

## 2. Relevant Planning History

- 2.1. 5/2002/2112 – new access road. Conditional Permission 26/04/2004.
- 2.2. 5/2016/2730 – Screening Opinion – redevelopment for residential use. Environment Statement not required 05/10/2016.
- 2.3. 5/2017/2393 – Certificate of Lawfulness (existing) – new access road. Approved 13/10/2017.
- 2.4. 5/2018/2006 - Certificate of Lawfulness (existing) - To establish the existing lawful use for the industrial uses that have carried out over the last 10 years. Withdrawn.

## 3. Site Description

- 3.1. Situated on Smallford Lane, to the east of St Albans, the application site comprises an approximate area of around 3.6ha with a maximum width of approx. 181m and maximum depth of approx. 226m. The immediate context of the application site comprises of 22 plots with single storey, industrial use buildings and temporary structures. The site is located opposite residential development on the north-western edge of Sleepshyde. The site is largely level and contains

extensive hardstanding with buildings comprising of a steel frame construction with brick walls and steel roofs. The site lies within the Metropolitan Green Belt and is largely surrounded by open space.

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

- 4.1. The application seeks outline planning permission with all matters reserved for subsequent approval for the redevelopment of the site including demolition of existing buildings to provide up to 100 residential units.
- 4.2. An indicative layout has been provided. This indicates that the existing access would be closed to vehicles, with pedestrian access provided. The approved access from Smallford Lane would be provided. A row of mainly terraced houses is sited parallel to the boundary with Smallford Lane, with detached houses along the northern and eastern boundary with open fields. To the north western part of the site there are three clusters of dwelling. Within the site is a cluster of terraced houses. Centrally within the site a triangular shaped village green is proposed.

#### **5. Representations**

##### **5.1. Publicity / Advertisement**

Site Notice/Press Notice: 08/01/2020

Expiry Date: 31/01/2020

##### **5.2. Adjoining Occupiers**

- 5.2.1. Notification letters were sent to the following units within the application site: 1, 1a, 1b, 1c, 1d, 2a, 2b, 2e, 3, 3a, 4, 5, 6, 7a, 7b, 7c, 7d, 8, 9, 10, 10b, 11, 12, 14, 15. The following residents were also notified: No's. 17, 18, 19, 20, 21, 22 Smallford Lane and No. 1a Sleepshyde.
- 5.2.2. Representations Received from: St Albans Civic Society, No. 63 Station Road, Buckland Bungalow, 30 Cutmore Drive, 15 Admirals Close, Rahilly Plant Ltd (Unit 9), The Scaffolding Company Ltd (Unit 8), HDD UK Ltd (Unit 11), R & F Pallets (Unit 4), Rol Construction Ltd (Unit 15), Classobtain Holdings Ltd (Unit 5), Smallford Supplies Ltd (Unit 5), 23 Station Road, 18 Smallford Lane, Smallford Residents Association, 21 Sleepshyde Lane, 64 Oaklands Lane, 20 Sleepcross Gardens, Lyndhurst (Roestock Lane).
- 5.2.3. Summary of Representations – 24 objections were received on the following grounds:
- Overdevelopment of the site.
  - The site is located adjacent to contaminated land.
  - Addition of domestic vehicles would increase congestion.
  - Commercial traffic is limited to working hours and the proposed development would lead to increase of domestic traffic.
  - Additional site entrances and increase of pedestrians would require new traffic management strategies and would cause a disruption to existing local residents.
  - Road capacity on the A414 is already at a maximum capacity, proposed development would further affect traffic flow.
  - Loss of commercial site and employment and no other potential sites for relocation.

- Inappropriate development in the Green Belt and no very special circumstances demonstrated.
- Local services such as the Primary School in Colney Heath and GP services would not be able to meet the additional demand and there are no local amenities close to the application site.
- The effect of the application on the immediate surrounding area has not been taken into account by HCC. All financial contributions are directed towards out of area facilities.
- Increase in crime.
- Relocation of businesses would increase carbon footprint as employees would have to travel to other site as many of the workers are local residents.
- Asbestos is present on site, any development would release fine asbestos particles into the air to the detriment of local residents.
- Not consulted and live in Smallford Lane.
- We are running businesses which keep people employed and add to the countries economy.
- The density may well be within the published acceptable levels but is not appropriate for this location. Neither does it take account of, or properly address the inherent problems.
- The planned roads do not allow Refuse Vehicles to access approximately 30% of the site and when a vehicle of moderate size is present the road will effectively be blocked. The NPPF stipulates that planning should be for the long term. Most of the Countries housing was planned before the age of the motor vehicle, then consideration was given to it.
- Now we are moving into another age of transition and cars will be powered by electricity. Clearly no thought has been given to this on this site. The plan has no thought of sustainability, parking planned to be in front of most homes, in most cases two vehicles side by side, occupying most of the frontage, with a foot passageway between vehicles for home access. In some cases the parking is removed from the home, separated by a footpath running along the street. The visual and practical result of this will be living in a car park, but has further implications.
- The government has signalled plans to phase out the same of combustion engine passenger cars within the next fifteen years. The life of this development is just starting but there is no mention of or provision for charging points.
- The site, at present, is occupied by several light industrial enterprises and provides much needed employment. It is not an attractive site and could be improved whilst still retaining and enlarging its present contribution to both industry and employment. The present users (although diminished in numbers of late) are apparently causing disturbance to residents, surely, if this complaint is found to be a valid one, a time limit on operating hours could and should be imposed.
- This is a Brown Field site in the Green Belt. We do not see that there are any of the required special circumstances for this use to be changed to one of housing. The need for housing alone is not enough 'special circumstance' for this proposed development to be considered.
- Due to various occupiers over many years the site has become contaminated and this gives further rise for concern.
- Detailed information provided by Affinity Water in their submission dated 6<sup>th</sup> May. They clearly state why the proposal development should be rejected.
- The present plan is reliant upon surface water drainage through several collection methods to eventually be discharged into the HCC ditch 'system'. HCC have as far as we are aware not responded to this but this means of disposal is totally without factual evidence of being a satisfactory arrangement.

- The road access point is along a very busy road (the traffic figures quoted do not represent the facts) especially at peak times. The planned junction will cause even more tail-backs than there are at present and does not afford good sight lines particularly to the north for traffic exiting the site. We consider the planned junction unfit for purpose.
- It is a polluted site from past uncontrolled usage and lies within the Source Protection Zone (SPZ) of both Roestock and Tyttenhanger borehole sources for the local water supply. Drums and bulk containers have been found in 11 locations by the developer, containing potentially hazardous substances. Furthermore, there was reported evidence of uncontrolled releases to ground at 10 locations.
- Affinity Water are clearly concerned that the proposed development could damage the local water quality and have set out some stringent requirements to try and control the prospect of pollution. The Developer has since made certain proposals which are designed to overcome the surface water problems. These largely rely upon under surface storage etc. before discharge into the HCC owned ditch bordering the Eastern site boundary.
- It would appear that the traffic survey suggests that there will be less traffic movements from over two hundred cars on the finished sites, than there are with current movements from the less densely concentrated industrial site. How could this possibly be true? The reality is that the traffic from the proposed site will all be *leaving* for work/school during peak hours, turning right to join the traffic queue to access the A414 further south, often backup up beyond the single site exit. Most traffic will be going the opposite direction INTO Smallford Works now
- The planned new vehicle entry/exit point for the development is considered to be inappropriate for the intended purpose and will add to the congestion on the road.
- Smallford Works is currently an important employment area – this will all be lost if this housing only proposed development is approved. At both local consultations on this development, representatives from SRA expressed concern that an opportunity had been lost to maintain a source of employment on this site – we believe this to be the view of the Parish.
- While there have been two consultations, what is the point of these if the developer does not address the points made, one of which was the removal of employment from the site which could have been addressed by a mixed development.
- The rural characteristics of Smallford will be lost if this type of development is allowed, which will lead to further 'ribbon development' between existing urban communities.

Summary of Representations – 1 in support of development on the following grounds:

- Heavy traffic in the mornings and evenings, disrupting sleep and health due to commercial use of the site. The development would improve the hamlet of Smallford which is in need of better amenities and with additional housing this could be achieved.

## **6. Consultations:**

### **6.1. Hertfordshire Ecology:**

- 6.1.1. We provided pre-application advice on this or a similar proposal by letter of 22 November 2016. The advice provided below builds on that but provides further comment to reflect changes in planning and biodiversity policy.

- 6.1.2. In our previous letter (2016, pre-application advise) we recommended that great crested newts (a European protected species) may be present within the LWS (Local Wildlife Site) and could occur within the proposed development site. Whilst direct effects are considered unlikely, because of the distance involved, we recommend that a precautionary approach would be appropriate and advised the addition of a suitable informative should consent be granted.
- 6.1.3. However, we now believe that the PEA fails to adequately describe affects beyond the application site boundary and in particular on the adjacent LWS and its various features. There is no evaluation of existing or anticipated recreational pressure on the LWS from new residents, especially those with dogs. The LWS is already heavily used and an additional 100 dwellings in such close proximity can only be expected to increase recreational pressure and for the condition of the site to decline further. Urbanisation effects can also be expected to increase.
- 6.1.4. The lack of such assessment should be rectified and resulting report should identify the scale of existing damage and review the implication of increased pressure. Suitable avoidance and mitigation measures should be considered if adverse effects cannot be ruled out.
- 6.1.5. Insufficient evidence is available to ensure that the proposed development does not conflict with the extant and emerging local and national planning policy to ensure the protection of LWS and the delivery of a net gain in biodiversity.
- 6.2. Environment Agency – Flood Risk
- 6.2.1. Offer no objection subject to relevant informative notes due to the proximity of the Butterfield brook and groundwater advice given in the previous use of the site and its location in a vulnerable groundwater area in a source protection Zone 2.
- 6.3. Environment Agency – Contaminated Land
- 6.3.1. The site presents a medium-high risk of contamination that could be mobilised during construction to pollute controlled waters. Nonetheless, submitted documents in support of the application demonstrate that it will be possible to suitable manage the risk posed to controlled waters by this development.
- 6.3.2. In light of the above, the proposed development will be acceptable in a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF.
- 6.4. HCC Highways
- 6.4.1. Does not wish to restrict grant of permission subject to relevant conditions and informative notes and Section 106 and Section 278 Agreements.
- 6.5. HCC Property
- 6.5.1. All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

## 6.6. HCC Rights of Way

- 6.6.1. There are no definitive rights of way recorded within the application site. However, it is highlighted that the Rights of Way Improvement Plan, which is part of the Local Transport Plan 4, identifies a number of additional paths and improvements to the network linking to the Alban Way along the application site boundary.

## 6.7. HCC Constabulary

- 6.7.1. No serious concerns with the intention to develop housing at this location but the indicative plan does highlight some areas of serious concerns.
- 6.7.2. The indicated 'Green Lane' that splits the housing in the loop layout presents a serious concern as it is a perfect 'ambush alley'. There is virtually no surveillance into the area with the houses either end offset to prevent this.
- 6.7.3. The side fences of gardens will be 1.8m high so no vision from adjoining gardens. The rooms above are likely to be bedrooms, which are not live rooms for the purpose of surveillance.
- 6.7.4. The alley leads to two smaller alleys (one either side), that then grants access unseen to the rear of six additional gardens. Additional access is granted over the side fences into the four adjoining gardens. This layout lends itself to all sorts of illegal activities from fly tipping through drug dealing to robberies, all whilst unseen by anybody. What purpose is it intended to serve? It goes from nowhere to nowhere and as a short-cut, saves no real time.
- 6.7.5. If the access is deemed to be necessary, then both ends of the alley must be gated and kept locked.
- 6.7.6. The design of the 'loop road' is capable of being seen as a 'race track' and some form of traffic calming would be essential.
- 6.7.7. The Type 2. House design incorporates a deep recess for the front door. I would ask for a flush door area (increasing available internal room), and a canopy for weather protection. This design also provides the ideal space for luminaire to provide safety/security lighting to the area.
- 6.7.8. All rear gardens that open out onto open countryside must have very robust and secure fencing to prevent access from these areas. The standards 1.8m fences should be augmented with 300mm trellis.
- 6.7.9. Permeability is good, but excessive permeability is bad. Paths must serve the purpose of taking people to somewhere they want to go. This produces good foot-falls, which in turn leads to good surveillance. Too many paths serving the same locations divides the foot fall and reduces any benefits.
- 6.7.10. There is much to like with the designs and reuse storage and car parking arrangements are two strong areas. If the council are of a mind to allow this application to progress, I would ask that the architects contacts this office to discuss security in more detail.
- 6.7.11. At this stage, and conditional on amended plans as requested above, I would be able to support the application.

6.8. Welwyn Hatfield Borough Council

- 6.8.1. No evidence submitted to demonstrate that a lawful use exists on the site or it meets the NPPF definition of previously developed land. On this basis, the proposal is inappropriate development within the Green Belt and would require very special circumstances to be demonstrated. In addition to the harm by reason of inappropriateness, other harm is identified in relation to loss of openness to the Green Belt and the impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute very special circumstances necessary to permit inappropriate development in the Green Belt.
- 6.8.2. It is considered that the proposal would significantly impact the visual and spatial gap between the towns and perception of coalescence. The development would harm Green Belt openness and negatively impact on the Green Belt purpose to prevent neighbouring towns from merging together.
- 6.8.3. The applicant's Planning Statement indicates the application site is located within the Green Belt village Smallford. The applicant is proposing to include a total of 300 car parking spaces, which could potentially be considered excessive. A concern should be raised that the level of car parking proposed would fail to promote sustainable modes of transport, in conflict with paragraph 102 of the NPPF.

6.9. Thames Water

- 6.9.1. In regard to foul water sewerage network infrastructure capacity, no objection is offered based on the information provided.
- 6.9.2. The application indicates that surface water will not be discharged to the public network and as such no objection is offered, however approval should be sought from the Lead Local Flood Authority.

6.10. Affinity Water

- 6.10.1. Object to the proposed development as it has the potential to impact adversely the public water supply which have not been fully accounted for in the investigations to date. Contamination source is the Smallford landfill site adjacent to the application site. This area is situated over a shallow gravel aquifer and a deeper chalk aquifer, with boulder clay in between of variable thickness. The water table in the shallow gravel aquifer is also high in this area so any existing, or new contaminants could be mobilised posing a risk to our abstractions.
- 6.10.2. If the application is granted, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points: construction and operation, ground investigation, turbidity, contaminated land and infiltration.

6.11. Environmental Compliance

- 6.11.1. No objections, subject to conditions and informatives.

6.12. Recycling and Waste Officer

6.12.1. I am happy with the layout of this development. However, the vehicle spec that has been used appears to be different to that of our freighters.

6.13. HCC Growth and Infrastructure Unit

6.13.1. Based on the information to date for the development of 100 dwellings we would seek financial contributions towards the following projects:

6.13.2. Secondary Education towards the expansion of Samuel Ryder Secondary School by 1FE .

6.13.3. Library Service towards the enhancement of the children's area at Marshalswick Library.

6.13.4. Youth Service towards the increase of capacity at Pioneer Young People's Centre.

6.14. Herts Valley CCG

6.14.1. This development of 100 dwellings would result in excess of approximately 240 additional residents.

6.14.2. Several GP practices in East of St Albans will be impacted by this development, some of which have capacity, however, some are operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

6.14.3. Despite the fact that one of the surgeries has some capacity to absorb growth in patient numbers, there are factors, which intensify the impact:

- Firstly, there is a major housing growth planned in the area (according to draft Local Plans for the next planning period up to 2036) and any capacity that there is, is likely to be exhausted in the very near future.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

6.14.4. I would like to take this opportunity and expand on the latter point.

6.14.5. For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their "core" activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

6.14.6. In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

6.14.7. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.



6.14.8. This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

6.14.9. Closest practices to the proposed development are:

The Highfield Surgery – a branch surgery of the Lodge Practice Group, which has a patient list of 20,811 as of 1 April 2019 and total combined floor area of 1,357.50 m<sup>2</sup>.

6.14.10. Department of Health's Principles of Best Practice stipulate that a surgery with 21,000 patients is recommended to have approx. 1,100 m<sup>2</sup> NIA (net internal area) of floor space, which is circa 257m<sup>2</sup> less than this practice currently occupies, therefore indicating capacity.

6.14.11. However, considering that there is a large development of circa 1,250 houses planned to the East of St Albans and also a new settlement of at least 6,000 new homes across the border in Hertsmere BC's jurisdiction (Tyttenhanger Garden Village), which will have an effect on this surgery, any existing capacity will be exhausted.

6.14.12. Jersey Farm Surgery – a branch surgery of the Lodge Practice Group, which has a patient list of 13,638 as of 1 April 2019 and total combined floor area of 508 m<sup>2</sup>.

6.14.13. According to the Principles of Best Practice a surgery with 14,000 patients is recommended to have 870 NIA (net internal area) of floor space, which equates to almost 360 m<sup>2</sup> of current shortfall.

6.14.14. Hatfield Road Surgery – 250 m<sup>2</sup> NIA – patient list 4,327. A surgery with 4,000 patients is recommended to have circa 290 m<sup>2</sup> NIA (net internal area) of floor space, which is circa 40 m<sup>2</sup> more than they currently have.

6.14.15. It should also be noted that the Principles of Best Practice is only concerned with the GP core services and does not provide size guidance for extended services, which most surgeries are offering and the volume of which is set to increase as explained above.

6.14.16. For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling towards providing additional health facilities in the area.

6.14.17. Below is our calculation based on the number of dwellings proposed:

100 dwellings x 2.4 = 240 new patients

240 / 2,000 = 0.12 GP (based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")

0.12 x 199m<sup>2</sup> = 23.88 m<sup>2</sup> additional space required

23.88 x £3,150 (build costs including land, fit out and fees) = £75,222

£75,222 / 100 = £752.22 ~ £752 per dwelling

6.14.18. These calculations above are based on the impact of this development only, on the number of dwellings proposed.

6.14.19. In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

	Cost per dwelling
Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

6.15. Local Lead Flood Authority

6.15.1. In the absence of an acceptable surface water drainage assessment object to the grant of planning permission and recommend refusal on this basis.

6.15.2. Second comments upon receipt of revised information:

Recommend refusal on this basis for the following reasons:

The submitted surface water drainage assessment fails to address:

1. Clarification of discharge mechanism
2. Provision of Greenfield runoff rates.
3. Clarification of restricted discharge via a flow control device
4. Details of maintenance arrangements for the proposed shared SuDS features.

6.16. Access Projects Officer

6.16.1. There are no definitive rights of way recorded with in the application site.

6.16.2. In response to the above planning application consultation, draw the applicants attention to the ROWIP which is part of the Local Transport Plan 4, this identifies a number of additional paths and improvements to the network linking to the Alban Way along the application site boundary.

6.17. SADC Housing

6.17.1. The Strategic Housing department is pleased to note the proposed provision of 40% affordable housing on this site within the Green Belt.

6.17.2. It would be expected that there would be a higher proportion of rented accommodation than intermediate/shared ownership accommodation on site. It would also be a preference that there would be a mix of size of properties that reflect the housing need in the district.

6.17.3. The Housing Department would want affordable housing to be secured through a Section 106 agreement and delivered via a Registered Provider. The properties that are being made available for general need rental should be subject to a nominations agreement with the Council.

## 6.18. SADC Archaeology

- 6.18.1. The application does not contain an assessment of the archaeological potential, in consequence the archaeological significance of the site is unknown. Previously, a Desk-based Assessment (DBA) consistently has been requested on pre-application consultations and screening options (e.g. 5/16/PRE0174, 5/16/2730 and 5/19/1316). The current application does not appear to contain such a DBA, but the Design and Access Statement does include a short section commenting on the heritage of the site (November 2019, Revision A: Ref 2.3 Site History). This comprises a basic map regression exercise. However, there is no reference to the Hertfordshire Historic Environment Record which is a minimum requirement of the National Planning Policy Framework (Section 16, Paragraph 189, pp.55). Therefore, the statement that the site is considered to have low to moderate archaeological potential due to past ground disturbance, and that this is only local significant is a position based on very little information because no empirical evidence has been presented to support this opinion.
- 6.18.2. Preliminary archaeological work will therefore be required to assess the archaeological potential and significance of the site. This work could be the first part of a sequential stratified project which may include excavation and/or preservation in situ, depending on the results of each phase and the level of significance of those results. To this end, conditions are requested.

## 6.19. Parish Council

- 6.19.1. The parish council has unanimously resolved to object to the proposed development as the applicant has not demonstrated very special circumstances for this site, wholly within the Green Belt. The detailed grounds for objections are set out below.
- 6.19.2. *Draft District Local Plan:* aware that the draft District Local Plan in its current format is unlikely to progress to adoption, after scrutiny from the Inspectors. Nonetheless, we believe that the cross party agreed Draft Plan encapsulates the planning ideals of the district. Plan L9 promotes Class B business use, yet this application, all such use is lost. Policy L23 places an obligation on the development regarding community involvement. There have been two consultations organised by the promoter. Many residents have advised us that they made representations at the meeting on loss of employment use. We also did in the meeting we held with the promoter's advisers on 26 September 2018. It seems the Parish Council's comments have been totally ignored as the Parish Council advised it would consider a mixed employment and housing development. It seems that the development has paid 'lip service' to the points made by us or local residents as the promoter has not addressed the points made at all. If the Council is minded to permit, some residential use then this must be part of a mixed-use site with a significant element of business units.
- 6.19.3. *Groundwater:* the site itself is highly sensitive for groundwater as shown document 8372654 in particular. If the proposer is serious about the development then it should demonstrate a viable remediation strategy to address known risks of gas migration and likely list of contamination by metals, oils etc. as part of this application. It is essential before permission for development is granted to ensure public safety for intended future users of the site.
- 6.19.4. *Potential adverse impact to the public water supply:* we are concerned the site development has the potential to impact adversely the public water supply which

have not been fully accounted for in the investigations to date. The subsequent comments by Affinity Water strongly raise such contamination concerns and clearly are a more authoritative source of expertise. Further these concerns are raised in the document 8404141 by Andrew Scullion Specialist Environmental Protection Officer (Contaminated Land) Community Services St Albans City and District Council. Several hazards are apparent from his report, any mobilisation of pollution arising from this development threatens to reduce or restrict allowed abstraction from those points, necessitating alternative sources to be found for our local supply from much further afield. In water stressed area such as ours, this is an additional unnecessary burden to the extensive existing challenges faced on water supply. Pumping water is expensive – this application would therefore risk further cost being levied on local water consumers to pay for Affinity Water's additional pumping and treatment costs, as well as additional trunk main capacity that would be required.

- 6.19.5. This application has been submitted after the Water Resource Plan was issued by Affinity in April 2020. It is interesting to note that the water company is concerned about the same water sources becoming polluted from the application to mine aggregates at Ellenbrook, some one mile further north east to Smallford Works. How much more extreme is the risk from Smallford Works, half the distance away from Tyttenhanger and Roestock sources than the proposed quarry. Affinity's Water Resources Plan discusses pollution arising from an underground plume of water contaminated by bromate. Affinity Water are clearly concerned that the proposed development could damage the local water quality and have set out some stringent requirements to try and control the prospect of pollution. The Developer has since made certain proposals which are designed to overcome the surface water problems. These largely rely upon under surface storage etc. before discharge into the HCC owned ditch bordering the Eastern site boundary. There is no evidence that Affinity Water has seen these new proposals from the development. We reserve our position to make a further statement after Affinity Water have commented on the additional information.
- 6.19.6. *Ground Contamination:* these proposed measures could themselves be damaging to the preservation of the ground structure causing contamination and furthermore there is nothing to substantiate that the ditch could accept the planned discharge onto it. Certainly, the ditch could be regarded as a long pond in its current condition, receiving very little maintenance and patently unit to take an increase of flow of water from this development. STATS investigated Unit 6 in October of 2011 in relation to remediation of hydrocarbon contaminated soils. Widespread hydrocarbon contamination of the ground was identified, with areas of severe contamination. RSK Environmental investigated potential landfill gas migration to the target site in 2013 using the available Jacob's report. EAME have updated this assessment with the February 2014 monitoring results. A high ground gas risk was identified for a number of the monitoring borehole around the target site.
- 6.19.7. Landfill gas might directly affect the design. Foundations should not cause preferential pathways for contaminants to migrate to groundwater or surface water features. A significant probability of harmful pollutant linkages has been identified at the site. We note there are a number of gaps in the report where it is unclear if recommendations from consulting experts were followed up and the current position of Hertfordshire County Council (HCC) regarding landfill gas migration and other contaminant movement from their land (and adjacent land) is not clear. We think the above information is sufficient for the district council to classify the site as contaminated land and to require the owners to clean up the site and eliminate the existing risk to groundwater and adjacent properties. The issue of

any development should only be considered once the clean-up has been satisfactorily undertaken. Further we request that information about pollution arising from Smallford Pits should be provided from HCC along with their action plan to prevent on-going threat to our precious drinking water.

- 6.19.8. It is known that the immediately adjoining land was backfilled post war until 1970s with a wide range of materials and in consequence methane migration is actively monitored by the County Council and the Environment Agency are investigating groundwater contaminant sources. Residential use is the most sensitive use of previously contaminated land regarding the potential source to sensitive human pathway for pollutants. The contaminated land assessment is wholly inadequate. The minor paragraph on page 30 of the planning statement demonstrates inadequate research by the consultants. Apparently undertaking a site survey with users in place is problematic – it seems totally implausible that appropriate contractors couldn't take samples and undertake the basic assessment. The site itself adjoins the access road to the tipping areas and has a history of works – brickworks, light industry including waste transfer. It has great potential to be contaminated from the multiple historical and current industrial uses on site as well as migration (sub-surface and airborne) of pollutants from the adjoining land. The site itself is highly sensitive for groundwater as shown document 8372654 in particular. Further, the contaminated land survey when undertaken may conclude the need to removal of large amounts of material off site and import of clean material causing considerably more construction nuisance (dust and traffic) to the surrounding residents than a 'normal' housing development.
- 6.19.9. *Sustainability*: as demonstrated in the 2019 allocation of school places the local school have no or extremely limited capacity for additional pupils. Children are likely to have to travel further with the certainty of additional car journeys being generated.
- 6.19.10. *Traffic Survey*: it appears the traffic survey suggests there will be less traffic movements from over two hundred cars on the finished sites, than there are with current movements from the less densely concentrated industrial site where large vehicles arrive at intermittent intervals. The reality is that the traffic from the proposed site will mainly leave for work/school during peak hours, turning right to join the traffic queue to access the A414 further south, where it regularly backs up beyond the single site exit or left to join the northbound queue towards St Albans over the small restricted access bridge above the Alban Way. The planned new vehicle entry/exit point for the development is considered to be inappropriate for the intended purpose and will add to the congestion on the road.
- 6.19.11. *Transport and Highways*: the site is not served well by public transport and there are no local shops. Access to the site is poor for bicycles and no improvements are envisaged. Exiting the site will be difficult due to the frequency of queuing vehicles Southbound and Northbound are traveling fast. Traffic crossing Station Road will be dangerous to reach the footway without a traffic signal pedestrian crossing, especially for children and elderly.
- 6.19.12. *Green Belt*: the impact on the openness of the green belt will be considerable as the number of permanent built structures will increase considerably.
- 6.19.13. *Character of and Compatibility with surrounding area*: this site is within the green belt and outside the Sleepshyde Green Belt community envelope. The proposed housing layout is in marked contrast to the style, density, and layout of

the existing residential development of Sleepshyde and the scale will fundamentally change the nature of the current green belt settlement.

6.20. *Loss of Employment Site:* the area has lost considerable number of employment sites over the last years, within the area in several cases without prior planning consent. The Parish Council believes this site should be retained for employment. The applicants has not demonstrated special circumstances for this site for the change of use. Smallford Works is currently an important employment area – this will all be lost if this housing only proposed development is approved. At both local consultations of this development, representatives from local community expressed concern that an opportunity had been lost to maintain a source of employment on this site.

6.20.1. *On and Off-Site Facilities:* If the Council is minded to permit the proposed residential only scheme there are small open spaces and children's play areas for the large number of houses with poor public transport residents will require more cars spaces than planned. The submitted plan for the site has arranged for parking to be in front of the planned dwellings. In most cases this results in two cars located side by side and occupying most of the frontage with a foot passage between vehicles for access to the homes. In some cases, this parking is remote from the home, separated by a footpath running along the street. The result is that passing along the streets will be remarkably similar to visiting a car park but has further implications. The Government has signalled plans to phase out the sale of combustion engine passenger cars within 15 years. The life of this planned development is but starting and there is no mention of, or provision for, charging points. Assuming that these, if retro fitted, would be on the house then in many cases cabling would be laid across public footpaths to reach vehicles, a safety hazard. The proposed layout is totally inappropriate with no thought for what is becoming modern day living. We have found no mention of the use of sustainable construction materials either. It does not seem that this site has been planned for this century.

## **7. Relevant Planning Policy**

### **7.1. National Planning Policy Framework**

- 2 – Achieving Sustainable Development
- 5 – Delivering a Sufficient Supply of Homes
- 6 – Building a Strong Competitive Economy
- 8 – Promoting Healthy and Safe Communities
- 9 – Promoting Sustainable Transport
- 11 – Making Effective Use of Land
- 12 – Achieving Well-Designed Places
- 13 – Protecting Green Belt Land
- 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 15 – Conserving and enhancing the natural environment.

### **7.2. St. Albans District Local Plan Review 1994:**

- |           |   |
|-----------|---|
| POLICY 1  | Metropolitan Green Belt                                 |
| POLICY 2  | Settlement Strategy                                     |
| POLICY 8  | Affordable Housing in the Metropolitan Green Belt       |
| POLICY 13 | Extension or Replacement of Dwellings in the Green Belt |
| POLICY 34 | Highways Consideration in Development Control           |
| POLICY 35 | Highways Improvements in Association with Development   |
| POLICY 39 | Parking Standards, General Requirements                 |
| POLICY 40 | Residential Development Parking Standards               |

POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 72	Extensions in Residential Areas
POLICY 74	Landscaping and Tree Preservation
POLICY 84A	Drainage Infrastructure
POLICY 104	Landscape Conservation
POLICY 106	Nature Conservation
POLICY 143B	Implementation

7.3. Emerging Local Plan – limited weight for decision making:

POLICY S1	Spatial Strategy and Spatial Hierarchy
POLICY S2	Development Strategy
POLICY S3	Metropolitan Green Belt
POLICY L1	Housing Size, Type, Mix and Density
POLICY L3	Provision of and Financial Contributions towards Affordable Housing
POLICY L6	Extension or Replacement of Dwellings in the Green Belt
POLICY L17	Infrastructure
POLICY L18	Transport Strategy
POLICY L19	Highways/Access Considerations for New Development
POLICY L20	New Development Parking Guidance and Standards
POLICY L23	Urban Design and Layout of New Development
POLICY L24	Development Amenity Standards
POLICY L25	Energy and Environmental Performance of New Development
POLICY L28	Green Space Standards and New Green Space Provision

7.4. Supplementary planning Guidance/Documents:

Revised Parking Policies and Standards, January 2002  
Design Advice Leaflet No. 1 – Design and Layout of New Housing  
Affordable Housing – March 2004  
Residential Extensions and Replacement Dwellings in the Green Belt – May 2004

7.5. Policy Context

- 7.5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.5.2. The development plan is the St Albans District Local Plan Review 1994.
- 7.5.3. The National Planning Policy Framework 2019 is also a material consideration.
- 7.5.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.
- 7.5.5. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5.6. Paragraphs 212 and 213 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. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.*

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

7.5.7. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

## **8. Discussion**

8.1. The main issues for consideration as part of this application are whether the principle of redeveloping the site for residential is acceptable and whether the application has demonstrated that up to 100 houses could be satisfactorily provided on the site.

- Principle of loss of employment space
- Whether the proposal comprises appropriate development within the Green Belt and if not whether there are any very special circumstances that would allow the development to proceed.
- Housing supply
- Design and layout
- Flood risk and drainage
- Ecology
- Contamination
- Impact upon the living conditions of proposed and existing occupiers
- Highway safety and car parking
- Infrastructure contributions and affordable housing

### **8.2. Principle of Development – Loss of Commercial Space and Character**

8.2.1. Paragraph 121 of the NPPF 2019 states: “*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently development but not allocated for a specific purpose in plans, where this would help to meet identified development needs*”.

8.2.2. It is acknowledged that the application site is an unallocated employment site. There is no policy which objects to the loss of unallocated employment sites. Nonetheless, it provides valuable commercial space for businesses which may be problematic to relocate based on the nature of trade taking place on site, such as scaffolding businesses, car storage and portable toilet cleaning.



8.2.3. Although the site is located in an environmentally sensitive area, the site does not cause serious environmental problems. No complaints regarding the site have been received since 2016.

8.2.4. Nonetheless, the site is not located within a designated Employment Area under Policy 20 or Business Use Development under Policy 23 and is sited in a predominantly residential area. As such there are no Policy reasons to object to the loss of the employment site.

### 8.3. Principle of Development – Green Belt

8.3.1. Paragraph 134 of the NPPF sets out the 5 purposes of including land within the Green Belt. Paragraph 143 of the NPPF 2019 states: *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 also goes on to state that *“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”*.

8.3.2. Paragraph 145 of the NPPF lists exceptions to inappropriate development as follows: *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: ... d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development or; not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”*.

8.3.3. In accordance with paragraph 145 of the NPPF (2019), significant weight should be given to previously developed land which is defined as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be development) and any associated fixed surface infrastructure*.

8.3.4. The site comprises of several permanent buildings and extensive hardstanding across the site. Additional information from the applicants in relation to previously developed land (a letter dated 2<sup>nd</sup> March 2020) has been received by the council. The applicant refers to the SHLAA assessment from 2009 and notes that the character of the site is described as ‘previously developed’. The SADC officers conclude *“The site is previously developed land and the Council has long had aspirations to remove the poorly located industrial uses on the site, in order to secure some major environmental enhancement of the area as part of Watling Chase Community Forest. It is recognised that this is unlikely to happen without some ‘enabling development’”*.

8.3.5. Furthermore the site is clearly an operational industrial site and has been developed with some permanent buildings and some transient structures.

- 8.3.6. Given the above, the council does not dispute that the site constitutes previously developed land. It therefore needs to be assessed as to whether the proposal complies with either part of para 145 (g).
- 8.3.7. The applicants refer to the Emerging Local Plan hearings which took place in January 2020 in relation to Matter 3 (Spatial Strategy) and Matter 4 (Green Belt), in a letter dated 3<sup>rd</sup> Feb 2020 and e-mail correspondence dated 22/04/2020. The applicants note the Council's intended approach to the Spatial Strategy: *"In simple terms, following the NPPF, the basis has been to start by making the best use of previously development land (PDL) in existing settlements (and PDL in the Green Belt as far as it is compatible with the NPPF paragraph 145 (g)) first"*. The applicants highlight that the Smallford Works site, as with all other PDL Green Belt sites, was considered for the Local Plan through its assessment in the Strategic Housing Land Availability Assessment (SHLAA) process, with suitable sites to be incorporated as part of the Local Plan trajectory 'windfall' development. This was actively encouraged by the Council's Spatial Planning Manager and that the development management process would be the appropriate place to deal with such sites.
- 8.3.8. Moreover, turning to SHLAA (2009) pro-forma of Smallford Works, the site receives a largely favourable assessment for residential redevelopment and the updated Environment Agency mapping has removed flooding constraints from the application site. The SHLAA appreciates the previously developed nature of the site and concludes that redevelopment of the site would not result in unrestricted sprawl of large built up areas; would not result in neighbouring towns merging into one another as the site is PDL; would not result in encroachment into open countryside as the site is PDL; would not affect the setting and special character of St. Albans; and would assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 8.3.9. There is no in-principle objection to residential redevelopment and some weight is given to the Emerging Local Plan and redevelopment of PDL within the Green Belt. However, this is not outweighed by considerations against Paragraph 145(g) of the NPPF as set out below.
- 8.3.10. It is acknowledged that the existing temporary structures and associated paraphernalia with the existing uses on the site have an impact the openness of the site. However, the majority of these are either temporary, moveable or of limited scale.
- 8.3.11. The existing site comprises a range of uses and the structures associated with them. However, there are only a limited number of permanent structures on the site taken from the submitted plans which have a floorspace of circa 2673.45sqm, these structures are mainly single storey in height. The remainder of the structures on the site, such as scaffolding; car storage; portable toilets are moveable and not permanent and by the nature of the use of the site for storage purposes are transient structures. As such they do not have the same level of impact on the openness of the Green Belt as permanent structures.
- 8.3.12. This view is supported by a legal case of *Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466*, where it was concluded that there is a difference between permanent and temporary structures and their impact on the Green Belt cannot necessarily be compared.

- 8.3.13. The second part of para 145 (g) refers to the redevelopment of previously developed land that does *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*. This is a lesser test of harm than under the first part of para 145(g) accepting that some harm can be caused to the openness of the Green Belt.
- 8.3.14. This application proposes a level of affordable housing that exceeds that required by the local plan, proposing 40% affordable housing, no details of the size of the units has been proposed at this outline stage but they are to be houses for affordable home ownership. As such it needs to be assessed whether the proposal would cause substantial harm to the openness of the Green Belt compared to the existing situation having regard to Para 14 (g) of the NPPF.
- 8.3.15. The redevelopment of previously developed land, which provides policy compliant affordable housing is appropriate development under paragraph 145(g) if the NPPF if it does not cause substantial harm to the openness of the Green Belt.
- 8.3.16. The proposed development would provide 40% (40 units) of affordable housing, providing a quantum of affordable housing in excess of the 35% required by Policy. However, the applicants have not indicated the tenure split or the size and type of units of affordable housing. The site is previously developed land and it is accepted that it would not be inappropriate development to redevelop the site if the proposal does not cause substantial harm to the openness of the Green Belt.
- 8.3.17. Policy 8 of the Local Plan refers to affordable housing within the green belt, due to the size of this site this Policy does not apply. However the SPG relating to affordable housing is clear that sites in the Green Belt which meet the relevant size thresholds are expected to provide affordable housing in accordance with the policy – a minimum of 35%.
- 8.3.18. *Assessment on Openness*
- 8.3.19. The NPPG sets out what characteristics can be taken into account when assessing the impact of a development upon openness. It sets out that 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.
- 8.3.20. The proposal would result in the expanse of buildings sprawling across the entire site as well as the associated works such as garages, access roads and boundary treatments.
- 8.3.21. The existing site comprises of a cluster of buildings along the western edge of the site and six buildings along the north and central parts of the site. The rest of the site is covered by hardstanding, with large amounts of open space, albeit these

are currently occupied by movable structures. The proposed layout would introduce a fair amount of vegetation in a form of gardens and central green open space, mitigating some of the negative effects of built form on the openness of the Green Belt. It is difficult to estimate the three dimensional volume of the houses however, the proposed indicative layout would introduce numerous buildings along all edges of the site, which are currently devoid of buildings. Furthermore, there will be an increase in built form in the central part of the site, which is currently open land. Whilst some weight is given to additional open green space, this is not outweighed by a significant increase of built form along open land within the site.

- 8.3.22. The proposed vegetation cover along the boundary and the additional proposed landscaping would restrict some views of the development. However, the site would be viewed from public vantage points, including public footpaths along the western, north and eastern edges of the site would be substantially changed by reason of the increase in built form when compared to the existing situation. This would harm the openness of the Green Belt.
- 8.3.23. This proposal would result in a substantive increase in permanent volume and floor space across the site. Whilst much of the site is covered by structures these are transient and not permanent, nor has the lawfulness of the site been established and planning permission does not exist for the existing use.
- 8.3.24. The application form indicates that 100 houses would be provided. The redevelopment of the site to provide 100 houses would be likely to result in a greater impact upon the openness of the Green Belt than the existing situation and would result in substantial harm to the openness of the green belt by reason of the likely scale, built form, and activity associated with 100 houses.
- 8.3.25. It is noted that the application is in outline only, however the indicative plan indicates a fairly tight knit development with dwellings provided across the entire site.
- 8.3.26. On the basis of the existing development on the site, the limited amount of permanent buildings and the indicative plans provided it is considered that there would be a significant and substantive increase in the number of permanent buildings on the site, together with an increase of the sprawl of buildings across the site. Although the site is screened by landscaping across the front of the site, the indicative access point would open the site up and the site would be substantially more visible.
- 8.3.27. It is noted that planning permission exists for a new access point to this site, which has been partially implemented by the construction of part of the internal access road. The completion of this access would open up views into the site when compared to the existing situation. However, views would be of less substantive and more transient uses than proposed.
- 8.3.28. It is considered that on the basis of the submitted information that the redevelopment of this site to provide 100 houses would have a substantially greater impact upon the openness of the Green Belt than existing and would result in substantive harm to the openness of the Green Belt.
- 8.3.29. As such it is considered to fail to comply with Para 145(g) of the NPPF and comprises inappropriate development. It would result in redevelopment of previously developed land which would have a greater and substantial impact on the openness of the Green Belt than the existing development.

8.3.30. The discussion as to whether the case for very special circumstances overcomes the in principle and any actual harm to the Green belt is discussed below.

#### 8.4. Housing Supply

8.4.1. It is noted that the proposal will provide 100 new units towards the local housing supply.

8.4.2. The Council has updated its 5 year land supply schedule and considers that, at a baseline date of 1 April 2018, there is approximately, including the relevant 20% buffer a supply of 2.2 years.

8.4.3. Therefore, the Council cannot demonstrate a 5 year housing land supply as set out in the NPPF 2019. It is acknowledged that this development would contribute towards this. However, having regard to footnote 6 of para 11 (d) of the NPPF the presumption in favour of granting sustainable development does not apply where the site is within the Green Belt and the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Consideration of the weight to be given to the contribution towards housing supply is discussed in the planning balance section below.

#### 8.5. Sustainability

8.5.1. Paragraph 150 of the NPPF sets out that new development should be planned in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Paragraph 92 requires planning decisions to plan positively for the provision and use of shared spaces, community facilities and residential environments to...ensure an integrated approach to considering the location of housing economic uses and community facilities and services. The site is outside a settlement and is heavily reliant on car journeys for access to facilities and local services. Whilst this application is in outline, no details of sustainability measures have been provided in connection with this application. This goes towards the inappropriateness of the development in this Green Belt location.

#### 8.6. Design & Layout, landscape, drainage and ecology

##### 8.6.1. *Character*

8.6.2. Policy 69 (General Design and Layout) of the St. Albans Local Plan Review 1994 states that development should take into account the surrounding context in terms of scale, character and materials. Policy 70 (Design and Layout of New Housing) confirms amongst other matters that safe and attractive spaces of human scale should be created, with a dwelling mix to cater for a range of needs.

8.6.3. The proposed development would have a residential density of approx. 28 dwellings per hectare. Although low density development could potentially preserve the openness of the Green Belt, low residential density would create an inefficient use of the Green Belt land.

8.6.4. The application proposes a housing mix of 8% one-bed, 26% two-bed, 56% three-bed and 10% four-bed properties. Whilst SADC's Strategic Housing Market Assessment requires a greater proportion of one bed dwellings no objections are raised to the proposed housing mix.

- 8.6.5. The outline masterplan indicates an inward looking concept, focusing around a central neighbourhood green with green infrastructure linking to the edge of the site. The overall development follows the spacious rural character of Sleepshyde, however extensive parking to the frontages compromises the character and visual amenity of the development. The built elements take up a large proportion of the site and extend very close to the boundaries, creating pressure to remove adjacent poor condition trees in several locations. This would open up the views towards the development to the wider area and would impact the openness of the Green Belt.
- 8.6.6. The site currently comprises of several industrial buildings, one to the south west and one centrally located, however there is little built development across the majority of the site. The existing development contains containers and small single storey units, with extensive hard surfaced parking areas. The proposed dwellings are mainly two storey detached, semi-detached and terraced houses with two apartment blocks, which are indicated to not greatly exceed the height of the two taller buildings on site. Nonetheless, most of the 100 indicative, proposed dwellings would be significantly taller and closer to the site boundaries than the existing built development and would therefore have a greater impact on the openness of the Green Belt.
- 8.6.7. *Landscape*
- 8.6.8. The application site lies within the Colney Heath Farmland Landscape Character Area and is part of the Watling Chase Community Forest. The site is surrounded by a County Wildlife site and the pond to the north of the site is a NERC Act Habitat Area. The existing site is of little landscape merit. However, the surrounding land has been colonised by natural scrub and the existing boundaries of the site include some scrub and native tree belts which partly screen and contain the existing industrial site from the surrounding area.
- 8.6.9. The proposed development would be beneficial in the long term as a result of the change from predominantly hard surface, industrial development to residential, including green space. It is noted that the proposed development would result in a moderate adverse effect on the setting of the site post construction. However, this would reduce to a minor, neutral effect once replacement planting has matured.
- 8.6.10. The proposed new vehicular access onto Smallford Lane would require a loss of 18m of existing trees and hedgerow on the frontage of the site (a section has already been removed). It is noted that access has been granted previously (ref: 5/2017/2393), nevertheless vegetation has matured in the interim.
- 8.6.11. Although the Design and Access statement indicates that most of the surrounding trees and hedgerow will be retained, the majority of the vegetation is in poor condition and the proximity of the development may compromise their retention in some areas. As such, careful management and significant replacement planting would be required to maintain the sylvan frontage and existing trees and hedgerows in this area should be retained, which can be secured via condition if granted approval.
- 8.6.12. The applicant states that the sensitivity of the site to accommodate development is considered to be low and the existing landscape character is deemed to be of medium sensitivity. However, the assessment does not take account of the Green Belt setting in assessing the wider landscape value. Consequently, the

significance of the development on Landscape Character could be greater than indicated.

- 8.6.13. A Landscape and Visual Impact Assessment has been prepared to inform the landscape strategy. The methodology is based on current Guidelines for Landscape and Visual Assessment Edition 3. However, the assessment was carried out in summer during full leaf cover and VP locations have not been agreed with the LPA. Therefore, only limited weight can be given to the assessment as it does not fully comply with the methodology indicated. It is recommended that additional winter viewpoints and VP locations are agreed with the LPA to assess the visual impact of the proposed development and minimise the negative impact on the wider Green Belt Countryside.
- 8.6.14. The Drainage Strategy states that surface water treatment features such as swales, bioretention systems, ponds and wetlands are feasible/potentially feasible and could be considered at detail design stage. The inclusion and integration of such features within the landscape scheme would have great potential to promote biodiversity, enhance local ecology and promote resilient ecological networks. This would help to satisfy requirements for biodiversity net gain, green infrastructure and support Watling Chase Community Forest objectives. Green roofs are said to be not viable commercially for this scheme, this is regrettable. Infiltration techniques are said to be unfeasible due to concerns over contamination risk. Permeable paving is proposed for car parking areas.
- 8.6.15. It is considered that insufficient information has been provided to fully assess the visual impact of the development. It is likely that the proposed indicative development would have a detrimental impact on the wider Green Belt Countryside and be contrary to Policy 74 of the Local Plan Review and relevant provisions of the NPPF 2019.
- 8.6.16. *Flood Risk*
- 8.6.17. The application site is located in Flood Zone 1 and therefore there is no requirement for a Sequential Test, however as a site of 1 ha in size a flood risk assessment is required. The applicant has provided a Flood Risk Assessment and concludes that the site is at low risk of flooding from artificial sources. In principle, no objections are raised to the development in relation to flood risk. However, a flood risk informative will be included due to the proximity of the Butterfield Brook and groundwater advice given the previous use of the site and its location in a vulnerable groundwater area in Source Protection Zone 2.
- 8.6.18. Based on the previous land uses there is a risk of pollution from land contamination at this site and therefore the proposed development would have to be carried out in a way which protects the underlying groundwater. Land contamination issues are discussed below.
- 8.6.19. Any infiltration based sustainable drainage systems cannot be constructed on land affected by contamination or piling or any other foundation designs using penetrative methods to prevent preferential pathways for contaminants to migrate to groundwater. Additionally, the LLFA would require that all proposed SuDS features should be lined to prevent the risk of contaminants polluting the underlying groundwater.
- 8.6.20. *Drainage*

- 8.6.21. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 8.6.22. The outline drainage strategy has been based on providing storage for the 1 in 100-year storm including a 40% allowance for climate change, with a discharge to the ditch along the eastern boundary of the site via an existing connection. There is no information on the capacity of the ditch nor is it shown clearly on the drainage plans. In order to confirm a feasible discharge mechanism, this information is required.
- 8.6.23. It is understood that Highways have been contacted regarding the proposed connection subject to agreement of a third-party landowner. Confirmation of this agreement is required in order to ensure the feasibility of the drainage scheme.
- 8.6.24. The outline drainage strategy sets out that the development aims to discharge at a maximum rate of 10.3l/s which is the Greenfield runoff rate for the 1 in 100-year event. The proposed discharge mechanism is into a ditch and no information has been provided of its current condition or capacity, it is recommend that the site aim to discharge at the QBAR rate (calculated at 3.2l/s) or lower in order to reduce the risk of flooding to the proposed development and future occupants.
- 8.6.25. Following assessment of the drainage plan submitted; it is noted that a flow control device has been included on the proposed basin to restrict discharge to 3.7l/s. It is understood that this discharge is from the roads only. The proposed geo-cellular storage units draining the remaining site area appear to be discharging straight into the ditch. No information has been provided on the existing condition and capacity of this ditch, as such it is not possible to assess the feasibility of the drainage scheme and the proposed discharge. The LLFA, would expect that all surface water drainage from the site should be managed and the applicant should aim to discharge into the ditch at the calculated Greenfield runoff rate.
- 8.6.26. The submitted Outline Drainage Plan (figure 3.1) reference C1722c indicates that the geo-cellular storage runs across multiple property boundaries, it is understood that where SuDS serve more than one property it would be the responsibility of the developer to either maintain the SuDS themselves or to negotiate with or secure agreement of a third party to maintain these however, further clarification is required on this as the existing drawings detail all storage tanks running across the driveways of the proposed dwellings.
- 8.6.27. The drainage strategy proposes shared geo-cellular storage located in private curtilages which poses a high maintenance risk. It is acknowledged that the applicant has stated that general maintenance arrangements for the different SuDS components and associated features will be maintained by a management company. The LLFA advise that all the SuDS features should be located in areas which are publicly accessible or further information should be provided in relation to the right to access to ensure the works will be carried out.
- 8.6.28. The LLFA have also advised the LPA to seek further information on how the assets will be protected and ensure there is no future modification of the drainage asset. This information should be provided to ensure that the assets are secured,



and future buyers are aware of the proposed drainage features and their functions which serve multiple properties. It is up to the LPA to ensure that the development can be maintained for the lifetime of the development.

- 8.6.29. Overall the submitted surface water drainage assessment fails to address the discharge mechanism, the provision of Greenfield runoff rates or clarification of restricted discharge via a flow control device. As such the application has failed to demonstrate that the proposal provides satisfactory and appropriate drainage. As such the proposal fails to comply with the NPPF.
- 8.6.30. *Impact on water quality*
- 8.6.31. Affinity Water have a statutory duty to supply wholesome drinking water and are under legal obligations to ensure that the water is of a certain quality. As a result of this, any risk of contamination to a borehole will mean that they must stop using it until the risk has been eliminated and find an alternative source of supply in the meantime. Any potential contamination risk to the water supply as a result of development is therefore a significant concern for them.
- 8.6.32. The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2) corresponding to our Roestock Pumping Station and adjacent to the SPZ2 corresponding to our Tyttenhanger Pumping Station. These are public water supply sources, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 8.6.33. Affinity Water have been investigating ongoing contamination issues at both Tyttenhanger and Roestock pumping stations for past 10 years alongside the Environment Agency and have evidence to support that the contamination source is the Smallford landfill site adjacent to this proposed development. This area is situated over a shallow gravel aquifer and a deeper chalk aquifer, with boulder clay in between of variable thickness. The water table in the shallow gravel aquifer is also high in this area so any existing, or new contaminants could be mobilised posing a risk to abstractions.
- 8.6.34. Affinity Water have objected to this application as it has the potential to impact adversely the public water supply which have not been fully accounted for in the investigations to date.
- 8.6.35. If the Council is minded to approve the application, a number of conditions have been recommended to protect the public water supply which would need to address the following points: The construction works and operation of the proposed development site.
- 8.6.36. Ground investigation - 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. Turbidity - Deep excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. Contaminated land - construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site, then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer. The construction of the proposed development also has the potential to further mobilise existing contaminants leaching from the Smallford landfill site into shallow gravel and/or deep chalk groundwater and further

investigation would be required and extensive monitoring during the construction phase to ensure the public water supply is not adversely impacted. Infiltration: Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due to the known presence of contaminated land and the risk for contaminants to remobilise and cause groundwater pollution.

8.6.37. However although conditions are proposed, given the objection from Affinity Water, - it is not considered that conditions would adequately protect the water supply and as such on the basis of the information submitted it has not been satisfactorily demonstrated that the development would not adversely impact the public water supply.

#### 8.6.38. *Ecology*

8.6.39. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which describes the site of negligible ecological value and suggests modest mitigation measures to retain and reduce lighting on the scrub around the perimeter and to restrict vegetation clearance to a period outside the bird breeding season. Similar modest enhancements measures in the form of bird and bird boxes are also identified. The proposed measures are considered acceptable and if consent is granted, can be secured via condition.

8.6.40. However, the site lies immediately adjacent to Smallford Pit Local Wildlife Site (LWS). The former gravel pit supports semi-natural grassland and is one of the few remaining examples of this habitat in the district and county. Waterbodies are also present that could support great crested newts. It is regarded to be of county importance and is protected by planning policy.

8.6.41. The PEA fails to adequately describe affects beyond the application site boundary and in particular on the adjacent LWS and its various features. Semi-natural grasslands are fragile, vulnerable to trampling, nutrient enrichment (from dog-fouling) and littering, fires and other effects of urbanisation. Great crested newts are similarly at risk from loss of habitat and trampling. The presence of the LWS is noted in the PEA, but little attention is paid to it.

8.6.42. Furthermore, there is no evaluation of existing or anticipated recreational pressure on the LWS from new residents, especially those with dogs. Aerial images suggest that the LWS is already heavily used with several informal paths and areas of trampling are clearly visible in harm to the site. An additional 100 dwellings in such close proximity would increase recreational pressure and for the condition of the site to decline further. Urbanisation effects can also be expected to increase.

8.6.43. The lack of such assessment should be rectified and any resulting report should identify the scale of existing damage and review the implications of increased pressure. Suitable avoidance and mitigation measures should be considered if adverse effects cannot be ruled out.

8.6.44. Based on the above, insufficient evidence has been provided to ensure that the proposed development would not conflict with the extant and emerging local and national planning policy to ensure the protection of Local Wildlife Site, protected species and the delivery of a net gain in biodiversity.

8.6.45. As such, the application has failed to demonstrate that the proposals would not cause detrimental harm to local wildlife and protected species and therefore fails

to comply with Policy 106 of the Local Plan Review and Paragraph 170 of the NPPF.

## 8.7. Amenity

- 8.7.1. The properties closest to the application site comprise of semi-detached properties on Smallford Lane. The application site and the neighbouring dwellings would be separated by at least 10m (which includes a road). As such, it is considered that the proposal would be unlikely to have any adverse effect upon these properties.
- 8.7.2. Policy 70 (vi) states that a 27m window to window distance should be achieved to provide a tolerable level of visual privacy. The indicative layout does not achieve this requirement, with a minimum distance of 22m. Given that any impact will be on dwellings within the proposed development and not on existing dwellings, who would be aware of the relationship between the dwellings, this reduced distance is considered acceptable.
- 8.7.3. The proposed development will not directly abut existing residential land and dwellings located along the northern, western and south edges would be located a minimum of 12m from the rear boundary. Therefore the privacy between the dwellings and rear boundary is considered acceptable.
- 8.7.4. Amenity space provision for the proposed flats should be 20sqm per flat, 60sqm per 2 bed house, 80sqm per 3 bed house and 100sqm for 4 bed house. The indicative layout suggests that these requirements could be met.
- 8.7.5. A 3m defensible space buffer should be provided between ground floor front windows and publicly accessible spaces. The majority of the proposed dwellings would reach a tolerable level of security and privacy. However, some of the properties will be located less than 3m away from public spaces. The applicant has not demonstrated that a tolerable level of security could be provided across the whole development. Furthermore, nearby properties on Sleafshyde Lane and Smallford Lane benefit from defensible space. Additionally, concerns have been raised by Hertfordshire Constabulary in relation to the site layout and crime. As such, the applicant should demonstrate that a tolerable level of security and privacy can be reached, this could be achieved in a reserved matters application.
- 8.7.6. Based on the proposed housing mix, toddler's play areas should be provided totalling 55sqm, this could be secured by way of a legal agreement if planning permission is to be granted. The indicative site layout does not specify whether this will be provided. Nonetheless, it is noted that public amenity space of over 1000sqm will be provided in the village green alone.
- 8.7.7. Overall, no objections are raised to the impact of the scheme upon existing and future occupiers.

## 8.8. Car Parking, Highway Safety and Rights of Way

- 8.8.1. The existing site vehicle access is found at the southern corner of the site from Smallford Lane, opposite the junction with Sleafshyde Lane, via a gated access road. Smallford Lane is a classified local distributor road subject to 40mph speed limit. The proposed development consists of a loop road and four cul-de-sac mews. A new vehicle access has been granted in 2017 which will provide the main vehicle entrance to the development. A new pedestrian pavement along Smallford Lane will also be provided, enabling safe access to the existing bus stop.

8.8.2. The applicant has provided a Transport Assessment, Design and Access Statement and Planning Statement for consideration as part of their application submission.

8.8.3. *Trip Generation*

8.8.4. The Transport Assessment (TA) includes a trip generation of existing and proposed land uses. A fully classified traffic survey count was undertaken for the existing site, as part of the submitted TA. The survey was undertaken on a term time weekday (27/06/2019) between 07:00 and 19:00. The peak hour and daily traffic generation for the existing site are summarised as follows:

- AM Peak (07:00-08:00): 32 arrivals, 29 departures, resulting in 61 two-way movements
- PM Peak (16:15-17:15): 21 arrivals, 40 departures, resulting in 61 two-way movements
- Daily (07:00-19:00) 231 arrivals, 256 departures, resulting in 487 two-way movements.

8.8.5. The parameters chosen to obtain residential trip rates are considered acceptable for the purposes of this assessment and the resultant total people trip generation for 100 dwellings is as follows:

- AM Peak: 18 arrivals, 63 departures, resulting in 81 two-way movements
- PM Peak: 47 arrivals, 29 departures, resulting in 76 two-way movements
- Daily: 347 arrivals, 354 departures, resulting in 701 two-way movements

8.8.6. The Transport Assessment also includes a multi-modal trip generation profile for the proposed development which is considered acceptable.

8.8.7. Overall, the proposed development would be expected to result in reduced vehicle trips when compared to the current site in both AM and PM peak hours. The modal split of vehicles accessing and leaving the site would change, resulting in a significant decrease in the number of Heavy Goods Vehicles (HGVs). Trip generation of existing and proposed site is considered acceptable.

8.8.8. Due to the expected reduction in trip generation from the site, junction modelling is not required for this development.

8.8.9. *Highway Safety*

8.8.10. The Transport Assessment includes a review of collision data for the highway network surrounding the site. The applicant obtained the most recent 3 years of collision data available to Hertfordshire County Council. It is noted that the data should be reviewed for the latest five-year period. Nonetheless, HCC has reviewed data for the most recent five years and is satisfied that no major incidents have been let out of the submitted TA review.

8.8.11. The review of the collision data demonstrated that there were 13 collisions that were caused by driver error and not attributed to the road layout or configuration. This conclusion is considered acceptable, however speeding was listed as a contributing factor. Therefore there is potential for speed reducing measures to be enforced within the area.

8.8.12. *Vehicle Access*

- 8.8.13. The proposed access to the site would be via a priority junction from Smallford Lane, approximately 100m north of the existing site access. The access would include a ghost-island right turn lane into the site. The TA states that the site access junction would be subject to a separate Section 278 Agreement and has planning consent on this basis (ref: 5/2002/2112). The applicant has provided visibility splays from the site access junction which are considered acceptable. Therefore, 2.4m x 120m either side of the site access will be provided for Smallford Lane which is subject to a 40mph speed limit.
- 8.8.14. The proposed width of access road within the development have not been provided, however this can be secured via condition and in the reserved matters application.
- 8.8.15. *Pedestrian and Cycle Access*
- 8.8.16. Pedestrian and cyclist access would be incorporated into the proposed vehicle site access junction. An informal pedestrian crossing is proposed across the new access road, facilitating a link between the site and the existing footway on the eastern side of Smallford Lane. A new footway is planned to provide access between the new site access road and the existing bus stop on the western side of Smallford Lane, near the south-eastern corner of the site, this would be delivered under Section 278 Agreements.
- 8.8.17. A repurposed access would be provided from the existing vehicular access for Smallford Works in the southwestern corner of the site. This segregated entrance would only be accessible by pedestrians and cyclists, connecting to the footway along the development's frontage to the south. Improvements to the existing site access would be delivered under Section 278 Agreement.
- 8.8.18. Three further links to the countryside would be provided for pedestrians. These would be located within three out of the four cul-de-sac mews. A shared surface space would be enforced throughout the western side of the development around the western edge of the 'Village Green' and the four cul-de-sac mews. Shared surface schemes can encourage low vehicle speeds and make it easier for people to move around.
- 8.8.19. It is noted that the footways along Smallford Lane, adjacent to the proposed development are not fully accessible. Improvements should be made at the access Sleafshyde Lane in the form of dropped kerbs and tactile paving, and at the access of Sleafcross Gardens in the form of tactile paving. These enhancements would improve accessibility for the proposed development and the wider community and contributions to these improvements would be sought under Section 106 Agreement.
- 8.8.20. However, the applicant has not stated the width of the proposed footways within the development. Roads in Hertfordshire Design Guidance 3<sup>rd</sup> Edition (2011) recommends a minimum footway width, for roads below 30mph, of 1.5m in addition to a 0.5m separation distance from the carriageway.
- 8.8.21. *Refuse and Servicing Arrangements*
- 8.8.22. Refuse and servicing vehicles would enter the site via the proposed new vehicle access off Smallford Lane. Refuse vehicles would service the development by circling the village green and then connecting to the loop road. Vehicles would not enter the four cul-de-sacs in the development.

8.8.23. Bin storage would be provided within secure bin sheds, gardens or garages. The submitted planning statement commits to bin storage falling within carrying distances prescribed by Building Regulations and St. Albans' waste and recycling requirements.

8.8.24. *Swept Path Analysis*

8.8.25. The applicant has provided a swept path assessment of the proposed development for the internal layout to demonstrate that servicing and refuse vehicles, can access and safely manoeuvre through the proposed development site. This is considered acceptable.

8.8.26. *Car Parking Provision and Layout*

8.8.27. An indicative layout indicates that a total of 239 car parking spaces will be provided on site. 166 spaces would be allocated parking bays, 10 would be garage spaces and 63 would be unallocated parking bays. Dimensions for garages have not been provided. Garages should be at least 6m long and 3m wide.

8.8.28. The proposed car parking provision would be in accordance with Policy 40 of the Local Plan Review. However, due to the layout of the site, residents would have to move cars around in order to exit the car parking space. This could lead to an increase in on-street parking, however this would be within the site. Such a proposal also results in greater space for landscaping. As this application is in outline with all matters reserved this could be dealt with at reserved matters stage. The applicant has not stated whether disabled parking spaces would be provided within the development, this again could be dealt with at reserved matters stage.

8.8.29. It is stated within the Design and Access Statement that cycle storage would be provided within the development and the majority of this storage would meet St Albans City Council requirements, with storage generally to the side or rear of properties, with some storage located at the front of properties. This is acceptable, however the applicant has not stated how many cycle spaces would be provided or shown the exact location of cycle storage on a site plan. Details of cycle parking should be provided as part of any Reserved Matters application submission.

8.8.30. *Public Transport*

8.8.31. The site is not within walking distance of any railway stations. St. Albans City Railway Station is the most accessible railway which provides links to Bedford, Gatwick Airport, Luton, Sutton, London St Pancras and Brighton. Nonetheless, a bus stop is located on the southern corner of the site which provides direct links to St Albans centre, including the railway station. Additionally, it provides links to Colney Heath and Potters Bar. Furthermore, additional bus stops can be found on Colney Heath Lane within a walkable distance that provides wider links to other destinations.

8.8.32. However, additional bus stops are not easily accessible from the development. As stated above, enhancements in the form of dropped kerbs and tactile paving would improve accessibility for the proposed development and the wider community and contributions to these improvements would be sought via Section 106 Agreement.

- 8.8.33. A replacement bus shelter for the bus stop on Smallford Lane should also benefit the site. Any improvements to the bus stop of the proposed footway which will connect the bus stop would be delivered under Section 278 Agreement.
- 8.8.34. *Rights of Way*
- 8.8.35. Several public rights of way are located within the vicinity of the site. The Alban Way is considered a major part of the local walking and cycling infrastructure. A review of the site's accessibility has been undertaken and the site is considered to have a high quality connectivity to Alban Way, with step-free access of an appropriate gradient provided from Smallford Lane and Alban Way.
- 8.8.36. Smallford village centre is approx. 1k north of the site and offers amenities such as a petrol station, eatery and vets.
- 8.8.37. *Travel Plan*
- 8.8.38. A Travel Plan has not been produced and is required to encourage sustainable transport modes and to reduce the reliance on private vehicles to ensure minimal impact to the highway safety and function as a consequence of the development. A fee of £6000 would be required to support Travel Plan monitoring and review and would be secured via Section 106 Agreement.
- 8.8.39. *Construction*
- 8.8.40. A Construction Traffic Management Plan (CTMP) will be required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent conflict and impacts to the highway safety.
- 8.8.41. A CTMP would be required for all phases of construction. Measures would also be required to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGV's associated with the construction of the development.
- 8.8.42. *Contributions*
- 8.8.43. Section 106 Agreement contributions would include £6000 travel plan monitoring and review fee and contributions toward pedestrian crossing facilities on Smallford Lane and bus stop improvements.
- 8.8.44. *Overall*
- 8.8.45. HCC as a highway authority has reviewed the application submission and does not wish to object to the development, subject to suitable conditions.
- 8.9. Contaminated Land
- 8.9.1. Several areas of the site could not be accessed and therefore the site walkover is incomplete and as a result potential areas of concern are not identified. A full site walkover should be undertaken so all potential sources of contamination can be taken into consideration during the intrusive Phase II site investigations.
- 8.9.2. The proposed development's foundation design should not cause preferential pathways for contaminants to migrate to groundwater or surface water features. A

significant probability of harmful pollutant linkages has been identified by EAME at the site which required further intrusive site investigation, once the site has been vacated and likely remediation/mitigation. These risks can be reduced to low or very low by implementing appropriate systems which can be dealt with by condition and if planning permission is to be granted the conditions requiring a site investigation, options appraisal and remediation strategy together with unsuspected contamination and verification report would be required to ensure that the site is appropriately decontaminated.

#### 8.10. Legal Agreement

- 8.10.1. If planning permission is granted, a Section 106 legal agreement would need to be entered into to secure the following infrastructure improvements to mitigate the additional pressure that the housing would place upon local services and infrastructure:

Community Facilities	Secondary Education	Expansion of Samuel Ryder Secondary School by 1FE																																																																																																									
	Library Service	Enhancements of the children’s area at Marshalswick Library																																																																																																									
	Youth Service	Increasing capacity at Pioneer Young People’s Centre																																																																																																									
	<b>Calculated as follows:</b>																																																																																																										
Table 2: Hertfordshire County Council Services planning obligations contributions table																																																																																																											
<table><tr><td>Bedrooms*</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5+</td><td>1</td><td>2</td><td>3</td></tr><tr><td></td><td colspan="5">HOUSES Market &amp; other</td><td colspan="3">FLATS Market &amp; other</td></tr><tr><td>Secondary education</td><td>£263</td><td>£802</td><td>£2,561</td><td>£4,423</td><td>£5,662</td><td>£47</td><td>£444</td><td>£1,677</td></tr><tr><td>Youth facilities</td><td>£6</td><td>£16</td><td>£50</td><td>£82</td><td>£105</td><td>£3</td><td>£13</td><td>£41</td></tr><tr><td>Library facilities</td><td>£98</td><td>£147</td><td>£198</td><td>£241</td><td>£265</td><td>£77</td><td>£129</td><td>£164</td></tr><tr><td></td><td colspan="5"></td><td colspan="3"></td></tr><tr><td></td><td colspan="5">HOUSES Social Rent</td><td colspan="3">FLATS Social Rent</td></tr><tr><td>Secondary education</td><td>£62</td><td>£450</td><td>£1,676</td><td>£2,669</td><td>£2,405</td><td>£14</td><td>£261</td><td>£1,084</td></tr><tr><td>Youth facilities</td><td>£2</td><td>£8</td><td>£31</td><td>£51</td><td>£55</td><td>£1</td><td>£6</td><td>£21</td></tr><tr><td>Library facilities</td><td>£48</td><td>£91</td><td>£130</td><td>£156</td><td>£155</td><td>£38</td><td>£82</td><td>£107</td></tr><tr><td></td><td colspan="5"></td><td colspan="3"></td></tr></table>									Bedrooms*	1	2	3	4	5+	1	2	3		HOUSES Market & other					FLATS Market & other			Secondary education	£263	£802	£2,561	£4,423	£5,662	£47	£444	£1,677	Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41	Library facilities	£98	£147	£198	£241	£265	£77	£129	£164											HOUSES Social Rent					FLATS Social Rent			Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084	Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21	Library facilities	£48	£91	£130	£156	£155	£38	£82	£107									
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HCC Property	Fire Hydrants.  The number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission																																																																																																										



	is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.								
<b>Health Services</b>	<p>£752 per dwelling for provision of additional health facilities in the area.</p> <p>In addition, consideration of the impact on NHS community, mental health and acute care services. Cost per dwelling is summarised below:</p> <table> <tr> <td></td><td>Cost Per Dwelling</td></tr> <tr> <td>Acute Care</td><td>£2,187.69</td></tr> <tr> <td>Mental Health</td><td>£201.38</td></tr> <tr> <td>Community Services</td><td>£182.03</td></tr> </table>		Cost Per Dwelling	Acute Care	£2,187.69	Mental Health	£201.38	Community Services	£182.03
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Acute Care	£2,187.69								
Mental Health	£201.38								
Community Services	£182.03								
<b>Play Area</b>	A toddler play area to be provided on site prior to first occupation of the development, together with details of its facilities, retention and future management.								
<b>Affordable Housing</b>	40% of the dwellings to be provided as affordable dwellings.								

8.10.2. The above measures are reasonably necessary to mitigate the impact of the proposal on local services and infrastructure. While the applicant has agreed in principle to provide these measures, in the absence of a suitable mechanism to secure these measures, in the form of a s106 agreement, the proposal would result in harm to local services and infrastructure relating to education, leisure, transport and health provision, contrary to the aims of Policy 143B of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

#### 8.11. Affordable Housing

8.11.1. The proposed development would provide 40% affordable housing (40 units), providing a significant contribution to the identified affordable housing needs. It is therefore considered acceptable in principle and in-line with the requirements of Policy 8 and Supplementary Planning Guidance Affordable Housing, March 2004.

8.11.2. While the applicant has proposed this level of affordable housing provision on site in the absence of a suitable mechanism to secure this level of provision, in the form of a legal agreement pursuant to s106 the Act, the development would fail to meet identified local housing needs contrary to the aims of Policy 8 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

### 9. **Planning Balance**

#### **Do the public benefits of the proposal and the case for very special circumstances overcome the harm identified to the Green Belt?**

9.1. As set out in Paragraph 145 of the NPPF, limited infilling or the partial or complete redevelopment of previously developed land can be an exception to inappropriate development in the Green Belt. Such development however needs to 'not cause substantial harm to the openness of the Green Belt'. Development additionally needs to 'contribute to meeting and identified affordable housing need within the

area of the local planning authority'. If the proposed development does not meet these tests then it would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 9.2. It is acknowledged that if a development is considered to meet an identified affordable housing need within the area of the local planning authority it needs to meet a lower 'not cause substantial harm on the openness of the Green Belt' test rather than a 'not have greater impact on the openness' test'.
- 9.3. It is accepted that the Council does not have a 5 year housing land supply and that in line with paragraph 11 of the NPPF the Council must demonstrate significant and demonstrable harm to override the provision towards addressing the housing shortfall.
- 9.4. The proposed development is in an unsustainable location and is considered to result in substantial harm to the openness of the Green Belt. The proposed dwellings would encroach across the majority of the site which has a limited amount of permanent built structures. The addition of built form with greater geographical spread, would therefore cause harm to the openness of the Green Belt, which is considered substantial.
- 9.5. It is also considered likely that the proposed indicative development would have a detrimental impact on the wider Green Belt Countryside.
- 9.6. Furthermore harm to the water supply has been identified, together with insufficient information to demonstrate that there would be adequate drainage or that the development would not cause harm to a Local Wildlife Site and the character of area.
- 9.7. It is considered that the identified harm to the openness of the Green Belt and the environmental issues identified above outweigh the benefits provided by the provision of 100 additional dwellings, and would not tilt the balance in favour of the development. As such a case for very special circumstances to overcome the in principle and actual harm to the openness of the Green Belt has not been made.

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

- 10.1. The comments of the Parish Council are addressed in the report above. The Parish Council has raised concerns that Affinity Water have not reviewed new proposals from the developer. A re-consultation response has been received from Affinity Water regarding the proposed development and it is noted that their original objections remain in place.

## **11. Reasons for Refusal**

1. The redevelopment of this unsustainably located site to provide 100 houses would result in substantial harm to the openness of the Green Belt when compared with the existing development on site. As such the proposal fails to comply with Para 145(g) of the NPPF and comprises inappropriate development. There are no very special circumstances to override the identified harm. The proposal is therefore contrary to Policies 1, 8 and 74 of the District Local Plan Review 1994 and the NPPF 2019.

2. On the basis of the information provided, the proposed indicative development would have a detrimental impact on the wider Green Belt Countryside and be contrary to Policy 74 of the Local Plan Review and relevant provisions of the NPPF 2019.
3. The application has not demonstrated that that the proposed development would not have an unacceptable impact upon the Local Wildlife Site, where a protected species (Great Crested Newts) may be present, and the delivery of a net gain in biodiversity. The proposal therefore fails to comply with Local Plan Policy 106 and the NPPF 2019.
4. The submitted surface water drainage assessment fails to address the discharge mechanism, the provision of greenfield runoff rates or clarification of restricted discharge via a flow control device. As such the application has failed to demonstrate that the proposal provides satisfactory and appropriate sustainable drainage. Furthermore the application has not adequately demonstrated that the development would not adversely impact the public water supply. The proposal therefore fails to comply with Local Plan Policy 84A and the NPPF 2019.
5. In the absence of a completed and signed legal agreement or other suitable mechanism to secure the necessary services and infrastructure improvements relating to education, leisure, transport and health provision and as such would place an additional burden on the existing infrastructure and services without an acceptable level of mitigation to overcome this harm. This is contrary to Policy 143B of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.
6. In the absence of a completed and signed legal agreement or other suitable mechanism to secure the provision and retention of affordable housing on the site the proposal would fail to meet identified local housing needs, contrary to the aims of Policy 8 of the St Albans District Local Plan Review 1994, the Affordable Housing Supplementary Planning Guidance March 2004 and the National Planning Policy Framework 2019.

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**RECOMMENDATION:** Refuse

**Decision Code:** R1

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## 12. Reasons:

1. The redevelopment of this unsustainably located site to provide 100 houses would result in substantial harm to the openness of the Green Belt when compared with the existing development on site. As such the proposal fails to comply with Para 145(g) of the NPPF and comprises inappropriate development. There are no very special circumstances to override the identified harm. The proposal is therefore contrary to Policies 1, 8 and 74 of the District Local Plan Review 1994 and the NPPF 2019.
2. On the basis of the information provided, the proposed indicative development would have a detrimental impact on the wider Green Belt Countryside and be contrary to Policy 74 of the Local Plan Review and relevant provisions of the NPPF 2019.
3. The application has not demonstrated that that the proposed development would not have an unacceptable impact upon the Local Wildlife Site, where a

protected species (Great Crested Newts) may be present, and the delivery of a net gain in biodiversity. The proposal therefore fails to comply with Local Plan Policy 106 and the NPPF 2019.

4. The submitted surface water drainage assessment fails to address the discharge mechanism, the provision of greenfield runoff rates or clarification of restricted discharge via a flow control device. As such the application has failed to demonstrate that the proposal provides satisfactory and appropriate sustainable drainage. Furthermore the application has not adequately demonstrated that the development would not adversely impact the public water supply. The proposal therefore fails to comply with Local Plan Policy 84A and the NPPF 2019.
5. In the absence of a completed and signed legal agreement or other suitable mechanism to secure the necessary services and infrastructure improvements relating to education, leisure, transport and health provision and as such would place an additional burden on the existing infrastructure and services without an acceptable level of mitigation to overcome this harm. This is contrary to Policy 143B of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.
6. In the absence of a completed and signed legal agreement or other suitable mechanism to secure the provision and retention of affordable housing on the site the proposal would fail to meet identified local housing needs, contrary to the aims of Policy 8 of the St Albans District Local Plan Review 1994, the Affordable Housing Supplementary Planning Guidance March 2004 and the National Planning Policy Framework 2019.

### **13. Informatives:**

1. This determination was based on the following drawings and information: DNG No's. 02304 rev A, 02302 rev A, 02300 rev A, 02303 rev A, 02101 rev A, 02102 rev A, 02700 rev A, GA-100 rev B, 02701 rev A, 02200 rev A, 02600 rev A, 02605 rev A, 02603 rev A, 02602 rev A, 02601 rev A, 02604 rev A, 02606 rev A, 02607 rev A, 02100 rev A, 02504 rev A, 02505 rev A, 02501 rev A, 02500 rev A, 02502 rev A, 02503 rev A, EAME Maps, Planning Statement, Arboricultural Implications Report (ref: SJA air 19227-01), Statement of Community Involvement, Appendix A (Scoping Correspondence), Appendix C (Proposed Illustrative Masterplan), Transport Assessment Report (ref: 102940), Air Quality Assessment, UBU Design Report (ref: SMA1906\_LVIA01), UBU Design Report (ref: SMA1905\_LS01), Preliminary Ecological Appraisal (ref: 1005/3), Phase I Geoenvironmental Assessment (ref: 019-1714), EAME Envirochel Report, received on 06/01/2020. DNG No's. 02101 rev A, Site Location Plan, Design and Access Statement rev A, Flood Risk Assessment received on 07/01/2020. Outline Drainage Strategy (ref: RMA-C1722c) received on 04/05/2020. DNG No. 102940-T-001 rev A received on 10/03/2020.
2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

<b>Officer</b>	<b>Sarah Smith</b>
<b>Section 65 Parties</b>	N/A
<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>