

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Jamie Stanley
Carter Jonas
1 Chapel Place
Marylebone
London
W1G 0JB

APPLICANT

Stackbourne Ltd
C/o Agent

PLANNING REFUSAL

Outline application (all matters reserved) - Redevelopment of the site including demolition of existing buildings to provide up to 100 residential units

Smallford Works Smallford Lane Smallford St Albans Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **refuse** the development proposed by you in your application dated 18/12/2019 and received with sufficient particulars on 19/12/2019 and shown on the plan(s) below for the following 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 it 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. As such the proposal fails to comply with 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

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Review 1994, the Affordable Housing Supplementary Planning Guidance March 2004 and the National Planning Policy Framework 2019.

Signed



Tracy Harvey
Head of Planning & Building Control

Dated 16/07/2020

INFORMATIVES:

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.

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.

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to refuse planning permission for a **Full planning permission**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.

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- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.