

Town and County Planning Act 1990 (As Amended) - Section 78

Town and Country Planning (Inquiry Procedure) (England) Rules 2000

Appeal by Stackbourne Limited against the refusal of St Albans City and District Council, as Local Planning Authority, to grant outline planning permission for residential development of up to 100 dwellings with all matters reserved at Smallford Works, Smallford Lane, Sheapshyde, St Albans, Hertfordshire, AL4 0SA

**APPENDICES TO THE EVIDENCE OF PHILLIP E HUGHES MRTPI
ON BEHALF OF ST ALBANS CITY & DISTRICT COUNCIL - JUNE 2019**

PLANNING INSPECTORATE REF: APP/B1930/W/20/3260479

LOCAL PLANNING AUTHORITY REF. 5/19/3022

PHD

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PH1

Application for Outline Planning Permission with all matters reserved. Town and Country Planning Act 1990

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form and 'The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:



Planning and Building Control

District Council Offices: St Peter's Street, St Albans, HERTS, AL1 3JE

Email: planning@stalbens.gov.uk
Website: www.stalbens.gov.uk
Telephone: 01727 866 100
Fax: 01727 845 658

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	<input type="text"/>	First name:	<input type="text"/>
Last name:	<input type="text"/>		
Company (optional):	<input type="text" value="STACKBOURNE LIMITED"/>		
Unit:	<input type="text"/>	House number:	<input type="text"/>
		House suffix:	<input type="text"/>
House name:	<input type="text"/>		
Address 1:	<input type="text"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text"/>		

2. Agent Name and Address

Title:	<input type="text" value="MR"/>	First name:	<input type="text" value="JAMIE"/>
Last name:	<input type="text" value="STANLEY"/>		
Company (optional):	<input type="text" value="CARTER JONAS"/>		
Unit:	<input type="text"/>	House number:	<input type="text"/>
		House suffix:	<input type="text"/>
House name:	<input type="text"/>		
Address 1:	<input type="text" value="ONE CHAPEL PLACE"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text" value="LONDON"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text" value="W14 0WG OBG"/>		

3. Description of the Proposal

Please describe the proposal:

Redevelopment of site including demolition of existing buildings to provide up to 100 dwellings.

Has building or works already been carried out?

☐ Yes

☒ No

If Yes, please state the date when building or works were started (DD/MM/YYYY):

(date must be pre-application submission)

Have the works been completed?

☐ Yes

☒ No

If Yes, please state when the works were completed (DD/MM/YYYY):

(date must be pre-application submission)

Reference no. of permission in principle being relied on (technical details consent applications only):

4. Site Address Details

Please provide the full postal address of the application site.

Unit:

House number:

House suffix:

House name:

SMALLFORD WORKS

Address 1:

SMALLFORD LANE

Address 2:

SMALLFORD

Address 3:

Town:

ST ALBANS

County:

HERTFORDSHIRE

Postcode (optional):

AL4 0SA

Description of location or a grid reference.

(must be completed if postcode is not known):

Easting:

519752

Northing:

206821

Description:

5. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes

☒ No

If yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☒ Yes

☐ No

Will the proposal increase the flood risk elsewhere?

☐ Yes

☒ No

How will surface water be disposed of?

☒ Sustainable drainage system

☒ Existing watercourse

☐ Soakaway

☒ Pond/lake

☐ Main sewer

6. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):

(must be pre-application submission)

05/11/2016

Details of pre-application advice received?

7. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes

☒ No

With respect to the authority, I am:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.

N/A

8. Site Area

Please state the site area in hectares (ha)

3.5

9. Residential Units (Including Conversion)

Does your proposal include the gain, loss or change of use of residential units?
If Yes, please complete details of the changes in the tables below:

☒ Yes

☐ No

Proposed Housing								Existing Housing							
Market Housing	Not known	Number of Bedrooms					Total	Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown				1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>					60	60	Houses	<input type="checkbox"/>						
Flats/maisonettes	<input type="checkbox"/>						1	Flats/maisonettes	<input type="checkbox"/>						1
Sheltered housing	<input type="checkbox"/>							Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>							Bedsit/studios	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>							Cluster flats	<input type="checkbox"/>						
Other	<input type="checkbox"/>							Other	<input type="checkbox"/>						
Totals (a + b + c + d + e + f) =							60	Totals (a + b + c + d + e + f) =							
Social, Affordable or Intermediate Rent								Social, Affordable or Intermediate Rent							
	Not known	Number of Bedrooms					Total		Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown				1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>							Houses	<input type="checkbox"/>						
Flats/maisonettes	<input type="checkbox"/>							Flats/maisonettes	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>							Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>							Bedsit/studios	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>							Cluster flats	<input type="checkbox"/>						
Other	<input type="checkbox"/>							Other	<input type="checkbox"/>						
Totals (a + b + c + d + e + f) =								Totals (a + b + c + d + e + f) =							
Affordable Home Ownership								Affordable Home Ownership							
	Not known	Number of Bedrooms					Total		Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown				1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>					40	40	Houses	<input type="checkbox"/>						
Flats/maisonettes	<input type="checkbox"/>							Flats/maisonettes	<input type="checkbox"/>						
Sheltered housing	<input type="checkbox"/>							Sheltered housing	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>							Bedsit/studios	<input type="checkbox"/>						
Cluster flats	<input type="checkbox"/>							Cluster flats	<input type="checkbox"/>						
Other	<input type="checkbox"/>							Other	<input type="checkbox"/>						
Totals (a + b + c + d + e + f) =							40	Totals (a + b + c + d + e + f) =							
Starter Homes								Starter Homes							
	Not known	Number of Bedrooms					Total		Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown				1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>							Houses	<input type="checkbox"/>						
Flats/maisonettes	<input type="checkbox"/>							Flats/maisonettes	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>							Bedsit/studios	<input type="checkbox"/>						
Other	<input type="checkbox"/>							Other	<input type="checkbox"/>						
Totals (a + b + c + d) =								Totals (a + b + c + d) =							
Self Build and Custom Build								Self Build and Custom Build							
	Not known	Number of Bedrooms					Total		Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown				1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>							Houses	<input type="checkbox"/>						
Flats/maisonettes	<input type="checkbox"/>							Flats/maisonettes	<input type="checkbox"/>						
Bedsit/studios	<input type="checkbox"/>							Bedsit/studios	<input type="checkbox"/>						
Other	<input type="checkbox"/>							Other	<input type="checkbox"/>						
Totals (a + b + c + d) =								Totals (a + b + c + d) =							
Total proposed residential units (A + B + C + D + E) =							100	Total existing residential units (F + G + H + I + J) =							0

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total): 100

10. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?



Yes



No



Unknown

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Unknown	Total gross internal floorspace proposed (including change of use)(square metres)	Unknown	Net additional gross internal floorspace following development (square metres)
A1	Shops	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	Net tradable area:	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
A2	Financial and professional services	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
A3	Restaurants and cafes	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
A4	Drinking establishments	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
A5	Hot food takeaways	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B1 (a)	Office (other than A2)	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B1 (b)	Research and development	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B1 (c)	Light industrial	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B2	General industrial	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
B8	Storage or distribution	<input type="checkbox"/>	1862	<input type="checkbox"/>	0	<input type="checkbox"/>	-1862
C1	Hotels and halls of residence	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
C2	Residential institutions	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
D1	Non-residential institutions	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
D2	Assembly and leisure	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
OTHER		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Please Specify		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Total							

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Unknown	Total rooms proposed (including changes of use)	Unknown	Net additional rooms
C1	Hotels	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
C2	Residential Institutions	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
OTHER		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Please Specify		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

11. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent
Existing employees	N/A		
Proposed employees			

12. Hours of Opening

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known
N/A				

13. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

N/A

Is the proposal a waste management development? ☐ Yes ☒ No ☐ Unknown

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Unknown	Maximum annual operational throughput in tonnes (or litres if liquid waste)	Unknown
Inert landfill	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Non-hazardous landfill	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Hazardous landfill	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Energy from waste incineration	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Other incineration	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Landfill gas generation plant	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Pyrolysis/gasification	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Metal recycling site	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Transfer stations	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Material recovery/recycling facilities (MRFs)	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Household civic amenity sites	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Open windrow composting	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
In-vessel composting	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Anaerobic digestion	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Any combined mechanical, biological and/or thermal treatment (MBT)	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Sewage treatment works	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Other treatment	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Recycling facilities construction, demolition and excavation waste	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Storage of waste	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Other waste management	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Other developments	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

14. Existing Use

Please describe the current use of the site:

Is the site currently vacant? ☐ Yes ☒ No

If Yes, please describe the last use of the site:

When did this use end (if known)? DD/MM/YYYY

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated?

☒ Yes ☐ No

Land where contamination is suspected for all or part of the site?

☒ Yes ☐ No

A proposed use that would be particularly vulnerable to the presence of contamination?

☒ Yes ☐ No

Industrial yard for a range of storage and distribution purposes

15. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner / Agricultural Tenant	Address	Date Notice Served
	N/A	

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

15. Ownership Certificates and Agricultural Land Declaration (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners* and/or agricultural tenants** of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

The steps taken were:

Name of Owner / Agricultural Tenant	Address	Date Notice Served
N/A		

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

The steps taken were:

N/A		
-----	--	--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

16. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority (LPA) has been submitted.

The original and 3 copies* of a completed and dated application form:



The correct fee:



The original and 3 copies* of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The original and 3 copies* of a design and access statement, if required (see help text and guidance notes for details):



The original and 3 copies* of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies* of the completed, dated Ownership Certificate (A, B, C or D – as applicable) and Article 14 Certificate (Agricultural Holdings):



*National legislation specifies that the applicant must provide the original plus three copies of the form and supporting documents (a total of four copies), unless the application is submitted electronically or, the LPA indicate that a smaller number of copies is required. LPAs may also accept supporting documents in electronic format by post (for example, on a CD, DVD or USB memory stick). You can check your LPA's website for information or contact their planning department to discuss these options.

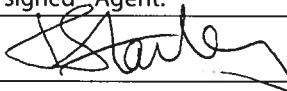
17. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):



18/12/2019

(date cannot be pre-application)

18. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

19. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

+44

202 7758 9805

Country code:

Mobile number (optional):

+44

7595 996527

Country code:

Fax number (optional):

Email address (optional):

20. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent

☐ Applicant

☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

JAMIE STANLEY

Email address:

C/O AGENT

PH2

Business Rates – Smallford Works

<https://www.tax.service.gov.uk/business-rates-find/list-properties?searchBy=Postcode&postCodeQuery=AL4+0SA&streetQuery=&townQuery=&primaryCriteria=ADDRESS&number=&street=&town=&postCode=&billingAuthority=&baRef=&specialCategoryCode=&descriptionCode=&from=&to=&startPage=1&size=15&datapointAddress=UNIT+3+SMALLFORD+WORKS%2C+SMALLFORD+LANE%2C+SMALLFORD%2C+ST+ALBANS%2C+HERTS%2C+AL4+0SA&datapointUarn=7968558000&searchDirection=BACKWARD>

Address	Description
Unit 10b Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 11 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 12 Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 14 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 15 Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1a, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1a, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1b, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1b, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1c, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 1d, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 2a Smallford Works Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 2b Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 2e Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Offices and premises
Unit 3 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Store and premises

Address	Description
Unit 3 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Store and premises
Unit 3a, Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Store and premises
Unit 4 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Store and premises
Unit 5 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 6 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 6 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 7c Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 7d Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 8 Smallford Works, Smallford Lane, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises
Unit 9 Smallford Works, Smallford, St Albans, Herts, AL4 0SA	Land used for storage and premises

РНЗ



From the Regional Controller
(Planning)

Departments of the Environment and Transport
Eastern Regional Office (Environment)
Heron House 49-51 Goldington Road
Bedford MK40 3LL
Telephone 0234 (Bedford) 63161 ext. 403

PLACC/24

(3)

Howard Schneider and Company
Solicitors
141-145 Ballards Lane
London
N3 1LJ

Your Ref: SAS/KS/316948

Our Ref: E1/B1930/2/3/01

DELIVERED 12 JAN 1990

10 JAN 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 35
APPLICATION BY STACKBOURNE LIMITED FOR DEVELOPMENT OF A CLASS B1 BUSINESS PARK
AT SMALLFORD WORKS, SMALLFORD LANE, ST ALBANS

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr J P MacBryde ARIBA, MRTPI, MCIT, FRSA, who held a local inquiry into your client's application to the St Albans City and District Council for outline planning permission for the development of a Class B1 Business Park at Smallford Works, Smallford Lane, St Albans. The Secretary of State directed in pursuance of section 35 of the 1971 Act that the application be referred to him for decision instead of being dealt with by the local planning authority.
2. A copy of the Inspector's report is enclosed and a copy of his conclusions is annexed to this letter. He recommended that planning permission should not be granted.
3. After the inquiry had closed, two letters of objection were received by the Department; one dated 19 September 1989 from the Hertfordshire Conservation Society in support of the case made by St Albans Civic Society and one dated 20 September 1989 from the Colney Heath Environment Council requesting that the points raised in their letter of 22 February 1988 in respect of an earlier application be taken into account in considering the current scheme. The Secretary of State is of the view that the representations, which have been copied to you by the Council, do not raise any new points which were not canvassed at the inquiry, and accordingly do not affect his decision.
4. The Secretary of State has had regard to the location of the site of the application within the Green Belt, and that it lies within the gap between St Albans and Hatfield, preventing both the merging of these two towns and the consolidation of the small settlements between them. He notes that the proposed development for 8,640 sq. m of Class B1 floorspace would be over three times larger than the existing authorised floorspace on the site, and, together with the proposed car parking provision for more than 300 vehicles would be a substantial development within the Green Belt. He takes the view that the proposals are contrary to the policies in respect of the Green Belt in the approved Hertfordshire Structure Plan and the adopted St Albans Local Plan, and that the main issue in this case is whether there are very special circumstances which would justify inappropriate development in the Green Belt.

5. The Secretary of State has noted the County Council's intention to undertake a restoration, landscaping and outdoor leisure scheme on the 55 hectares of land in their ownership to the north, west and south of the application site. He also notes that the proposals would have the effect of removing the existing uses from the site, and with the extensive landscaping and screening treatment proposed, would assist in making the site more visually acceptable and reduce the detrimental effect on the County Council's scheme. He has taken into account the District Council's support for the proposals on these grounds and their view that the use of discontinuance or compulsory purchase powers, while still open to them in respect of the site, are not practicable in the light of the compensation liability those actions would entail. He has also noted the County Council's view that a special case might be made for a development equivalent in size to the existing authorised floorspace on the site, provided that the existing buildings were demolished and the existing uses extinguished.

6. The Secretary of State accepts that benefits in the form of visual improvement to the site and its contribution to the surrounding area would flow from the proposed development, although he is not persuaded that development on the scale proposed is necessary to achieve an improvement in visual quality or that redevelopment of the site is necessarily the only way that such an improvement could be made. He agrees with the Inspector that the benefits to be gained from the proposed development in terms of visual amenity, highway improvements, improved layout and access, and the possible reduction in heavy vehicle traffic and noise nuisance are not sufficient to overcome the strong presumption against inappropriate development in the Green Belt which the proposed business park represents. The Secretary of State therefore concludes that, as the proposed development would add to the infilling of the vulnerable gap between St Albans and Hatfield, the advantages to be gained from the proposal are not sufficient to withstand the Green Belt objections and the very special circumstances required to justify the construction of new buildings on the site for Class B1 purposes have not been demonstrated.

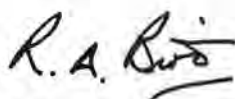
7. The Secretary of State has taken account of the completion of a Section 52 Agreement in respect of certain highway improvement works, a certified copy of which was sent to the Department under cover of your letter of 19 October 1989, but this, together with the planning conditions suggested by the parties, has not caused him to alter the above conclusion.

8. For the reasons given above, the Secretary of State accepts the Inspector's conclusions and recommendation and hereby refuses to grant planning permission for the proposed business park.

9. Copies of this letter have been sent to all the parties appearing at the inquiry and to those who submitted representations.

10. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.

I am Gentlemen
Your obedient Servant



R A BIRD

Authorised by the Secretary of State for the Environment
to sign in that behalf

HERTFORDSHIRE COUNTY COUNCIL

ST ALBANS CITY AND DISTRICT COUNCIL

APPLICATION

by

STACKBOURNE LTD

Inspector: J P MacBryde ARIBA MRTPI MCIT FRSA
Dates of Inquiry: 26-27 September 1989
File No: E1/B1930/2/3/01

A/330X/CO/P

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

11 October 1989

To the Right Honourable Chris Patten MP
Secretary of State for the Environment

Sir

I have the honour to report that on 26-27 September 1989 I held an inquiry at the Civic Centre, St Albans into an application made by Stackbourne Ltd for outline planning permission for the development of a Class B1 Business Park on land at Smallford Works, Smallford Lane, Colney Heath, St Albans, Hertfordshire.

1. The application was referred to the Secretary of State under Section 35 of the Town and Country Planning Act 1971. On the information before him on 22 December 1988, the following matters appeared to him likely to be relevant to his consideration of the application:

1. The justification for allowing development of this nature in the Green Belt, bearing in mind the Structure Plan policies relating to the Metropolitan Green Belt and to Landscape Development Areas.
2. The justification for allowing this proposal bearing in mind the City and District of St Albans District Plan policies relating to the Metropolitan Green Belt and policies on employment.
3. The likely effect on the green wedge south of the disused railway track and north of Colney Heath Lane.
4. The validity of the planning permission and existing user rights on this site.
5. The likely effects of the proposal upon:
 - a. The amenity of the area.
 - b. Traffic conditions and safety on the surrounding road network.
 - c. The occupants of nearby dwellings.

2. This report includes a description of the site and its surroundings, the gist of the representations made at the inquiry (and earlier in writing) and my conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached. The format of the report will follow the key topics identified earlier by the Secretary of State under the following headings:

1. Structure Plan (Green Belt and Landscape Considerations). (paras 11-18).
2. District Plan (Green Belt and Employment Considerations). (paras 19-21).
3. Related Development by Herts County Council..... (paras 22-28).

4. Planning History of the Application Site.....(paras 29-36).

5. Local Impact of the Proposed Development.....(paras 37-44).

3. At the beginning of the inquiry, I established, with the full agreement of the principal parties, that the application ought to be considered by the Secretary of State as an outline application with all matters, apart from access to Smallford Lane, reserved for subsequent approval by the local planning authority. Agreement was also reached upon a list of planning conditions which might be imposed upon a permission by the Secretary of State (Document 10). As I announced at the inquiry, I have some reservations concerning these agreed conditions and these reservations are summarised later in this report.

SITE AND SURROUNDINGS

4. The application site is located approximately half way between St Albans and Hatfield but rather nearer the latter (Document 27). It is also in an intermediate position between major distributor routes A414 and A1057, about 250 m north of the former and about 1 km south of the latter. Between these 2 roads runs Station Road - Smallford Lane (C61) which makes roundabout connections with the A414 (dual carriageway) and A1057 (single carriageway). The network function of the A1057 is to link the town centres of St Albans and Hatfield. That of the A414 is more strategic since it runs tangentially to the two large urban areas and makes important connections to the spur motorway M10 to the west and to the radial motorway A1(M) to the east. It is very roughly parallel to the London Orbital Motorway M25 and about 2 km north of it.

5. The character of the countryside surrounding the site is mixed but may fairly be described as predominantly open and rural (site circled in red on Document 29). The frontage road (C61) links a succession of small settlements from Smallford in the north to Colney Heath in the south, an overall distance of perhaps 3.2 km including the various gaps between the settlements. The site lies within the roughly 500 m gap which separates Smallford to the north from Sleafshyde to the south. Both these settlements are almost exclusively on the eastern side of the road and both appear to be of inter-war character in the main. Both settlements have substantial built-up frontages along Station Road - Smallford Lane.

6. North of the site, just south of Smallford, runs the former GNR branch line which at one time connected St Albans and Hatfield. Although not indicated on the current OS map as a public right of way, it is in fact surfaced for use as a public bridleway open also to pedestrians and cycle traffic. There is an access point to it from the C61 just near the hump-backed railway bridge near the former site of Smallford Station (Document 28). The local footpath network also includes 3 links (annotated a-c on Document 28) which radiate from the site to the north-west, west and south-west.

7. The character of Station Road - Smallford Lane is that of a former country lane which has been somewhat upgraded and integrated into the local road network. It is lit to group A standards throughout its entire length between the A414 and A1057 (nb: Department of Transport numbering has locally changed and the later version appears on the 1:50 000 scale OS map (Document 27)). It has a fairly narrow and winding carriageway, some 7.5 m wide to the north of the former railway and some 6 m wide to the south. Footway provision south of the railway is minimal, being some 1000-2000 mm in width on the east side only. Vertical and horizontal alignment near the bridge is poor and hazard warning centre lines extend from north of the bridge to the site entrance with a very short break along the site frontage (Document 36).

8. The site represents the most immediately accessible part of the rather larger triangle of land bounded by Colney Heath Lane (B6426), the Smallford Trail (ie the former branch railway) and Smallford Lane (C61) (Document 29). This area extends to roughly 72 ha and is indicated as partly "Active Workings" on the current 1:25 000 OS map. These workings seem now to have ceased and the largely open area is down to rough grass relieved by occasional hedgerows and water courses. It seems to be largely vacant but is also used for rough grazing and there is evidence of fairly frequent access by members of the public on foot. From a point at the extreme western apex of the site, the general impression is strongly rural to the west and south. The only intrusive urban features, apart from the site itself, are the fringe of recent development east along Hatfield Road and the lighting columns along the A414 North Orbital Road (Document 28).

9. The site itself is fairly well screened from view by high hedgerows and hedgerow trees, most particularly on its eastern and western boundaries (Documents 35-37). Its most readily visible features are the permanent buildings upon it, especially the workshops to the western edge of the site (nb: the orientation on Document 30 is such that north is to the left). The site is entered from the south, its entrance off Smallford Lane being virtually opposite Sleepshyde Lane which leads and serves the detached settlement of Sleepshyde. Along the southern edge of the site but outside it runs a metalled track which connects with the fan of local footpaths to the west.

10. The condition of the site is very untidy indeed and it is mostly devoted to open storage of plant of one sort or another. During my site inspection following the inquiry, I noted quantities of site huts, portakabins and mobile lavatories together with some ISO steel containers, air compressors and various other items of contractors plant in store. Site activity involved the use of various mobile cranes and fork lift vehicles which caused a good deal of noise and disturbance. The effect of container and hut storage one above the other was to create structures readily visible above the perimeter hedgerows.

STRUCTURE PLAN (GREEN BELT AND LANDSCAPE CONSIDERATIONS)

Summary of the Case for the Applicants.....(see also Document 13)

11. The application site extends to precisely 3.434 ha (OS Field No: 7686 (Document 26)) and contains buildings with a total of about 2,200 sq m covered floorspace. Part of the site is used by Crown Plant Sales Ltd, who export plant and machinery, part by Renta Group Ltd for storage of temporary buildings and part by RIP Swift Ltd for the storage and maintenance of site accommodation. It is entirely located within the Metropolitan Green Belt which runs between the urban areas of St Albans and Hatfield and locally completely separates them (Document 29).

12. The local function of the Green Belt is very much as described in paragraph 4(3) of PPG2, ie the prevention of the coalescence of neighbouring settlements. However, the original development of the application site effectively pre-dates the definition of the Metropolitan Green Belt locally in 1959 and the site's proposed redevelopment need not prevent the Green Belt carrying out its proper function of keeping St Albans and Hatfield apart. Such redevelopment would increase the amount of floorspace upon the land from about 2200 sq m to 8640 sq m (93 000 sq ft) but site coverage would remain modest (12.6%) and of course the area of developed land would remain absolutely constant at 34 340 sq m.

13. Given that the Review Structure Plan for Hertfordshire draws special attention to priority areas for remedial landscape treatment (Landscape Development Areas (LDAs)) it is of course imperative that every effort should be made to enhance the site upon its proposed redevelopment (Document 32). Although the LDAs are only indicatively shown on the Structure Plan key diagram and will of course be defined later in local plans, it is fairly obvious that the area between St Albans and Hatfield will be regarded as an urban fringe priority zone for this purpose. Non-statutory advice is also issued by the local planning authority to industrial developers to encourage positive landscaping treatment of degraded sites such as that at Smallford Works.

Summary of the Case for the Local Planning Authority.....(see also Document 15)

14. The Metropolitan Green Belt around the application site is of 30 years standing and successive government policies have emphasised its permanence, like all duly defined Green Belts. Its prime function is to keep the urbanised areas to east and west apart and also to prevent the coalescence of the string of Green Belt settlements to the north and south (Document 29). The 1986 review of the Herts Structure Plan became operative on 31 May 1988 and contains key policies for the maintenance of the Green Belt, which entirely surrounds St Albans, and for the definition of LDAs which indicatively include the site (Document 19).

15. Normally, Class B1 development would be contrary to Green Belt policy. Very special circumstances apply to this case in that a negotiated planning solution for Smallford Works offers some prospect of removing what is clearly an element of local blight which is not amenable to other forms of planning action. The current scheme of redevelopment offers the prospect of at once removing the blight of the authorised and established uses and of landscaping the site in conformity with both Structure Plan policies and indeed in probable conformity with emergent local plan policy as and when the relevant LDA is defined. Such definition will almost certainly include the site. The significant landscape features at present to be found on site, notably the fine hawthorn hedge along Smallford Lane, would be retained and others would be added.

Summary of the Case for the St Albans Civic Society.....(see also Document 14)

16. The proposed use of the site for Class B1 development is held to be completely contrary to Green Belt policy. Whether the authorised use of part of the site is within current Use Class B2 or B5 (the Society believe it to be the latter) is of slightly academic interest since the established (and present) use of the site is quite obviously within Use Class B8 (storage and distribution). A material change of use is therefore involved as well as very substantial operational development. Quite clearly the existing buildings on the site could in no way be regarded as either substantial, attractive or agricultural buildings in the precise sense intended by paragraph 16 of PPG2.

17. The Society are not only concerned with the individual merits of this case but are also concerned with a possible damaging precedent. There may well be many other similar cases within the Metropolitan Green Belt where either existing industrial buildings could be replaced or former planning permissions could be re-activated following the judgement in the Pioneer Aggregates case ((1984) 2 All ER 358). The Society believe that the first three vital functions of Green Belts, specified in paragraph 4 of PPG2, are put at severe risk by the present proposal which is entirely without merit despite the balance of advantage claimed by both the applicant and the local planning authority.

18. In reply to questions put in cross-examination, the expert witness for the Society expressed the view that almost any Part B Use Class or indeed most forms of operational development would be contrary to the aims and policies of Green Belt definition. Pressed for a possible alternative use of the site, apart from a reversion to agricultural use, he ventured the opinion that some form of leisure use might be appropriate and might reasonably include some built development eg squash courts or a tennis centre. Such a use would be for active recreational pursuits which would be entirely consistent with approved structure plan policy.

DISTRICT PLAN (GREEN BELT AND EMPLOYMENT CONSIDERATIONS)

Summary of the Case for the Applicants.....(see also Document 13)

19. Both the county and district planning authorities support the concept of employment-based redevelopment of the site, although the former wish to see floorspace restricted to their own estimate of that existing on the site (2790 sq m (30 000 sq ft)) (Document 3.7). The industrial use of the site pre-dates Green Belt definition and is not only entrenched but is of some local significance given the pressure on industrial land elsewhere within St Albans. Employment policy is contained in the 1985 adopted Local Plan (as modified by emergent alterations of 1987).

20. The only relevant local plan policy is Policy 17 (Industry on Unallocated Sites). In the present case, disturbance of the existing industrial activities at Smallford Works is exceptionally justified because of their adverse impact on the locality by reason of visual impact, noise and traffic generation. In reply to a question of mine, the expert witness for the applicant said that the existing firms on the site had made contingency plans to relocate at Dagenham in Essex and at Luton in Bedfordshire. Suitable sites were understood to be available there to relocate the present activities at Smallford Works.

Summary of the Case for the Local Planning Authority.....(see also Document 15)

21. The Green Belt policy is the only site-specific policy in the 1985 St Albans District Plan (Document 19) which relates to the Smallford Works. The more general Policy 17 relates to unallocated industrial sites and is the only employment policy relevant to the present application. The current position is that the emergent Alterations to the Local Plan will very probably identify a specific need for high technology sites although there is no overall shortage of industrial land in Hertfordshire as a whole. The present application appears to be consistent with adopted Local Plan Policy 17.

RELATED DEVELOPMENT BY HERTFORDSHIRE COUNTY COUNCIL

Summary of the Case for the Applicants.....(see also Document 13)

22. The triangle bounded by the old railway and routes B6426 and C61 (Document 28) was very substantially affected by the Herts County Council's former proposal for a leisure and technology park, the subject of a development brief in 1986 (Document 6). This brief related to about 60 ha in all, a very large part of it in the ownership of the county council. The area was mostly former gravel workings, acquired by the council in 1982, and it was then proposed to devote about 32 ha to leisure and recreation and about 20 ha to a highly landscaped technology park (outlined in red on Figure 2 in Document 6). The remaining 8 ha or so were to be used for other purposes. The development brief included the application site but the subsequent application for deemed planning consent excluded the site since only land in the county council's ownership

could attract deemed consent of this nature.

23. The objectives behind the County Council's proposals were threefold; one, to reclaim degraded land, two, to establish a badly needed "high technology" facility in Hertfordshire, and three, to obtain accessible outdoor leisure facilities within this part of the Green Belt. The floorspace of the technology park was to be about 70 000 sq m (this being the estimated county-wide requirement for such floorspace) and employment was reckoned at 2000 jobs. The resultant plot ratio would therefore be about 0.35:1 (net) which is a good deal in excess of the 0.25:1 proposed for the application site (8640/34 340 = 0.252:1).

24. The county's proposal was opposed by the district council on Green Belt policy grounds and has not been proceeded with. In reply to my questions, the expert witness for the applicants said that, even if the technology park proposals were revived, the indicative layout at Smallford Works (Document 32) very strongly suggests that there would be no conflict between the smaller site's development (red hatch on Figure 2 in Document 6) and the overall scheme. Indeed, the present application site's access on Smallford Lane would be a distinct advantage since a single access on to Colney Heath Lane would thereby be avoided.

25. Taking the matter a little further by examining the more general visual impact of the application proposals, it is obvious that even at outline stage these would be favourable. Facing materials would be carefully chosen and the 2-storey pitched roof design (Document 33) would ensure that the new buildings would be almost totally screened by the planting which would be established to reinforce, in particular, the northern and southern boundaries of the site. The new buildings would be distinctly superior, relative to both design and visual dominance, than those which presently exist on the site.

Summary of the Case for the Local Planning Authority..... (see also Document 15)

26. The sensitivity of this rural fringe site is fully recognised. The inner edge of the Green Belt, which entirely surrounds St Albans, in fact runs along part of the former railway which defines the triangle-shaped land within which the site is set. The existing uses on the site would be extinguished and the unsightly buildings removed. The replacement development would allow generous screen perimeter planting which would enhance the local Green Belt function of the triangle land as a whole. The reduction of unsightliness is recognised as a planning gain to offset the increase in employment floorspace on redevelopment.

27. Following the abandonment of their technology park proposal Herts CC are now proceeding with an overall landscape reclamation scheme which will include a small public picnic site (Document 7). The area of the scheme corresponds to the land in the County Council's ownership (55 ha) and it will be developed in 3 phases, most of the land being afforested apart from the north-east corner which is directly adjacent to the present application site, which will be laid out as a public picnic site around a small angling lake.

28. In reply to my questions, the expert witness for the authority commented that the 345-place car park on the application site might be used by the public at weekends when not required for employee parking (this possibility was later confirmed by the applicants subject to reservations on damage and security). He also pointed out that the 70 000 sq m "high technology" floorspace was a countywide requirement whose possible future location is still under active review. In no way should the roughly 9000 sq m Class B1 floorspace element, subject of the present inquiry, be seen as a pro-rata allocation of the global total within the area of St Albans District Council.

PLANNING HISTORY OF THE APPLICATION SITE

Summary of the Cases for the Applicants and the Local Planning Authority
.....(see also Documents 13, 15, 19 (Appendix 4) and 26)

29. The planning history of the site covers the years 1934-1989. Permission for the former brickworks was granted in 1934 under the terms of the Town Planning (General Interim Development) Order 1922 in respect of the buildings and some 1.1 ha of land. It is not entirely clear whether the land was intended to be the curtilage of the relevant buildings. It is also not clear whether the authorised use would fall into Class B2 (General Industrial) or B5 (Special Industrial Group C) of the 1987 Use Classes Order. The former seems inherently the more likely in that the industrial process in question was the making of concrete bricks (ie a casting rather than a burning process).

30. Planning permission was granted in 1953 in respect of about 2.4 ha of land, within the Smallford Works boundary but not related to the probable brickworks' curtilage, for open storage and the temporary erection of 3 huts. The temporary permission expired in December 1959 and the storage use permission was made personal to Dunbrik Ltd who had obtained the 1934 consent and who required the storage facility in connection with their brick making activities on the land. The only other application for permanent planning permission was made in 1954 for light industrial development but was withdrawn on account of an inability to obtain an Industrial Development Certificate.

31. Following the 1959 inclusion of the application site within the Metropolitan Green Belt, a personal and time-limited permission was granted to Diespeker Ltd for the erection of works buildings for pre-cast concrete production. Subsequent application and appeals were refused or dismissed on Green Belt and industrial policy grounds and related to a wide variety of operations and uses including residential, industrial, office and storage. These applications and appeals covered the period May 1961-March 1983 (Document 19 Appendix 4).

32. Enforcement action was taken by the former local planning authority in 1968 and 1970. The effect of the decisions, made on appeal against the notices was, among other things, to establish that certain of the buildings upon the site were unauthorised but nevertheless immune from further enforcement action (Document 26). Established Use Certificate applications were made in 1979 and 1980 by Lanhill Properties Ltd but were both refused in 1981 and not appealed. In summary, both the applicants and authority are satisfied, on recent legal advice, that industrial use of part of the site is authorised by virtue of the 1934 permission and that the use of the rest of the site for open storage is probably not specifically authorised but is effectively now immune from enforcement action.

33. The most recent history of the site is overshadowed by the policies and proposals of the statutory local plan and the county council's plans for the adjoining land. Objection was made to Policy 17 of the local plan and was sustained to the extent that unallocated industrial activity in the Green Belt would enjoy protection from disturbance. Following adoption of the District Plan in 1985, applications were made in 1986 by both the Hertfordshire County Council and Stackbourne Ltd for leisure and technology parks on 49.4 ha and 52.8 ha sites, respectively excluding and including the area of Smallford Works. The former was withdrawn and the latter refused and a subsequent appeal withdrawn.

34. The first of 3 applications for Class B1 business park development at Smallford Works related to about 12 000 sq m of floorspace. Application was made in January 1988 and refused in March 1988 on Green Belt and traffic grounds. The second application related to 8640 sq m (ie the same amount of floorspace as now proposed) and was made in April 1988 and refused in June 1988 on Green Belt grounds alone. The present application was made in August 1988 and the local planning authority resolved to grant outline consent, subject to a Section 52 Agreement, in September 1988.

35. In reply to my questions, the expert witness for the local planning authority conceded that no doubt discontinuance action under Section 51 of the 1971 Act might be taken. Equally, it was possible that the land might be acquired compulsorily for an alternative suitable use under powers contained in Section 112. While it was possible to use these powers, he commented that compensation would be payable in either case and this might very well prevent such action in the present economic climate. He agreed that the moral obligation to find alternative sites for the displaced uses would be difficult in the light of the local authority's having no suitable land at its immediate disposal.

Summary of the Case for the St Albans Civic Society..... (see also Document 14)

36. The Society accept that the buildings upon the site are immune from enforcement because of the 4 year rule. However, they are very far from being convinced that the open storage uses are similarly immune. The use apparently started in 1953 as ancillary to the brick works activity and, moreover, permission was made personal to Dunbrik Ltd. This firm cannot now be traced and, in any event, brickmaking has long since ceased upon the land. In view of this, the use of the land for general open storage is completely unauthorised and would still be vulnerable to enforcement action.

LOCAL IMPACT OF THE PROPOSED DEVELOPMENT

Summary of the Case for the Applicants..... (see also Documents 11, 16 and 17)

37. The erection of 8640 sq m of Class B1 (mainly office) floorspace on the Smallford Works site would generate a relatively modest amount of traffic. Such traffic would be of the order of 1770 single vehicle movements per day with maximum peak hour flows of 250-330 vehicles per hour. Traffic would probably arrive in the ratio of 70:30 (north:south) in the am peak hour and disperse in the ratio of 55:45 (north:south) in the pm peak hour (Document 17). The maximum peak hour flow at present is 753 vehicles per hour in the morning along Station Road and the generated flow would be 174 vehicles per hour (23% increase). The maximum relative increase would be in the evening peak (721 to 801 vehicles per hour or +29%).

38. The carriageway width of Station Road - Smallford Lane varies between 6.3-7.0 m over its entire length with a pinch-point of 5.6 m over the old railway bridge. Forward visibility is inadequate at that point but the deficiency has not been precisely measured. Footway widths over the unilateral stretch south of the bridge are within the range 1.5-2.0 m. Street lighting is available over the entire length of road which is also subject to a 40 mile/h speed limit. Given the general width of carriageway, the traffic capacity is some 1500 vehicles per hour (2-way). The am peak reserve capacity would be reduced from 50% to just under 40% - a perfectly satisfactory and safe reduction.

39. The available accident statistics for the 3-year period March 1986-February 1989 over the affected road link have been obtained (outlined in red in Document 17). These show 6 serious and 11 slight personal injury accidents within Station Road - Smallford Lane, none of which seem to be directly related to the admittedly somewhat sub-standard junction layout at the site entrance. The available statistics also show concentrations of 10.7% and 4.5% of heavy goods vehicles in the peak hour flows measured at the north end of Station Road. Site entry surveys show a daily total (0600-1700) traffic generation 280 vehicle movements at present, of which 20% were heavy goods vehicles.

40. The overall balance relative to traffic generation would therefore be favourable. The generation of heavy goods vehicle traffic, which commonly starts up as early as 0400 hours, would be reduced from 20% to virtually nil. Reserve capacity of the affected link would only drop to 40%. Accident rates do not seem to be serious and suitable improvements would be made to the site entrance arrangements in Smallford Lane, which would be moved northwards to a much better location (Document 22), and to the existing traffic roundabout at the junction of Station Road and Hatfield Road (Drawing No: 4/89039/2B in Document 8).

41. The above 2 schemes of improvement would be wholly funded by the applicants and would be subject to a section 52 Agreement (Document 8). Also subject to the agreement would be the free conveyance of a metre-wide strip of land across the relocated access in Smallford Lane. The agreement has been signed by the applicants and the local planning authority, the county council are understood to be prepared to sign it but have not yet done so. If the Secretary of State were disposed to grant planning permission the applicants would be prepared to accept a "minded to allow" decision subject to the conclusion of the above legal agreement.

42. The appearance of the proposed buildings has attracted no adverse comment locally; indeed the absence of local opposition to any aspects of the proposal is quite unusual for a Green Belt site. There is very little doubt that not only would the handsome new buildings and fine landscaping be looked upon as a signal improvement to the local scene but the curtailing of noisy early morning traffic and the alterations to the site entrance would be seen as adding greatly to the local quality of residential amenity. It is noteworthy that both the Smallford Residents' Association and the Colney Heath Parish Council support the application.

Summary of the Case for the Local Planning Authority
.....(see also Documents 15 and 19)

43. The authority are satisfied with the proposed local highway improvements and the agreed transfer of a "ransom strip" to them on completion of the agreement and following the grant of planning permission. The road improvements and acquisition of the strip would respectively ensure that the added generation from the site would be accommodated safely without detriment to traffic flow and that the improved access would not be used to secure further movement into and out of any adjacent land.

44. In reply to my questions, the expert witness for the authority agreed that a situation of potential danger existed for pedestrian and vehicular traffic using the former railway bridge. He commented that plans were in hand to relocate the unilateral footway by means of a bypass footpath linking with the Smallford Trail along the old railway line (Document 23). By this means, pedestrian and vehicular traffic would be fully segregated and protected at this dangerous place and that the fortuitous timing of the proposal would actively assist in absorbing the increased traffic flow of the proposed Business Park.

REPRESENTATIONS MADE AT THE INQUIRY

45. **Mrs Haggerty** appeared at the inquiry and stated that she was a little worried about possible noise and disturbance outside normal working hours. She was informed by me that my understanding of the applicants' proposal was that normal business hours (0800-1800 hours) would be worked and that this was confirmed by the evidence of the applicants. She also accepted that the consent would be conditioned to the effect that out of hours deliveries would not take place (Document 10). She generally supported the line taken by **Smallford Residents' Association** but would have preferred to have been more closely consulted during the application and inquiry stages.

REPRESENTATIONS MADE IN WRITING

46. The essential points made by **Hertfordshire County Council** (who did not appear at the inquiry) were that a special case might be made for an exception to normal Green Belt policy to allow for the erection of no more than 2,790 sq m of floorspace on the application site (ie equivalent to the existing authorised floorspace on the land). All the existing buildings ought to be demolished, all existing uses ought to be extinguished and the outline permission should carry a condition limiting the amount of new floorspace to the above figure.

47. **The Herts Federation of Amenity Societies and the Herts Conservation Society** object to the proposed development on Green Belt policy grounds and in the light of statements made by successive Secretaries of State. They consider that the items of planning gain on offer by the applicants should not be allowed to tip the balance in favour of development which would otherwise be totally unacceptable. The lack of support from the county council should be noted as should also the critical location of the site in a vulnerable gap between St Albans and Hatfield.

48. One local resident of **Smallford Lane** objects outright to development on Green Belt grounds and 2 other local residents express concern at the site access arrangements, which are considered dangerous in view of the use of the lane and Station Road as a "rat-run" for heavy lorries. They are also opposed to the 2-storey nature of the proposed development and are apprehensive of the noise and disturbance created by contractors' vehicles during the construction process. The existing entrance ought to be closed before any works on the site start.

49. **The Smallford Residents' Association** generally support the tidying up of this site which is looked upon as a local eyesore. They would wish to see the existing access improved and adequate screening, especially along the common boundary with the proposed country park (ie the Herts County Council proposal). They would wish existing footpaths and rights of way to be maintained and an approach made to the Nature Conservancy Council to ensure the survival of the bats which presently roost upon the site. Like the county council, they would wish to see no net increase of floorspace upon the site.

50. **Colney Heath Parish Council** consider that conditional outline consent ought to be granted, despite the inclusion of the site within the Metropolitan Green Belt. The conditions they would wish to see applied are set out in a memorandum of 23 May 1988 (Document 3) and are generally those which either the local planning authority or the **Smallford Residents' Association** would wish to see applied. They do not oppose the quantum of floorspace proposed for the site but consider that it might be appropriate to impose a 7.5 tonne (GVW) limit on traffic using **Smallford Lane-Station Road**.

SUGGESTED PLANNING CONDITIONS

51. The principal parties were entirely agreed upon a set of 14 conditions to be attached if the Secretary of State were minded to grant outline planning consent (Document 10) (nb: Condition 14 has been somewhat modified by the parties). During the inquiry, I indicated that Conditions 1, 5 and 9 might, in my view, not necessarily meet the several tests set by Circular 1/85 and that Condition 8 might have to be modified if future dual use of the car parking were to be agreed by the applicants. Both parties were unanimous in regarding the floorspace limiting condition, which was suggested by the county council, as severely derogatory to the permission itself and, for that reason alone, to be both unreasonable and unacceptable.

FACTS AND CONCLUSIONS

(The numbers in parenthesis refer to individual paragraphs of this report)

Provisions of the Development Plan and Planning Policy Guidance

52. The inclusion of the entire application site within the approved Metropolitan Green Belt (11)(14) very clearly emphasises the need to establish a set of "very special circumstances for the construction of new buildings for purposes other than agricultural and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds or other uses appropriate to a rural area" (PPG2). The essential argument of the applicants and the local planning authority is that the new business park at Smallford Works would, on balance, enhance the local appearance of the Green Belt in a way which would be reasonably consistent with its probable future inclusion within a Landscape Development Area (13-15) and very much to the benefit of the nearby Green Belt settlement of Sleepshyde (5)(9).

53. Against this must be set the fact that the proposed development would involve the quadrupling of the existing employment floorspace on the site (12) and the doubling of the effective building "footprint" or site coverage (11-12). By any reasonable planning standards, this must be regarded as a very intensive form of redevelopment which would also greatly increase the level of activity within this highly vulnerable part of the Metropolitan Green Belt (5)(47). The fact that the actual extent of the site would remain constant (12) is very largely offset by the clear function of the Green Belt between St Albans and Hatfield ie to avoid the coalescence of a string of Green Belt settlements (12)(14) and consequential reduction in the separation of the two towns (4).

54. The proposals for the establishment of a business park would appear to be broadly consistent with Policy 17 of the 1985 District Plan (21). One local employment use, now effectively in Class B8 (16), would be replaced with a use or uses within Class B1. No data are available relating to existing employment levels but it seems entirely reasonable to assume an increase in overall job opportunities as a proportional function of net floorspace increase (12). Moreover, the existing uses on the site seem reasonably footloose (20) and Policy 17(ii) of the St Albans District Plan provides for the relocation of firms in appropriate circumstances such as these.

55. However, the adopted Local Plan policies for the Green Belt reiterate those of the approved structure plan and indeed those set out in Circular 14/84 and PPG2, as one might expect. No suggestion is made that the existing buildings on the site might fit the category of "substantial and attractive" buildings suitable for conversion in the way envisaged by PPG2. The admitted possibility (28) that part or all of the very extensive car park in the proposed development

might in future serve the accessibility requirements of the proposed nearby picnic site is no more than that; an admitted possibility. It cannot at present be regarded as "providing access to the countryside" a function envisaged by paragraph 5 of PPG2.

Effects on the Green Wedge Land

56. It was established at the inquiry that the county council's ambitious proposals for a leisure and technology park have been abandoned (24) in favour of what looks to be a relatively conventional but nevertheless most welcome exercise in land reclamation, afforestation and leisure development (27). The proposal subject of the present inquiry does not appear either to impede or greatly to further the proposal for the adjoining land (24). Given that the county council's scheme is to be largely one of afforestation (27), it may well be concluded that the landscape screening currently envisaged by the applicants is relatively less important, at any rate from a longer term perspective.

57. As was discussed at the inquiry, there would appear to be some community of interest, not to say compatibility, as between a business park at Smallford Works and the projected picnic park and angling lake to the north (25-27). This was presumably the underlying rationale behind the county council's former proposals ie a judicious balance of leisure and employment uses within a landscaped setting (22). However, that proposal was opposed by the local planning authority and abandoned by its proponents although briefly revived by the present applicants (24)(33). The essential difference between that and the present proposal is that the former envisaged a roughly 60:40 areal split (22) as between its component land uses while the latter is entirely devoted to employment activity, albeit in a very heavily landscaped setting and on a much smaller scale (11)(33).

Planning History of the Site

58. A fair degree of detail is available relating to the history of the site. Although the planning status of the present uses of the land and buildings is not a matter technically before the Secretary of State, it was urged as a material consideration by the principal parties, with which view I am inclined to agree. My main conclusions are that all the land and buildings are either authorised by previous planning permissions (29)(30)(32) or are now effectively immune to any future enforcement action (32). I base these conclusions on my understanding of the judgement in the Pioneer Aggregates case and upon my reading of section 87(4)(b) of the Town and Country Planning Act (as amended). I attach little importance to the precedent argument against the application, simply because I consider the planning history and other circumstances of this case to be fairly unusual if not unique.

59. However, although I am therefore inclined strongly to the view that the existing pattern of uses cannot be disturbed by enforcement action, I am far less certain that this is the only course or remedy appropriate to the circumstances. I conclude that discontinuance action or compulsory purchase powers are both still available to the local planning authority (35) and that to grant planning permission for relatively intensive redevelopment of the site is by no means the best or only way to secure its early visual improvement. It may well be that present economic circumstances (35) restrict the local authority's effective choice. However, I also conclude that the permanence (14) of the Metropolitan Green Belt is a factor which largely, if not completely, overrides any such consideration.

Local Impact

60. I therefore conclude that, were it not for the overriding Green Belt policy objections to the application, the various highway improvements to Station Road and Smallford Lane (both those proposed by the applicants and that fortuitously planned by the local authority)(38)(40)(41)(44) together with the indicative high quality of the buildings, generous landscaping (42) and improved layout and access (40), and the highly probable reduction in heavy vehicle traffic (39) and noise nuisance (10) would in normal circumstances fully justify granting outline planning permission. However, my overall conclusion remains that the very special set of circumstances looked for in national Green Belt policy guidance does not exist at present. I therefore conclude that, despite the imposition of the agreed planning conditions (51) and the very likely conclusion of a legal agreement (41) to secure the highway improvements, a favourable decision is not appropriate, notwithstanding the undoubtedly very welcome local impact of the proposals before the Secretary of State.

GENERAL CONCLUSION

61. This overall conclusion is reinforced by a consideration of the written representations (45-50). While it is true that most, if not all, local residents and bodies appear guardedly to endorse the proposal (49)(50) (and for perfectly understandable reasons of greatly increased visual amenity), it is significant that the bodies with a rather wider remit strenuously oppose it (47). My own conclusion is that a special case has not been demonstrated which would permit a clear departure from Green Belt policy and would sanction operational development which would seriously and adversely affect the largely open character (4)(5) of a conspicuously narrow (5) stretch of countryside within this part of Hertfordshire. I endorse the view of the principal parties that a restriction (46) on the amount of new floorspace to that existing upon the site would be unreasonable and a derogation from the outline planning permission sought which, as I have already concluded, is not justified by the balance of advantages which are present in this case.

RECOMMENDATION

62. I recommend that planning permission in outline be not granted for the development of a Class B1 business park on land at Smallford Works, Smallford Lane, Colney Heath, St Albans, Hertfordshire.

I have the honour to be
Sir
Your obedient Servant

JOHN MACBRYDE

APPEARANCES

FOR THE APPLICANTS

Mr Daniel Robins QC

instructed by Howard Schneider
& Company, Solicitors, 141-145
Ballards Lane, London N3 1LJ.

He called:

Mr Michael Cottee CEng MIHT MICE

Senior Engineer, Alan Boreham
Associates Limited.

Mr John Bishop RIBA MRTPI

Associate Partner, Eric Askew
and Partners.

Mr Graeme Frall BSc FRICS FRVA

Partner of John Trott & Son,
Town Planning Consultants.

FOR THE LOCAL PLANNING AUTHORITY

Mr Meyric Lewis

of Counsel, instructed by
Sherrards, Solicitors, 35
Market Place, St Albans AL3 5DN

He called:

Mr Ian Vipond BSc(Hons) MA

Chartered Town Planner, Senior
Planning Officer, St Albans DC.

FOR THE COLNEY HEATH PARISH COUNCIL

Mr H D Wood

Clerk of the Colney Heath
Parish Council (Mr Wood did not
give evidence at the inquiry).
244 Sandridge Road, St Albans
AL1 4AL.

FOR THE ST ALBANS CIVIC SOCIETY

Dr Peter Newby PhD BA

Past Chairman of the Society,
Head of Department in the
School of Geography and
Planning, Middlesex Polytechnic

INTERESTED PERSON SUPPORTING THE APPLICATION

Mrs P Haggerty

Local Resident of 15 Smallford
Lane, Colney Heath, St Albans.

PH4

MARKS HEELEY

THE STABLES
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BISHOPS STORTFORD
HERTS CM23 2BN
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Facsimile: 01279 465 999
general@marksheeley.co.uk
www.marksheeley.co.uk

H7701/GJN/CLM

17th April 2009

St Albans District Council Offices
Civic Centre
St Peters Street
St Albans
Herts
AL1 3JE

STRUCTURAL
& CIVIL
ENGINEERS

BUILDING
CONSULTANTS

HIGHWAY
ENGINEERS

PROJECT
MANAGERS

PLANNING
SUPERVISORS

Dear Sir or Madam

SMALLFORD WORKS, SMALLFORD LANE, ST ALBANS

We formally apply on behalf of the client Stackbourne Limited to discharge condition No. 2 in respect of the above planning approval. (A copy of this approval is attached)

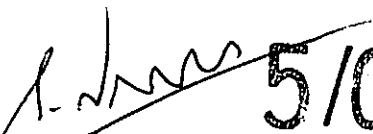
We are acting jointly with the Agent, Moul Walker. Attached is our detail drawing H7701/20c which details the landscaping proposals. Also attached is our site location plan H7701/21.

We have various communications over the past few months with your landscaping department (Liz Johnson) in connection with these proposals. The attached drawing reflects comments we have received in this respect.

We also attach a cheque to the sum of £85 in respect of discharging this planning condition.

If you do have any queries please do not hesitate to contact us.

Yours faithfully


Graham Newman
MARKS HEELEY LTD.

Encs

Cc:
Liz Johnson – St Albans District Council (1)
Pete Walker – Moul Walker (1)

Other Offices:

London
Cambridge

Associated Offices:

Turks and Caicos Isles

Directors:

Graham Newman
Eng AMIStructE

John Crouch
BSc(Eng) CEng MICE
MIStructE

Richard Hope
BEng (Hons) CEng MICE

Technical Director:

Mark Newman

Consultants:

George Voyias
BSc GDE (Struct) CEng
MICE MIStructE

W.P. Somarathne
BSc CEng MIMechE
MCIBSE FlntE Minstr

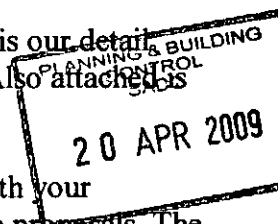
Colin Cardy

Company Secretary:

J.T. Whalley FCA

A successor to Marks Heeley
and Brothwell Ltd

Marks Heeley Limited
Registered office: The Stables
Registered in England
6738660



Our Ref: 5/09/0757CON
Your Ref:
Please ask for: J. Ansell
Extension: 01727 866100
E-mail: planning@stalbans.gov.uk
Fax No: 01727 845658
Date: 7th July 2009

Graham Newman
Marks Heeley Ltd
The Stables
Cannons Mill Lane
Bishops Stortford
Herts
CM23 2BN

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990

SITE: Smallford Works, Smallford Lane, St Albans

APPROVED DEVELOPMENT: New access road

I hereby approve the discharge of Condition 2 of planning permission number 5/02/2112 dated 26th April 2004.

Condition 2 Details of Landscaping


Yours faithfully,



John Young – Interim Head of Planning and Building Control

Historic St Albans District: a premier community

St Albans City and District Council District Council Offices, St Peter's Street, St Albans, Herts AL1 3JE

Tel: 01727 866100  Textphone: 01727 819570 www.stalbans.gov.uk

Page 34 of 97



INVESTOR IN PEOPLE





SITE PLAN
1:500

PLANNING & BUILDING
CONTROL
SADC
20 APR 2009

5/09/0757



LOCATION PLAN

<small>COPYRIGHT</small> THE CONTENTS OF THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THE FIRM					
MARKS HIBBLEY & BROTHERWELL			<small>THE STABLES CANNONS WALK LANE BISHOPS STORTFORD HERTFORDSHIRE CM23 2BN 01278 465900 01278 465909 general@marks.co.uk</small>		
CONSULTING STRUCTURAL AND CIVIL ENGINEERS					
<small>PROJECT</small> Smallford Works, St. Albans					
<small>DRAWING DESCRIPTION</small> LOCATION PLAN					
SCALE	DATE	DRAWN	CHECKED	REV	
1:20	SEPT 2008	MN	GN	H7701/21	

Maintenance and Management

New hedge planting shall be maintained by developers agent during which time the following operations shall be carried out:

- Regular Visits
- Monthly maintenance visits to include the following operations:
- Road weed planted area
 - Remove Litter
 - Re-plant plant stock as necessary
 - Re-much as necessary
 - Check plant stock and report signs of pests, disease, death and damage

Watering

Plant stock to receive 5 litres/plant on three occasions throughout growing season. Watering to be undertaken during the first 24 months.

Plant Replacements

All dead, dying and vandalised plant stock to be replaced with plants of the same species and height at the end of each growing season throughout the maintenance period.

TREE PLANTING TO COMPLY WITH TREE STRATEGY AND POLICY FOR ST ALBANS

PRELIMINARY

11.04.09	MIN	COMMENTS INCORPORATED	GN	C
25.03.09	AF	NOTE RE SPACING OF HAWTHORNE HEDGE ADDED. MINIMUM NEW SAPLING HEIGHTS ADDED	GN	B
23.02.09	MIN	COMMENTS INCORPORATED	GN	A
DATE	BY	REVISIONS	CHG	REV

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MARKS HIBBLEY & BROTHWELL

THE STABLES
CANNONS MILL LANE
BISHOPS STORTFORD

TELEPHONE: 01279 465900
FACSIMILE: 01279 465999
EMAIL: general@mh-b.co.uk

CONSULTING STRUCTURAL AND CIVIL ENGINEERS

PROJECT

Smallford Works,
St. Albans

DRAWING DESCRIPTION

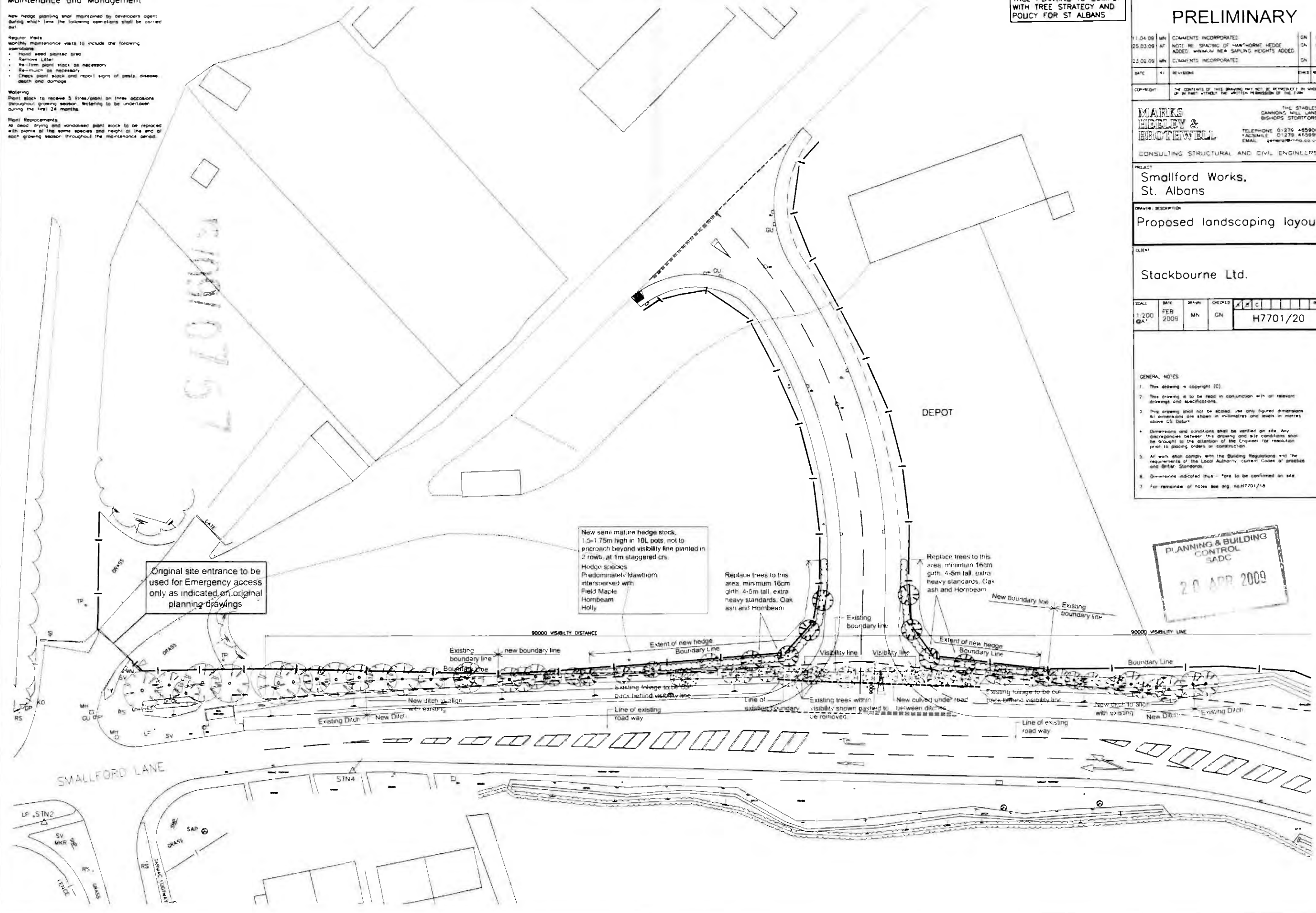
Proposed landscaping layout

CLIENT

Stackbourne Ltd.

SCALE	DATE	DRAWN	CHECKED	BY	REV
1:200 (@A)	FEB 2009	MIN	GN	A/C	H7701/20

- GENERAL NOTES
1. This drawing is copyright (C)
 2. This drawing is to be read in conjunction with all relevant drawings and specifications.
 3. This drawing shall not be scaled. Use only figured dimensions. All dimensions are shown in millimetres and levels in metres above OS Datum.
 4. Dimensions and conditions shall be verified on site. Any discrepancies between the drawing and site conditions shall be brought to the attention of the Engineer for resolution prior to placing orders or construction.
 5. All work shall comply with the Building Regulations and the requirements of the Local Authority current Codes of practice and British Standards.
 6. Dimensions indicated thus - "are to be confirmed on site"
 7. For remainder of notes see orig. no H7701/18





Ref No. 5/02/2112
DC.3

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Moult Walker
St. Michaels House
Norton Way South
Letchworth
Hertfordshire
SG6 1PB

APPLICANT

Stackbourne Ltd
C/O Agent

5/09/0757



PLANNING PERMISSION

New access road

Smallford Works Smallford Lane St Albans

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 permit the development proposed by you in your application dated 10/10/2002 and received with sufficient particulars on 28/10/2002 and shown on the attached plan(s) subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition:

2. Prior to the commencement of the development hereby agreed, details of landscaping shall be submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved details within a period of 9 months from the date of the new access first being brought into use.

Reason:

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

Condition:

3. Within a period of one month from the date of the new access first being brought into use the existing vehicular access shall be closed and blocked off in accordance with details previously agreed in writing by the Local Planning Authority.

Reason:

3. In the interests of highway safety, and the visual amenity of the locality and in compliance with Policy 34 of the St Albans District Local Plan Review 1994.

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME
TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

St Albans City and District Council District Council Offices, St Peter's Street, St Albans, Hertfordshire
• Tel: 01727 866100 • Textphone: 01727 819570 • www.stalbans.gov.uk

Peter Lerner
Head of Paid Service
Strategic Director Enterprise & Civic Environment

Steve Welch
Strategic Director Community Services

Patricia Adley
Strategic Director Corporate Services



Ref No. 5/02/2112
DC.3

Signed


Dean Goodman
Head of Planning & Building Control

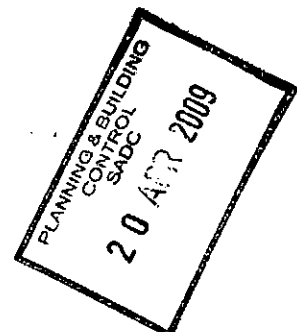
Dated 26th April 2004

SEE ATTACHED SHEET FOR NOTES

INFORMATIVES

The site is within the groundwater protection zone of Roestock Pumping Station, and the applicant is advised to contact Vivendi Water at Blackwell House, Three Valleys Way, Bushey, Herts WD23 2LB (telephone 01923 248831) prior to the commencement of development.

The applicant is advised that in addition to the requirement of a bond to cover the cost of the works to the public highway, there will be a requirement for a bond to cover any claims arising from the Land Compensation Act in respect of the relocated junction.



5/09/0757

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

PH5

Review of Local Plan Review 1994 policies against NPPF

POLICY	SAVED BY SOS DIRECTION (2007)?	CONTENT OF POLICY	RELEVANT PART OF NPPF	NPPF COMPLIANCE AND REASON FOR THIS VIEW
1 Green Belt	Yes	<p>Permission not given for development unless VSC other than:</p> <ul style="list-style-type: none"> • Minerals extraction • Agriculture • Small scale facilities for participatory sport & recreation • Other uses appropriate in a rural area • Conversion of existing buildings to appropriate new uses without harm to character/ appearance of countryside 	<p>Para 145 and 146</p> <p>NPPF allows limited infilling in villages, not covered by Policy 1</p>	Broad compliance. This proposal is not limited infill in a village so not relevant that the NPPF departs from Local Plan policy on this matter
7A Affordable Housing in settlements	Yes	At least 200 affordable houses per annum required, provision on site on sites of 15+ units	Need to plan for affordable housing where need is there need	No conflict. Need for affordable housing is common ground. 40% offer exceeds SPG for urban areas but in line with current need.
8 Affordable Housing in Metropolitan Green Belt	Yes	Lists criteria for affordable housing in MGB. It is only supported for local needs but must also comply with Policy 2 (housing in settlements)	Need to plan for affordable housing where need is there need	No conflict. We can show elsewhere we need affordable housing. 40% offer exceeds SPG for but in line with current need (refer LHNA report in briefing note).

POLICY	SAVED BY SOS DIRECTION (2007)?	CONTENT OF POLICY	RELEVANT PART OF NPPF	NPPF COMPLIANCE AND REASON FOR THIS VIEW
74 Landscaping and Tree Preservation	Yes	Factors to take into account when retaining existing landscaping (healthy trees to be protected, don't site buildings near healthy trees). Need tree surveys etc Establish new wildlife corridors as part of new landscaping schemes	Para 127 - development should be well designed including (127 (c)) being sympathetic to surrounding built envt and landscape setting Para 170 (a) and (b) – protect valued landscapes, recognise intrinsic character and beauty of c'side	Broad compliance but NPPF more sophisticated grasp of design and landscape.
84A Drainage Infrastructure	Yes	Working with Thames Water. Don't support devt likely to cause sewerage flooding. LPA may ask for detailed drainage study or approve new schemes with a condition to provide a drainage strategy	Para 156 – councils should work with relevant public bodies (including internal drainage boards - none in the St Albans area) Para 165 – major devt should incorporate sustainable urban drainage systems	No direct conflict. NPPF more sophisticated – sustainable urban drainage systems
106 Nature Conservation	Yes	Take ecological factors into account when considering planning applications. Identifies relevant legislation at the time.	Section 15 Para 174 – protect and enhance biodiversity - Para 175 refuse schemes if significant harm to biodiversity	Yes but NPPF goes further (biodiversity net gain)

POLICY	SAVED BY SOS DIRECTION (2007)?	CONTENT OF POLICY	RELEVANT PART OF NPPF	NPPF COMPLIANCE AND REASON FOR THIS VIEW
143B Implementation	Yes	Devt should make provision for infrastructure requirements including on and off site contributions)	<p>Para 8 – need infrastructure to address economic and social objectives of sustainable devt.</p> <p>Para 20 – make provision for infrastructure/ community facilities and assess needs over next 15 years (Para 22)</p> <p>Para 28 – non strategic policies can set out infrastructure needs at a local level</p> <p>Para 34 – developer contributions needed</p>	Yes. Reasonable starting base for negotiating s106 agreement

PH6



Appeal Decision

Inquiry Held on 27-28 November and 3-5 December 2019

Site visit made on 4 December 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/B1930/W/19/3235642

Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Castleoak Care Partnerships Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/18/1324, dated 14 May 2018, was refused by notice dated 20 March 2019.
 - The development proposed is the demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a community clubhouse together with associated access and pedestrian/bridleway improvements, landscaping, amenity space and car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised landscaping master plan (INQ9) was submitted during the course of the Inquiry. This depicts the removal of an access track to the eastern boundary of the site and instead further landscaping is proposed along the site edge with the public bridleway.
3. Parties were given an opportunity to comment on this and expressed no concern at this amendment. I consider that the change is minor, and I am satisfied that no party would be prejudiced by my taking the amended plan into account. Accordingly, the Inquiry went on to consider the revised landscaping proposals.
4. A planning obligation was submitted in draft form (INQ21), discussed at the Inquiry and subsequently finalised after the Inquiry. I have taken it into account.

Main Issues

5. The appellant accepts that the proposal would constitute inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), and that openness would be harmed.

6. In light of the above, the main issues are:
- i) The extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes;
 - ii) The effect of the proposal on the character and appearance of the area;
 - iii) The effect of the proposal on the significance of the grade II* listed Burston Manor and grade II listed outbuildings, as derived from their setting; and,
 - iv) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Background

Site Description

7. The appeal site forms the eastern portion of Burston Garden Centre (BGC) of around 3.8ha in size. It is currently unused and comprises open grassland, sheds, polytunnels, glasshouses and planting beds which were formerly used for rose propagation. The site is accessed from the North Orbital Road (A405) via an existing private access track within BGC.
8. Abutting the site to the north is Burston Manor House, a grade II* listed building originally dating from the 12th Century with grade II listed 17th Century outbuildings. A close boarded fence forms the perimeter boundary to the east, along a public bridleway. How Wood and How Wood Village lies beyond. To the south the site has a heras fence separating it from Birchwood. Birchwood Bungalow is located adjacent to the south eastern corner of the site. To the west is the remainder of the BGC site with a number of large glasshouses.
9. The site is located in the Green Belt and is designated as part of a Landscape Development Area and also as an area of archaeological significance, as set out in the development plan.

Appeal Proposals

10. Permission is sought to develop the site as a retirement village with 'extra care' housing for older and retired people together with a 64-bed care home. The housing would comprise 45 care bungalows and 80 1, 2 & 3 bed apartments. There would be a central village green and clubhouse with bar/café, restaurant, library and other facilities.
11. It was a matter of common ground that the proposed development falls wholly within a C2 use class. Although local objections were made in respect of affordability, the Council and appellant considered that no affordable housing contributions should be sought as there was no policy basis to require this for a C2 use.
12. Access would be via the existing track, which would be widened along its length through the removal of part of the existing glasshouses at BGC. This would create a tree-lined avenue into the site. The newly created 'Burston Lane' would form a main central access into the site itself, roughly following the line of a former tree lined field boundary at Burston Manor.

13. A number of secondary routes would also be created as well as pedestrian routes through the site, connecting with the existing bridleway alongside How Wood. The proposal would also include the creation of a new bridleway along the south of the site. The application also includes a proposal for improvements to the access junction with the A405 by way of a signalised junction and signalised pedestrian crossing points.
14. The assisted living apartments would be divided between 3 blocks which are 3-storeys in height with single storey entrance pavilion link buildings and canopied walkways. The clubhouse would face out across the village green area, while the assisted living blocks would be served by parking courtyards and courtyard gardens.
15. With the exception of a detached 'gatehouse' within the site, the bungalows would be semi detached and form blocks with parking courtyards to the front and private gardens and patios to the rear. The care home would be positioned to the north eastern 'nib' of the site and would be 2-storey with a central main entrance and rear wings around a central courtyard area.
16. The landscape strategy for the site would include planting of trees and hedges, both along the boundary edges and within the site. Communal gardens would serve the apartments, and the bungalows to the north of the site would have communal edible gardens and a fruit tree walkway between the groupings. The care home would incorporate private sensory and water gardens.
17. The general palette of materials would be red brick with tile hanging and soldier course detailing, pudding stone walling, and dark facing brick and weatherboarding. Roofs would use clay tiles and windows would be dark coated metal.

Policy Context

18. The development plan for the purposes of the appeal comprises the saved policies from the St Albans Local Plan 1994 (LP). The St Albans City & District Local Plan Publication Draft (emerging LP) was submitted for examination and this is due to begin in January 2020. This seeks to allocate broad locations for development, including for C2 units, and includes a review of the Green Belt as part of the identification of these. The appeal site is not allocated in the emerging LP.
19. The site also falls within the St Stephen Neighbourhood Plan area which was designated in 2014. It was explained by Mr Parry that a draft Neighbourhood Plan (emerging NP) has been developed (INQ7) following early public engagement. It is anticipated that this will be subject to public consultation in 2020. The BGC site as a whole is included in the emerging NP as an allocation for a retirement village and for the removal from the Green Belt, although both the appellant and Council expressed their concerns in terms of whether Green Belt boundaries could be altered by a NP.
20. Both the emerging LP and the emerging NP have yet to be formally examined and in accordance with paragraph 48 of the Framework, can only attract limited weight. I come back to the issue of the emerging plans later in my decision but it is notable is that neither the Council or the appellant seek to rely on these in making their cases and give these documents limited or no weight.

21. The Framework is also a material consideration. It was common ground between parties that St Albans can only currently demonstrate a 2.2 year deliverable supply of housing and that, in accordance with national policy, the C2 specialist housing would go towards meeting part of the overall housing need.

Reasons

Green Belt Openness and Purposes

Openness

22. LP Policy 1 seeks to restrict development in the Green Belt. It sets out a number of exemptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exemptions are more restrictive than those set out in paragraph 145.
23. The Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permeance. Openness has both a visual and spatial element.
24. It is common ground that the site should not be regarded as previously developed land and as such the proposals would constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be accorded to that harm. Such development should not be approved except in very special circumstances whereby inappropriateness and any other harm is clearly outweighed by other considerations.
25. There was debate at the Inquiry in respect of the quality of the site. However, I consider that the existing structures including the glasshouses, polytunnels and other structures associated with the sites horticultural use should not be seen as harmful to the purposes or characteristics of the Green Belt. Put simply, they are structures which are common in rural areas and, crucially, are not seen as inappropriate in Green Belt policy terms.
26. The parties disagree as to the extent of the effect of openness, although the appellant accepted that there will be some impact upon this. In considering openness against the baseline outlined above, the proposed development would introduce a substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.
27. In visual terms, the appellants landscape witness considered the effects to be very limited due to the visual containment that exists around the site as well as the mitigation and landscaping proposals through planting and public access within the site.
28. The Landscape and Visual Impact Assessment (INQ12) identifies that moderate adverse effects would be experienced from view points taken from the bridleway to the eastern edge of the site. Due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood, I agree that the new buildings would have limited zones of visibility

from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway. However, the loss of openness would be clearly perceived by users of the public right of way.

29. In addition, the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, I consider that the mitigation itself would increase the visual effects experienced from the loss of openness.
30. Taking all of the above together, I consider that the spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.

Purposes

31. As defined by paragraph 134 of the Framework, the Green Belt serves 5 purposes (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
32. Chiswell Green is located to the north west of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road.
33. The appeal site would abut How Wood and would effectively enclose the woodland by development. How Wood itself is not of a significant depth nor is it so dense as to provide a definitive edge to How Wood Village in this location. As I saw on site, which was in winter when the trees are not in leaf, filtered views of the rear of properties along Walnut Close and Spruce Way were visible through the woods. The development would therefore be visible from these properties, although there would be larger amounts of landscaping included within the site and along the boundary.
34. There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.
35. By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. In my view, the proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.

36. While the appellant considers that the development would not harm any of the purposes of the Green Belt, I consider that there is a clear conflict with Green Belt purposes in terms of purposes (a) (b) and (c) above.
37. The appellant also held that there is a mismatch between the evidence of Mr Greaves who considered that 3 of the Green Belt purposes would be breached (a-c), whereas the Council in their Committee Report reference only a single issue in this regard (c). In combination effects with a separate development of a hotel at Copsewood are also referenced by the Council and Mr Greaves.
38. The Committee report did not go specifically into the purposes of the Green Belt to any great degree. The issue of sprawl and merger and the urban form is, however, referenced in the 1st reason for refusal. I note that the hotel scheme has now lapsed, but in any case, I have considered the scheme on its own merits and in the light of the evidence.

Conclusion – Openness and Purposes

39. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt. The development would not accord with the Framework nor LP Policy 1. I attach substantial weight to this conflict and the harm arising to the Green Belt and its purposes by virtue of the development's inappropriateness and the effect of openness.
40. That harm will need to be outweighed by other considerations, if very special circumstances are demonstrated and I will return to that question, in the context of the overall planning balance, later in my decision.

Character and Appearance

41. As stated above, the site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.
42. The remainder of the BGC site has substantial coverage with glasshouses which have a large footprint extending across the site but are of a reasonable height and are of a lightweight design with their framing and glazing. The main garden centre buildings, barns and stores are of a large scale in terms of their massing and height. Other expanses of hardstanding and parking are also found at the site. The buildings within the appeal site have a visual association with the wider part of BGC, and are positioned adjacent to this, with the eastern part of the site being open grassland or formed of former planting beds. The fencing to the east and southern boundaries contains the site from the woodland areas beyond.
43. In the wider area, detached properties to the north of the appeal site are set in spacious grounds. In contrast the urban form of How Wood Village and Chiswell Green is more built up with rows of detached and semi-detached houses. This is discernible from the aerial photograph of the wider area (INQ10).
44. The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained. Care has been taken with the scheme in terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials. As explained by

- the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide 'aging in place' with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.
45. The formality of the layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site. They would, however, be markedly different in their general scale, massing and form to the BGC buildings. There would also be marked differences between the scale and density of properties in How Wood Village and to properties to the north of the appeal site.
46. In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.
47. The close boarded fence along the eastern boundary of the site with the bridleway is a visually discordant feature which would be removed by the proposed development. As per the amended landscape masterplan this area and the removal of the access track would give way to additional landscape planting along its periphery.
48. However, as stated above, the development would be seen behind properties at Walnut Close and Spruce Way and would effectively enclose How Wood. In particular, the proposed care home would be built on land which is currently open and due to its scale, it would have a large and dominating effect, in spite of the additional peripheral landscaping here.
49. Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting. These LP policy objectives are consistent with those of the Framework.

Designated Heritage Assets

50. LP Policy 86 reflects the statutory obligations¹ to have special regard to the desirability of preserving a listed building or its setting or any features of architectural or historic interest that it possesses. In a similar vein, the Framework gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm. Any harm should also require clear and convincing justification.

¹ As set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

51. It is common ground between parties that the development will cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of my decision I am simply required to weigh that harm against other considerations, including any public benefits, similar to Green Belt policy.
52. The issue debated at the Inquiry is where the harm falls in the 'spectrum' of less than substantial harm, as Planning Practice Guidance² (PPG) makes clear that within each category of harm, the extent of the harm may vary and should be clearly articulated. The appellant assigns a minor level of less than substantial harm and the Council a moderate level.
53. Detailed analysis of the significance of Burston Manor and the outbuildings is provided with the Heritage Statement and the parties' proofs. Again, this was common ground between parties and I have no reason to disagree with their assessments. As such there is no need to rehearse this in detail here.
54. In terms of setting, Burston Manor and the outbuildings are set in private, landscaped gardens which provide screening and enclosure, both from when looking out from the grounds, and when looking towards the Manor itself from the appeal site and bridleway. Notably, there is also a moat within the gardens, likely to be associated with the manorial seat. There is also archaeological significance in light of the moat and records relating to a shrunken settlement.
55. Today, in spite of the boundary screening within the grounds, the Burston Manor grouping does have a relationship with its surroundings thus this forms its wider, or as described by parties, its 'secondary' setting. The position of both parties in respect of setting has, however, altered since the analysis of the original application; Mr Greaves does not agree that the appeal site makes an overall negative contribution to significance, whereas the Council's analysis (including that of their own Conservation Officer) did consider that the existing contribution of the site was negative. Similarly, the evidence presented by Mr Smith for the appellant in terms of the contribution of the appeal site to setting contrasted with the appellants own Heritage Statement which states that "*the remnant unmanaged grassland on the eastern reaches of the site represents a last vestige of the asset's historic pastoral landscape setting.*"
56. Originally Burston Manor would have stood in a relatively isolated location in the open landscape, as depicted on the 1766 Map. Birchwood and How Wood appear on the 1805 OS Map, although the wider landscape remained open. This remained the status quo until after the 1930's where significant development was carried out, particularly in the second half of the 20th Century with the development of How Wood Village and Chiswell Green. The BGC site was mainly developed during the 1970's and 1980's (INQ24).
57. There can be no doubt that the setting of the heritage assets has been greatly changed and urbanised during the 20th Century and that this has had an adverse effect on the Burston Manor grouping. The BGC site has distinctly urban elements including, for example, the large-scale retail and other buildings, lighting and car parking. The general intensity of the use at BGC also has an impact and gives rise to a number of comings and goings and

² 18a-018-20190723

operational effects such as noise from the access track running adjacent to the western boundary of Burston Manor. The close-boarded fencing along the eastern boundary adjacent to the bridleway is also an urban feature which detracts from the wider landscape setting and provides a barrier between the site, Burston Manor and How Wood.

58. However, the appeal site with its low level polytunnels, along with the planting beds and grasslands to the eastern and southern parts helps maintain a semblance of the open and agricultural character, albeit diminished. As historic early 19th Century woodland groups Birchwood and How Wood form a positive part of the historic evolution of the wider environs of Burston Manor. Today, the appeal site does allow for the appreciation of these woodlands from the grounds of Burston Manor and vice-versa. This helps to maintain a sense of the historic relationship here, particularly with How Wood due to the open grasslands to the north-eastern nib of the site. I saw that this relationship is more visible in the winter when the deciduous boundary trees within the grounds of Burston Manor are not in leaf.
59. In this regard, I consider that the appeal site has a more limited negative impact upon setting than the remainder of the BGC site. Furthermore, while it is unkempt and not in any way pristine, I consider that it does represent the last legible remnant of its historic landscape setting.
60. In considering whether additional change would further detract from, or enhance the significance of the assets, there would be a significant change and the Burston Manor grouping would effectively be contained by urban development. I agree with the Council that this would amount to the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.
61. There would be significant landscaping and planting at the site, but as I have stated above, built elements of the proposed development would take up a large proportion of the site and thus would dominate in this regard. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor. However, due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.
62. The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site. The s106 agreement would secure offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.
63. Additional verified views were submitted from the upper floors of Burston Manor as part of Mr Judd's Proof of Evidence which are said to demonstrate the current level of screening which would be bolstered in the short and long term by landscaping. However, these views were taken when the trees were in leaf. While there are some evergreen trees providing screening, my site visit in the winter months revealed a much greater level of visibility from Burston Manor, from both within the grounds and as viewed from the upper floors. The severing effect I have identified from the proposed development would be more

perceptible and while the additional landscaping would aid this, the effects would still be experienced from the assets.

64. The development would involve the widening of the access road to the western boundary of Burston Manor and the removal of some bays of the BGC greenhouses to facilitate this. The barns and stores would also be removed and there would be a comprehensive lighting strategy across the site. These would help to address some of the negative effects that BGC and the appeal site have on the setting of the buildings. Nevertheless, in light of the nature and scale of the development proposed, these would not address my concerns in any meaningful way.
65. I am mindful that grade II* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would be firmly within the realms of 'less than substantial harm'. I am of the clear view that this would be to a moderate degree when applying the spectrum or scale put to me at the Inquiry, as opposed to the limited harm attested by the appellant. The lack of comment from Historic England does not alter my conclusions in respect of the harm I have found.
66. Overall the development would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm. I shall weigh this against the public benefits later in my decision.

Other Considerations

67. The appellant identifies a range of other considerations that are said to be in favour of the proposed development. Similar to the debate at the Inquiry as to the precise level of harm ascribed by the parties, the level of weight to be assigned to the benefits is also disputed.

General and C2 housing need

68. Particular emphasis was placed on the need to deliver housing, including the specialist accommodation being proposed. The agreed position on housing supply, at 2.2 years, is well below the requisite five-year supply and the proposed development would contribute towards this housing need and would deliver a range of specialist housing options for older people. I give this substantial weight.
69. The parties were unable to agree the precise extent of need for older people's accommodation in the area with the appellant citing a much greater need than the Council identifies. However, at the Inquiry parties submitted a Statement of Common Ground setting out the different projections of need for extra care and care homes (INQ18). This formed the basis of the discussion. A considerable amount of evidence was presented on this topic and the figures supplied for extra care units and care home beds were vastly different and there were issues around the data time periods. Debate also ensued regarding pipeline provision, which the Council had calculated based on past trends and future Local Plan provision.
70. The proper forum for determining the precise position is as part of the development plan process and having considered the submissions made, it is

not necessary for me to reach a precise conclusion on the need and supply of this type of housing. This is because, even using the Council's more modest figures, there is an immediate unmet and growing need which would not be met by the emerging LP in the short term (as evidenced by the trajectories set out in INQ23). Windfall provision is also not likely to address this. I also note the empirical evidence presented by the Parish Council, local residents associations and elected Members in terms of the need.

71. A lack of affordable care provision was raised by 'Affordable Care for St Albans' and while I don't doubt that there is also such a need, there is no policy requirement for affordable housing C2 provision.
72. In light of the current shortfall in C2 accommodation, there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, this would be likely to be achieved within the next 5 years. Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.

Alternative sites

73. The appellant also held that there are no alternative sites which could accommodate the appeal proposals, although this was challenged by the Council on two points relating to availability and disaggregation.
74. In terms of the latter, Mr Appleton gave evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits. A revised report (the Carterwood Report) was submitted as part of Mr Belcher's evidence which revised the methodology to assess sites between 1ha-4ha (the appeal site being around 3.8ha in size) in order to address the Council's earlier concerns that the original study only looked at sites 2.4ha and above.
75. The question here is one of how much weight can be apportioned to a lack of alternative sites and whether need can be met in a disaggregated way. It was clear that smaller extra care units and standalone nursing homes can be provided on smaller sites. That said, the revised study goes down to 1ha, or as the appellant cited 25% of the size necessary to deliver the appeal site. In that regard, I consider the Carterwood Report to be robust for the purposes of assessing alternatives, including disaggregation.
76. I do, however, share the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise.
77. Only three sites were found to be suitable and achievable and as such it would not have been an onerous task to approach the landowners to ascertain any intent. I also accept the Council's point that the appeal site was also not actively marketed and thus would have failed according to this methodology.

78. Of these sites I acknowledge that they were all smaller than the appeal site. Two of the sites were owned by the County Council and while they were smaller than the appeal site, these were located adjacent to each other. It would have been a simple exercise to approach the County Council regarding these sites, and also consider whether they could be combined. I note that the other site was envisaged for retail use in the emerging LP. Again, an approach could have been made to the owner and evidence gathered in terms of whether it would be suitable for an alternative use by the planning authority.
79. While the potential for alternative sites is limited to just the three identified, the lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

Health and wellbeing

80. As briefly referenced above, the health and wellbeing benefits were set out in detail by the appellants team, and in particular by Mr Appleton and Mr Phillips, at various points during the Inquiry. These were well evidenced by a plethora of background documents put before me and as quoted by Mr Phillips proof of evidence. I also note that the PPG recognises such benefits, stating that *"offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems."*³
81. In particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance.

Employment

82. The parties differed in their views as to the weight to be attached to employment benefits arising from the creation of around 90 full time equivalent jobs plus temporary construction jobs, the reinvestment of the profit of the sale of the appeal site into the garden centre, and the business units at the site. This adds further weight to the case for the appeal.
83. However, I note that that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore I consider that such benefits are moderated in part by this.

Highway and accessibility matters

84. I am satisfied that traffic congestion and associated concerns relating to air pollution would not be realised. I also note that the appellant proposed to install electric vehicle charging points as part of their scheme.
85. Access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. While I note that these were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

³ Reference ID: 63-001-20190626

86. It was said that the appeal site is in a suitable location to access services and facilities and I do not disagree. It is in close walking distance to local shops at How Wood Village and bus stops and a railway station would also be accessible. However, as a general principle, appropriate access to services and facilities, are a policy expectation for any significant development and as such are a neutral matter in my considerations.

Effect on Birchwood Bungalow

87. I am also mindful that there is an objection from a separate care facility at Birchwood Bungalow. This relates to the construction effects from noise and disturbance of the built development upon the residents who have Autism and are in full-time residential care. Accordingly, I have also had due regard to the Public Sector Equality Duty (PSED) established by section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
88. Having discussed this matter at the Inquiry, construction is anticipated to take around 2 years, and it would have a phased approach. There would be some impacts experienced by the occupants at Birchwood Bungalow but I consider that these would be time-limited and further minimised by the phased approach. I am also satisfied that specific provision could be made to reduce any such effects through the submission of a Construction Management Plan, and this could be secured by condition. I therefore find no discrimination in this regard.
89. While I have found no conflict with the PSED, this itself would not weigh in favour of the scheme in terms of my assessment of very special circumstances, rather it would be a neutral factor.

Planning Balance and Very Special Circumstances

90. For the reasons explained above, I have found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes. This would be contrary to LP Policy 1. The Framework requires substantial weight to be given to any harm to the Green Belt.
91. The development would also cause harm to the character and appearance of the area, in conflict with LP Policy 69 and 70. There would also be harm to the setting of the designated heritage assets, which includes the grade II* listed Burston Manor itself. Employing the terminology of the Framework, that harm amounts to 'less than substantial' but to a moderate degree. This harm, like the harm to the Green Belt, should be given great or substantial weight.
92. On the other side of the planning balance, it is clear that there is a very significant local need for elderly persons' accommodation. The development would help meet a significant proportion of this need and would address this in the short term. St Albans is an area where there is a significant shortfall in overall housing land supply and the development would contribute to this. The development would also help to free up existing market housing. As a care village, the development would cater for a wide range of individual needs in terms of physical ability, dependency and personal care, and would give rise to

- health and welfare benefits. These considerations all weigh substantially in favour of the development.
93. However, in light of my findings above, only moderate weight can be given to a lack of suitable sequentially preferable alternative sites to accommodate the proposal.
94. The development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.
95. I am conscious of the significant local support for the scheme, not just in respect of the need, as addressed above, but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a NP can alter the boundaries of the Green Belt.
96. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but decisively.
97. Overall, I consider the benefits from the housing and health and wellbeing to be substantial and there are other factors which add to this weight. But even so, they do not clearly outweigh the combined weight of the harm to the Green belt, the harm to designated heritage assets and the harm to character and appearance. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues.
98. The Council expressed their concerns regarding the 'double-counting' of purported benefits insofar as they considered that specialist C2 provision, release of market housing, and health benefits are a subset of the general housing requirement. By way of response, the appellants drew my attention to two appeal decisions which accord weight to these matters on an individual basis⁴. However, taken together or separately, I consider that they do not outweigh the harm identified.
99. Consequently, despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated.

Conclusion

100. For the reasons given above, and having considered all other matters raised, the appeal is therefore dismissed.

C Searson
INSPECTOR

⁴ APP/H2265/W/18/3202040 & APP/A0665/W/18/3203413

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Guy Williams of Counsel instructed by David Edwards, Solicitor on behalf of the Council

He called:

Shaun Greaves	Director GC Planning Partnership Ltd
BA (Hons) DipURP, MRTPI	

Other Participants at Round Table Discussion:

Sarah Smith	Team Leader
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FOR THE APPELLANT:

Robert Walton QC

He called:

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Cllr Sue Featherstone	County and District Councillor for St Stephen
	(Bricket wood and Chiswell Green)

DOCUMENTS SUBMITTED DURING THE INQUIRY

- INQ1 Letter dated 22 November 2019 from Chiswell Green Residents Association
- INQ2 Typed script as read out by Linda Crocker of the Burston Wood Residents Association
- INQ3 Typed script as read out by Dee Youngs of the Park Street Residents Association
- INQ4 Appellant's Opening Submissions
- INQ5 Council's Opening Submissions
- INQ6 Representations on behalf of Affordable Care for St Albans (ACSA) as read out by Simon Kelly of Richard Buxton Solicitors
- INQ7 St Stephen Neighbourhood Plan 2019-2036 Re-Submission Document Draft October 2019
- INQ8 Revised CGI Drawings and key – reference AA6903 03-SL-3D-A—307, AA6903 00-SL-3D-A—011, AA6903 00-SL-3D-A—305 Rev A, AA6903 00-SL-3D-A—106 Rev A, AA6903 00-SL-3D-A—306 Rev A. (Supersede Core Documents CD2.25-2.28)
- INQ9 Revised Landscape Masterplan Reference 0653-00-SL-PL-L-G7-010 Rev G.
- INQ10 Google Earth satellite image of Burston Garden Centre wider area.
- INQ11 Burtson Garden Retirement Village Design and Access Statement July 2018
- INQ12 Burtson Garden Retirement Village Landscape and Visual Impact Assessment Rev B October 2018
- INQ13 Burtson Garden Retirement Village Design and Access Addendum – Landscape October 2018
- INQ14 Revised Schedule of Core Documents 2 December 2019
- INQ15 Updated Schedule of Plans and Documents Associated with the Proposals 2 December 2019
- INQ16 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019
- INQ17 Further SOCG Alternative Site Assessment 2 December 2019
- INQ18 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019 ** This supersedes INQ16**
- INQ19 More Choice, Greater Voice: a toolkit for producing a strategy for accommodation with care for older people February 2008
- INQ20 Housing in later life: planning for specialist housing for older people December 2012
- INQ21 Copy of draft s106 agreement
- INQ22 St Albans City and District Local Plan 2020-2036 Publication Draft 2018 Exert of Policy S4 and S5.
- INQ23 St Albans City and District Housing Delivery Test Action Plan September 2019
- INQ24 Annotated aerial photograph showing dates of development of Burston Garden Centre Buildings
- INQ25 Site Visit annotated walking route map
- INQ26 Copy of full size application plans
- INQ27 Email from Mr Kelly dated 29 November 2019 representatives of ASCA
- INQ28 Updated draft list of planning conditions
- INQ29 Council's Closing Submissions
- INQ30 Appellant's Closing Submissions

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Department for
Transport

Manual for Streets



Status and application

Manual for Streets (MfS) supersedes *Design Bulletin 32* and its companion guide *Places, Streets and Movement*, which are now withdrawn in England and Wales. It complements *Planning Policy Statement 3: Housing and Planning Policy Wales*. MfS comprises technical guidance and does not set out any new policy or legal requirements.

MfS focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. It is the responsibility of users of MfS to ensure that its application to the design of streets not specifically covered is appropriate.

MfS does not apply to the trunk road network. The design requirements for trunk roads are set out in the *Design Manual for Roads and Bridges* (DMRB).

MfS only applies formally in England and Wales.

The policy, legal and technical frameworks are generally the same in England and Wales, but where differences exist these are made clear.



Figure 4.6 Perimeter blocks enclosing a pleasant communal open space.



Figure 4.7 A highways-dominated layout with buildings that have a poor relationship to the road.

4.4 The walkable neighbourhood

4.4.1 Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13⁴ states that walking offers the greatest potential to replace short car trips, particularly those under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents.

4.4.2 By creating linkages between new housing and local facilities and community infrastructure, the public transport network and established walking and cycling routes are fundamental to achieving more sustainable patterns of movement and to reducing people's reliance on the car. A masterplan (or scheme layout for smaller-scale developments) can help ensure that proposals are well integrated with existing facilities and places.

4.4.3 Density is also an important consideration in reducing people's reliance on the private car. PPS3⁵ encourages a flexible approach to density, reflecting the desirability of using land efficiently, linked to the impacts of climate change. It sets a national minimum indicative density of 30 dwellings per hectare. Residential densities should be planned to take advantage of a proximity to activities, or to good public transport linking those activities. *Better Places to Live: By Design*⁶ advises that a certain

critical mass of development is needed to justify a regular bus service, at frequent intervals, which is sufficient to provide a real alternative to the car.

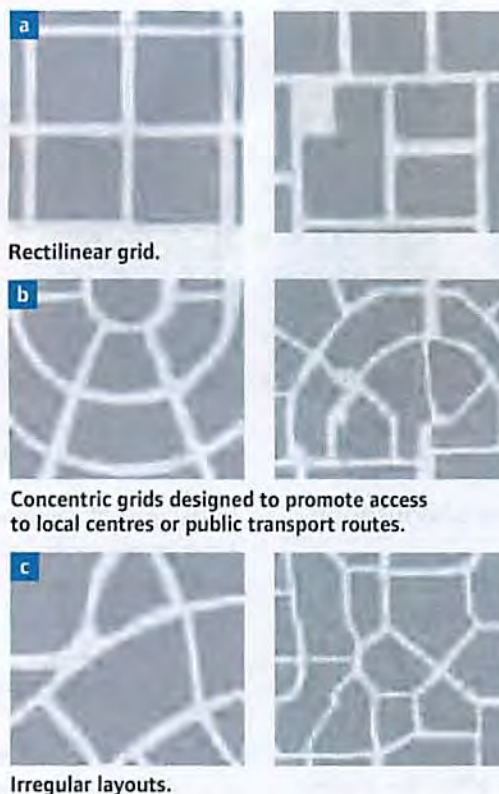
4.5 Layout considerations

4.5.1 Streets are the focus of movement in a neighbourhood. Pedestrians and cyclists should generally share streets with motor vehicles. There will be situations where it is appropriate to include routes for pedestrians and cyclists segregated from motor traffic, but they should be short, well overlooked and relatively wide to avoid any sense of confinement. It is difficult to design an underpass or alleyway which satisfies the requirement that pedestrians or cyclists will feel safe using them at all times.

4.5.2 The principle of integrated access and movement means that the perimeter block is usually an effective structure for residential neighbourhoods. A block structure works in terms of providing direct, convenient, populated and overlooked routes. In addition, it makes efficient use of land, offers opportunities for enclosed private or communal gardens, and is a tried and tested way of creating quality places (Figs 4.6 and 4.7).

4.5.3 Several disadvantages have become apparent with housing developments built in the last 40 years which departed from traditional arrangements. Many have layouts that make orientation difficult, create left-over or ill-defined spaces, and have too many blank walls or façades. They can also be inconvenient for pedestrians, cyclists and bus users.

4 DETR (2001) *Policy Planning Guidance 13: Transport*. London: TSO.
5 DTLR and CABE (2001) *Better Places to Live: By Design. A Companion Guide to PPG3*. London: Thomas Telford Ltd.
6 Communities and Local Government (2006) *Planning Policy Statement 3: Housing*. London: TSO.



Rectilinear grid.



Concentric grids designed to promote access to local centres or public transport routes.



Irregular layouts.

Figure 4.8 Variations on the block structure.

4.5.4 Within a block structure, the designer has more freedom to create innovative layouts. The layouts in Fig. 4.8, and variations on them (such as a 'broken grid' with the occasional cul-de-sac), are recommended when planning residential and mixed-use neighbourhoods.

Geometric choices and street pattern

4.5.5 Straight streets are efficient in the use of land. They maximise connections between places and can better serve the needs of pedestrians who prefer direct routes. However, long, straight streets can also lead to higher speeds. Short and curved or irregular streets contribute to variety and a sense of place, and may also be appropriate where there are topographical or other site constraints, or where there is a need to introduce some variation for the sake of interest. However, layouts that use excessive or gratuitous curves should be avoided, as they are less efficient and make access for pedestrians and cyclists more difficult.

4.5.6 Geometric choices and street pattern should be based on a thorough understanding of context.



Figure 4.9 A good example of a pedestrian/cycle route at Poundbury, Dorchester. It is short, direct and with good surveillance.

4.5.7 Cul-de-sacs may be required because of topography, boundary or other constraints. Cul-de-sacs can also be useful in keeping motor-traffic levels low in a particular area, but any through connections for pedestrians and cyclists should be well overlooked with active frontages. Cul-de-sacs can also provide the best solution for developing awkward sites where through routes are not practical (Fig. 4.9). Caution must, however, be exercised when planning for cul-de-sacs, as they may concentrate traffic impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles.

4.6 Crime prevention

4.6.1 The layout of a residential area can have a significant impact on crime against property (homes and cars) and pedestrians. Section 17 of the Crime and Disorder Act 1998,⁷ requires local authorities to exercise their function with due regard to the likely effect on crime and disorder. To ensure that crime prevention considerations are taken into account in the design of layouts, it is important to consult police architectural liaison officers and crime prevention officers, as advised in *Safer Places*.⁸

4.6.2 To ensure that crime prevention is properly taken into account, it is important that the way in which permeability is provided is given careful consideration. High permeability is conducive to walking and cycling, but can lead to problems of anti-social behaviour if it is only achieved by providing routes that are poorly overlooked, such as rear alleyways.

⁷ Crime and Disorder Act 1998. London: TSO.

⁸ ODPM and Home Office (2004) *Safer Places: The Planning System and Crime Prevention*. London: Thomas Telford Ltd.

4.6.3 *Safer Places* highlights the following principles for reducing the likelihood of crime in residential areas (*Wales*: also refer to Technical Advice Note (TAN) 12⁹):

- the desire for connectivity should not compromise the ability of householders to exert ownership over private or communal 'defensible space';
- access to the rear of dwellings from public spaces, including alleys, should be avoided – a block layout, with gardens in the middle, is a good way of ensuring this;
- cars, cyclists and pedestrians should be kept together if the route is over any significant length – there should be a presumption against routes serving only pedestrians and/or cyclists away from the road unless they are wide, open, short and overlooked;
- routes should lead directly to where people want to go;
- all routes should be necessary, serving a defined function;
- cars are less prone to damage or theft if parked in-curtilage (but see Chapter 8). If cars cannot be parked in-curtilage, they should ideally be parked on the street in view of the home. Where parking courts are used, they should be small and have natural surveillance;
- layouts should be designed with regard to existing levels of crime in an area; and
- layouts should provide natural surveillance by ensuring streets are overlooked and well used (Fig. 4.10).

⁹ Welsh Assembly Government (2002). *Technical Advice Note 12: Design*. Cardiff: NAFW. Chapter 5, Design Issues.



Figure 4.10 Active frontage to all streets and to neighbouring open space should be an aim in all developments. Blank walls can be avoided, even on the return at junctions, with specially designed house types.

Chapter aims

- Promote inclusive design.
- Set out the various requirements of street users.
- Summarise the requirements for various types of motor vehicle.

6.1 Introduction

6.1.1 Street design should be inclusive. Inclusive design means providing for all people regardless of age or ability. There is a general duty for public authorities to promote equality under the Disability Discrimination Act 2005.¹ There is also a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disabled people play a full part in benefiting from, and shaping, an inclusive built environment.

6.1.2 Poor design can exacerbate the problems of disabled people – good design can minimise them. Consultation with representatives of various user-groups, in particular disabled people, is important for informing the design of streets. Local access officers can also assist here.

6.1.3 Designers should refer to *Inclusive Mobility*,² *The Principles of Inclusive Design*³ and *Guidance on the Use of Tactile Paving Surfaces* (1999)⁴ in order to ensure that their designs are inclusive.

6.1.4 If any aspect of a street unavoidably prevents its use by particular user groups, it is important that a suitable alternative is provided. For example, a safe cycling route to school may be inappropriate for experienced cyclist commuters, while a cycle route for commuters in the same transport corridor may be unsafe for use by children. Providing one as an alternative to the other overcomes these problems and ensures that the overall design is inclusive.

6.1.5 This approach is useful as it allows for the provision of a specialised facility where there is considerable demand for it without disadvantaging user groups unable to benefit from it.

6.2 Requirements for pedestrians and cyclists

6.2.1 When designing for pedestrians or cyclists, some requirements are common to both:

- routes should form a coherent network linking trip origins and key destinations, and they should be at a scale appropriate to the users;
- in general, networks should allow people to go where they want, unimpeded by street furniture, footway parking and other obstructions or barriers;
- infrastructure must not only be safe but also be perceived to be safe – this applies to both traffic safety and crime; and
- aesthetics, noise reduction and integration with surrounding areas are important – the environment should be attractive, interesting and free from graffiti and litter, etc.

6.3 Pedestrians

6.3.1 The propensity to walk is influenced not only by distance, but also by the quality of the walking experience. A 20-minute walk alongside a busy highway can seem endless, yet in a rich and stimulating street, such as in a town centre, it can pass without noticing. Residential areas can offer a pleasant walking experience if good quality landscaping, gardens or interesting architecture are present. Sightlines and visibility towards destinations or intermediate points are important for pedestrian way-finding and personal security, and they can help people with cognitive impairment.

6.3.2 Pedestrians may be walking with purpose or engaging in other activities such as play, socialising, shopping or just sitting. For the purposes of this manual, pedestrians include wheelchair users and people pushing wheeled equipment such as prams.

6.3.3 As pedestrians include people of all ages, sizes and abilities, the design of streets needs to satisfy a wide range of requirements. A street design which accommodates the needs of children and disabled people is likely to suit most, if not all, user types.

6.3.4 Not all disability relates to difficulties with mobility. People with sensory or cognitive impairment are often less obviously disabled,

¹ Disability Discrimination Act 2005. London: TSO.

² Department for Transport (2002) *Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. London: Department for Transport.

³ CABI (2006) *The Principles of Inclusive Design (They include you)*. London: CABI.

⁴ DETR (1999) *Guidance on the Use of Tactile Paving Surfaces*. London: TSO.



Figure 6.1 West End of London 1884 – the block dimensions are of a scale that encourages walking.

so it is important to ensure that their needs are not overlooked. Legible design, i.e. design which makes it easier for people to work out where they are and where they are going, is especially helpful to disabled people. Not only does it minimise the length of journeys by avoiding wrong turns, for some it may make journeys possible to accomplish in the first place.

6.3.5 The layout of our towns and cities has historically suited pedestrian movement (Fig. 6.1).

6.3.6 Walkable neighbourhoods should be on an appropriate scale, as advised in Chapter 4. Pedestrian routes need to be direct and match desire lines as closely as possible. Permeable networks help minimise walking distances.

6.3.7 Pedestrian networks need to connect with one another. Where these networks are separated by heavily-trafficked roads, appropriate surface level crossings should be provided where practicable. Footbridges and subways should be avoided unless local topography or other conditions make them necessary. The level changes and increased

distances involved are inconvenient, and they can be difficult for disabled people to use. Subways, in particular, can also raise concerns over personal security – if they are unavoidable, designers should aim to make them as short as possible, wide and well lit.

6.3.8 The specific conditions in a street will determine what form of crossing is most relevant. All crossings should be provided with tactile paving. Further advice on the assessment and design of pedestrian crossings is contained in Local Transport Notes 1/95⁵ and 2/95⁶ and the *Puffin Good Practice Guide*.⁷

6.3.9 Surface level crossings can be of a number of types, as outlined below:

- Uncontrolled crossings – these can be created by dropping kerbs at intervals along a link. As with other types of crossing, these should be matched to the pedestrian desire lines. If the crossing pattern is fairly random and there is an appreciable amount of pedestrian activity, a minimum frequency of 100 m is recommended.⁸ Dropped kerbs should

5 Department for Transport (1995) *The Assessment of Pedestrian Crossings*. Local Transport Note 1/95. London: TSO.

6 Department for Transport (1995) *The Design of Pedestrian Crossings*. Local Transport Note 2/95. London: TSO.

7 County Surveyors' Society/Department for Transport (2006) *Puffin Good Practice Guide* available to download from www.dft.gov.uk or www.cssnet.org.uk.

8 Department for Transport (2005) *Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure*. London: Department for Transport.

PH8

Planning for Walking



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Footpath linking culs-de-sac

Culs-de-sac need special attention, as the deterrent to walking they and gated communities pose should be recognised and, if possible, eliminated. Wherever possible, culs-de-sac should be linked by footpaths (ways for walkers not alongside roads) to provide through routes for walkers and cyclists despite being dead ends for motor vehicles. They should provide direct pedestrian paths to bus stops and neighbourhood centres. These through routes will not be used unless people are aware of them, so they should be made clearly visible and signed.

Pedestrian routes should be plotted on local maps to check permeability. Figure 14 shows an example from Manual for Streets (DfT, 2007).

An analysis of movement within an existing settlement will help identify any changes required for it to mesh with a new development. It could also influence movement patterns required within the new development. For new developments, an understanding of how an existing area functions in terms of movement and place enables the proposed points of connection and linkage to be identified, both within and from the site, so that important desire lines are achieved. This process will help ensure that a new development enhances the

existing movement framework of an area rather than disrupting or severing it. Mapping footpaths as well as streets displays the full range of routes and ensures that parts of an area are not isolated.

The importance of following desire lines

Networks of routes for pedestrians should be based on the understanding that pedestrians prefer the shortest, most direct paths between their origins and their destinations. Road crossings should be safe both objectively and as perceived by pedestrians. They should not require pedestrians to divert from direct routes or cause excessive delays. Footways and footpaths should link main trip generators as directly as possible. Pedestrians prefer to see places to which they are heading, and although gentle curves will generally be followed, sharp changes in direction will not. Walkers can only be deflected from shortcuts if these are blocked, which is undesirable and often requires guardrail or other street clutter.

Most walking trips begin at home, but most town-centre trips begin and end at public buildings or transport interchanges. Locating building entrances well is important for the convenience of pedestrians and public transport passengers. Front doors should be close to and face streets, bus stops and other walking routes. Car parks should generally be placed behind buildings and no nearer the front door than the local walking route or public transport stop ("Planning for Public Transport in Developments" IHT, 2000b).

Changes in level should be avoided where possible, but when one is inevitable, the needs of those with

disabilities must be considered. Bridges, high-level walkways and subways should be avoided, unless they relate naturally to the main entrances of nearby buildings. Subways and footbridges are usually unpopular as they generally require people to deviate from their desire line and can feel threatening and unsafe. There is a move in recent years to remove them and replace them with at-grade crossings.

6.3 Land use planning for pedestrians

Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of "walkable neighbourhoods," with a typical catchment of around 800 m or 10 minutes' walk (see 6.4 below).

The DETR publication Encouraging walking (DETR, 2000) says:

Land use planning is the most important long term solution to both our strategic and practical transport needs. Integrated planning reduces the need for travel and makes jobs and services more easily accessible to all. We cannot emphasise enough the importance of this aim for planners. We need to change the way we plan and put greater emphasis on enabling access by walking, as well as cycling and public transport.

Achieving this change will necessitate following all the points about attractive routes already made in these guidelines. When these routes are mapped, it will become clear whether they are comprehensive and penetrate to all parts of the settlement.

Network Planning

The role of pedestrian network planning for utility trips in built-up areas is generally not to provide new walking routes per se, but to improve the existing network in order to encourage people to make more short trips on foot.

The question of where to focus investment is critical, and so this guidance outlines processes for identifying which parts of the pedestrian network should be prioritised for improvement, based around three possible approaches.

- A) Walking trip attractors;
- B) Funnel routes associated with land-form barriers; and
- C) Footway maintenance classification.

A process map for the recommended methodology, including the three approaches, is shown in Figure 5.1.

Design Guidance Active Travel (Wales) Act 2013 (Welsh Government 2014) section 5.1

Figure 5.1: Recommended Process for Network Planning for Walking

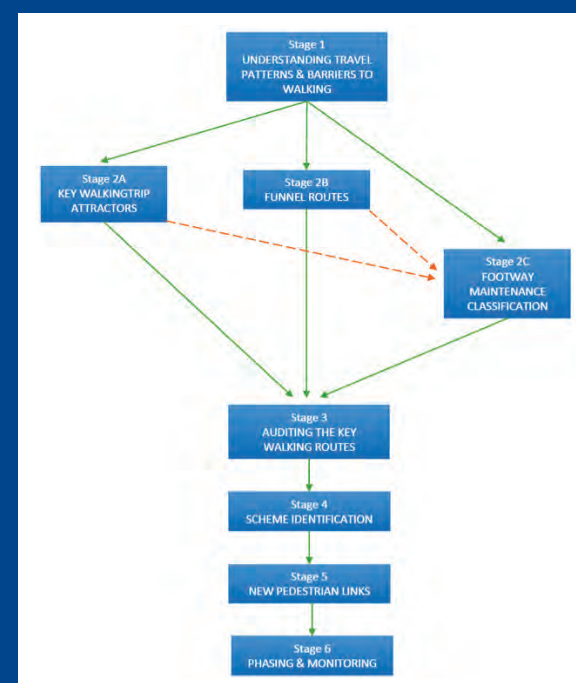
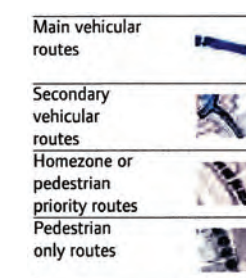


Figure 13: Proposed movement for the redevelopment of RAF Halton (from Manual for Streets, DfT, 2007)





Photograph: Derek Palmer

Front entrances should face streets and bus stops

Planners need, above all, to see them from the viewpoint of pedestrians, understanding their requirements and limitations.

Additions to towns, be they renewal areas or new suburbs, will be isolated if adjoining roads, footways and bus routes are not extended into and across them. Traffic on these roads should not deter pedestrians. Major roads can be designed as boulevards fronted by shops and parking. Minor roads should be subjected, as appropriate, to traffic calming or 20-mph limits.

The roads for new suburbs must be complemented by networks of pedestrian routes, consisting of footways (pavements running alongside roads), footpaths (which do not follow roads) and crossings. Maps of such networks should be made at an early stage of design to reveal the presence or absence of walkability. They should show bus stops, local shops and health centres to ensure that the network provides direct routes between them and as many houses as possible. Where there are breaks in the network due, for example, to culs-de-sac, additional footpath links should be inserted.

The National Planning Policy Framework states (Para. 35. Page 10) (DCLG, 2012)

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- **accommodate the efficient delivery of goods and supplies;**
- **give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;**
- **create safe and secure layouts which minimise**

conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.

6.4 Pedestrian catchments

Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas:

Traditional compact town layouts

Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design.

The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.

6.5 Improving pedestrian safety

An OECD (2001) report on road safety recommends that whenever infrastructure is created or improved, highway authorities should "endeavour above all to create a safe environment for pedestrians," and that "this concern [should] underlie any land-use planning." This is the "putting pedestrians first rule," and it reflects a recognition that if, in highway works, people on foot are not considered first, they will end up being put last.

A more recent report (Mathieson et al., 2013) on the mobility and safety of older road users has, as one of the principal recommendations, the following:

Pedestrians – strong stakeholder views have been expressed about the inappropriate and inconsiderate use of footways and pedestrian areas by cyclists, parked vehicles and mobility scooters. There is a need for enforcement and encouragement for other users to consider the needs of older pedestrians who are fearful of being involved in an accident. Footways of appropriate width and adequately maintained for the older user must be considered in design and maintenance regimes.

In general, the fundamental requirements are to separate pedestrians from vehicle traffic and to limit vehicle speed. Separation can be in space, by providing separate areas for pedestrians and vehicles, or in time, by the use of traffic signals. The exception is that pedestrians and vehicles can share space in areas where traffic speeds are very low—see the paragraphs below on shared space in Section 6.7.

Infrastructure to improve pedestrian safety includes:

- **Adequate footway and footpath widths**
- **Kerb line build-outs to minimise the time taken to cross carriageways and slow traffic**
- **Preventing parked vehicles blocking footways through better enforcement or physical means**
- **Good pedestrian access to public transport**
- **More crossings which provide effective pedestrian priority**
- **Fully protected pedestrian phases at traffic signals**
- **Median pedestrian refuges**
- **20-mph speed limits**



Photograph: Living Streets

Pavement parking



Bollards to prevent pavement parking

6.6 Giving pedestrians priority

Since Britain's first pedestrian town centre streets in Southend, Salisbury and Norwich in the 1960s, the provision of traffic-free or pedestrian priority areas in town centres has become widespread. Providing priority for pedestrians comes in various forms.

Pedestrianised streets

Pedestrianised streets are characterised by the exclusion of motor vehicles. This exclusion can be full time or service vehicles may be allowed to enter early in the morning and during late afternoons or evenings. Visitors' cars may be given access to evening activities, or to hotels. The road surface can be flush as in a fully pedestrian space, or an area for vehicles can be indicated by low kerbs, a change of surface or bollards. Whatever the surface and access arrangements, it is necessary to provide access routes for emergency vehicles.

Pedestrian precincts

Traffic-free shopping streets with or without linking arcades: open air, as in Leeds, or enclosed as in Eldon Square, Newcastle upon Tyne.

Pedestrian priority streets and areas

Pedestrian priority streets are those where only a few vehicles, such as buses, cycles or cars with blue badges, are allowed to enter, usually at low speeds. An early scheme in Oxford was monitored by TRRL, and

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GUIDELINES FOR

PROVIDING FOR JOURNEYS ON FOOT

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EXECUTIVE SUMMARY

Guidelines for Providing for Journeys on Foot is a technical document intended to support the UK Government's recent publication *Encouraging walking: advice to local authorities*. It advises on planning for and providing for pedestrians, maintaining the pedestrian infrastructure and promoting walking. It is aimed at practitioners in local authorities, consultancies and elsewhere who have the task of implementing these measures.

Planners, engineers and others have been providing for pedestrians for a very long time and there is a great deal of existing technical advice. However, seeing walking as a valued travel mode in its own right, and taking a strategic approach to encouraging it, is relatively new. These Guidelines are intended to provide an overview, highlighting key aspects of existing guidance, but without duplicating it unnecessarily. They are illustrated with examples of problems faced by pedestrians and good practice solutions. New or "rediscovered" information and tools are put forward, including those for planning for pedestrians, pedestrian audit and review, marketing walking, local authority pedestrian charters and monitoring levels of walking activity. Other key sources of advice are referenced.

The Guidelines encourage local authorities to take an integrated approach to walking issues. This involves not only the traditional schemes, such as pedestrianisation and crossings, but also more fundamental approaches, such as reducing traffic speeds and reallocating road space, as outlined in the UK Transport White Paper *A New Deal for Transport: Better for Everyone*.

Most towns and large villages in the UK have reasonably comprehensive networks of footways and footpaths. Surveys of public opinion regularly show that clean, safe and well-maintained pavements are high on the list of pedestrians' demands. The Guidelines therefore emphasise the importance of footway maintenance and cleansing, improving personal security and tackling illegal use of the footway. They also provide marketing advice for promoting walking, from transport, health and leisure perspectives.

The vast majority of pedestrian journeys are short – less than one mile. Proximity and good access to local facilities therefore largely determine the viability of walking. These Guidelines summarise planning policy guidance and show how the land use planning system can be used to influence the location of development and accessibility on foot.

Many improvements to the pedestrian infrastructure will be made within the framework of Local Transport Plans. The Guidelines provide advice on how to plan and design for pedestrians, in urban and rural areas. Technical advice on footway widths and surfaces, pedestrian crossings and pedestrian-friendly traffic calming is summarised. Techniques for auditing and reviewing pedestrian conditions are also included. With greater investment in pedestrian facilities, appraisal and monitoring become increasingly important. The Guidelines provide advice on these issues, including how walking can be monitored at local level.

Types of pedestrians

3.27. The types of pedestrian using the route will need to be considered at the planning stage, as this will have implication for layout and design. Significant use by shoppers, tourists, young children, the visually impaired, people using wheelchairs, and other groups with particular needs should be identified where possible. This can usually be worked out from the main land uses and the location.

Transportation Planning Models

3.28. There are various tools available to transportation planners to assist with planning or modifying highway networks for motor vehicles (eg, IHT, 1997, Chapter 8). Models for pedestrian movement are less common. Pedestrian modelling techniques have been developed for those locations where there are large numbers of pedestrians and where virtually all journeys are on foot, for example in large public squares or within passenger terminals. However, they are less well developed for multi-modal situations covering large areas, such as a new settlement or existing town. In these instances conventional origin and destination forecasting techniques/survey results can be used to determine desire lines but modal split assumptions may have to be made on assignment. These assumptions should also take account of the implications of new policies and schemes that will change the current situation.

3.29. The absence of specific pedestrian models for planning new developments is not necessarily a major problem. Most pedestrian networks are planned without models. Observation and experience are probably more important. It is also worth remembering that models can be expensive to construct and are not always sufficiently accurate.

Acceptable walking distances

3.30. Approximately 80% of walk journeys and walk stages in urban areas are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). This differs little by age or sex and has remained constant since 1975/76. However, this varies according to location. Average walking distances are longest in Inner London. The main factors that influence both walking distance and walking time in a city or town centre appear to be the size of the city or town itself, the shape and the quality of the pedestrianised area, the type of shops and number of activities carried out. An average walking speed of approximately 1.4 m/s can be assumed, which equates to approximately 400m in five minutes or three miles per hour. The situation of people with mobility difficulties must be kept in mind in applying any specific figures.

3.31. "Acceptable" walking distances will obviously vary between individuals and circumstances. Acceptable walking distances will depend on various factors including:

- An individual's fitness and physical ability
- Encumbrances, eg shopping, pushchair
- Availability, cost and convenience of alternatives transport modes
- Time savings
- Journey purpose
- Personal motivation
- General deterrents to walking.

3.32. Table 3.2 contains suggested acceptable walking distances, for pedestrians without a mobility impairment for some common facilities. These may be used for planning and evaluation purposes. (See also Table 4.2.)

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

3.33. Planning Policy Guidance Note 6 states that the acceptable distance from a supermarket car park to the town centre is about 200–300m (DOE, 1996). Further sources of information on acceptable walking distances are provide by IHT (1997 and 1999) and DETR (1998).

3.34. For shopping, Carley and Donaldsons (1996) advise that that “acceptable” walking distances depend on the quality of the shops, the size of the shopping centre and the length of stay of the shopper. Specifically, they state that parking time governs the distance walked from parking. See Table 3.3) Higher quality and larger centres generate longer acceptable walking distances with up to 1250m of walking journey to 100,000m² of floor space.

Table 3.3: Acceptable walking distances for car-borne shoppers.

Parking time (hours)	Acceptable walking distance (metres)
30 mins	100
1	200
2	400
4	800
8	1000

Source: Carley and Donaldsons (1997)

Individual Sites/Redevelopment

3.35. For smaller areas and individual new developments or redevelopment, usually within an existing urban area, origin /destination surveys and network planning may not be appropriate. It will be important to identify the anticipated desire lines, crossing locations, volume and type of pedestrian activity. The practicality and attractiveness of walking depend not only on the general location but also on the access details. The most important considerations are likely to be:

- the ease of pedestrian access to the site
- the orientation and location of buildings within the site
- the access arrangements within the site
- the architectural style of the development (car or pedestrian oriented).

3.36. Additional walking distances or gradients, can be crucial in determining whether a development is pedestrian friendly. Layouts that require pedestrians to walk through car parks or to follow indirect footpaths should be avoided as far as possible. These are issues that should be addressed jointly by planners and engineers involved in development control.

3.37. If the development is sufficiently large to warrant a Transport Impact Assessment, the local authority should ensure that this thoroughly addresses the issues of pedestrian access, both to the site and within it. Some guidance is provided in IHT *Guidelines for Providing for Public Transport in Developments* (IHT, 1999). Further Guidelines on Transport Assessments are expected from DETR.

PH10



Appeal Decision

Site visit made on 20 August 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/M3645/W/19/3230341

Workshop rear of Greenleas, 10 Redehall Road, Smallfield RH6 9QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Portgreen Properties against the decision of Tandridge District Council.
 - The application Ref TA/2017/2080, dated 6 October 2017, was refused by notice dated 14 December 2018.
 - The development proposed is demolition of existing buildings and erection of 16 N^o dwellings with associated access, parking, landscaping and other associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the heading I have used the address given on the appeal form which is the same as that stated on the Council's decision. This more precisely describes the address than that given on the application form.
3. Although the application proposes demolition of buildings, I saw on my visit that the buildings have been demolished.

Main Issues

4. The main issues in the appeal are:
 - i) whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework) including consideration of the effect of the proposal on the Green Belt and whether affordable housing requirements would be met;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) whether or not there are other considerations weighing in favour of the proposal; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

The Site and its Surroundings

5. The site has access to Redehall Road between numbers 10 and 12 and lies to the rear of those properties. It formerly comprised two main buildings and two smaller buildings with areas of hard standing which were in commercial use for storage and vehicle repairs. The site is outside the settlement boundary for Smallfield as defined in the development plan and is within the Green Belt. There is residential development along both sides of Redehall Road which extends outside the settlement boundary. However, the dwellings are interspersed with significant open areas. On the western side of the road there is a sports field and the large garden of N^o10 to the north of the site. To the south there is a ribbon pattern of development and a recent housing development which extends back from the road.
6. It is common ground that the site is previously developed land. The Council has granted permission for 10 dwellings on the site, which would coincide with plots 1 to 10 proposed in this application. These would occupy the part of the site closest to the road, which was previously occupied by the two main commercial buildings. In the approved scheme the rear part of the site would be left open. This part was previously occupied by two small buildings, one of which was a stable, and areas of hard standing.
7. The Framework states that new buildings should be regarded as inappropriate in the Green Belt. An exception to this is the partial or complete redevelopment of previously developed land, provided that this would not have a greater impact on the openness of the Green Belt than the existing development. Alternatively, such development would not be inappropriate provided that it would not cause substantial harm to the openness of the Green Belt and would contribute to meeting affordable housing need.

Effect on openness

8. The proposed development would occupy a greater proportion of the site than both the approved development and the previous development. Although there are trees and hedges around the site there are gaps which would limit their effectiveness in screening the development from view. The dwellings would be up to 10m in height and it is likely that their upper parts would be visible above the vegetation. It is also likely that the development would be visible to some extent from surrounding parts of the countryside during winter months when the vegetation is not in leaf.
9. The development would have a greater effect on openness by extending further to the rear and away from the frontage development along Redehall Road. The proposed dwellings on plots 11 to 16 would be aligned to face the rear boundary of the site and the open countryside. They would be 2.5 storeys in height and closely spaced. The height and extent of the development on these plots would be much greater than the modest scale of the previous buildings. The proposal would also be more intrusive than the previous areas of hard standing and the vehicle parking that took place there. For these reasons the proposal would have a greater impact on the openness of the Green Belt than both the previous development and the approved development. This harm to the Green Belt attracts substantial weight, as stated in the Framework.

Affordable Housing

10. Policy CSP 4 of the Core Strategy¹ (CS) requires that up to 34% of the dwellings on sites of 10 units or more in the rural areas are affordable. The actual provision on each site may be negotiated. There is a presumption that affordable housing is provided on site but in some circumstances a contribution towards affordable housing on another site may be accepted. The Council advises that there are 1,425 applicants on its housing register who are seeking an affordable home.
11. A viability report was submitted by the appellant and the Council in turn commissioned an evaluation of that report. There is asbestos and other contamination within the site, the removal of which will add to development costs. The Council's report assesses the development value on the basis that two of the units would be shared ownership. It concludes there would be a deficit of £177,000 assuming developer's profit of 20% or a small surplus if the profit were reduced to 16%. On this basis the suggested shared ownership dwellings would be viable. There is no legal agreement before me, however, to secure affordable housing provision.
12. The appellant has offered a financial contribution of £250,000 towards affordable housing. It has not been explained how the contribution amount has been calculated or how it would be used. The Council has not agreed the suggested contribution. Payment of contributions towards affordable housing elsewhere is the last option in Policy CSP 4 after consideration of provision of affordable housing on site or on an alternative site provided by the developer. The policy requires that such a contribution must be secured by a legal agreement. This would be necessary to secure the contribution and to ensure that it is used to provide affordable housing of an appropriate type and tenure.
13. The Planning Practice Guidance states that negatively-worded conditions requiring a legal agreement to be entered into before development starts can be used in exceptional circumstances, such as where the delivery of the development would otherwise be at serious risk. There is no evidence before me that there are any exceptional circumstances in this case that would justify the use of a negatively-worded condition to secure a legal agreement.
14. Because the contribution amount has not been justified a condition requiring a legal agreement to secure payment would fail the test of reasonableness. Furthermore, in the absence of a legal agreement it is not clear how the contribution would be used to meet an identified affordable housing need as required by paragraph 145(g) of the Framework. For these reasons affordable housing provision has not been secured and the proposal would not accord with Policy CSP 4 of the CS.

Conclusion on whether Inappropriate Development

15. For the reasons given above the development would not fall within either of the exceptions in paragraph 145(g) of the Framework and would be inappropriate development in the Green Belt. The Framework states that this is, by definition harmful and that substantial weight should be given to such harm.

¹ Tandridge District Core Strategy (2008)

16. The proposal would not accord with Policy DP13G of the Local Plan² (LP) which allows for partial or complete redevelopment where this would not have a greater impact on openness than the existing development. Although this part of the policy is consistent with the Framework, the policy as a whole is not, and this limits the weight that can be given to it.

Character and Appearance

17. The houses along Redehall Road form a ribbon of development within a rural setting. The recent housing scheme at the former Gonville Works is an exception to this, extending back from the road. However, this is at a much lower density than the proposed development and is similar to the frontage development in this respect. The proposed development would contrast with the predominant pattern of development in the area both in terms of its layout and its density.
18. The site is identified in the Council's Landscape Capacity and Sensitivity Study as 'filtered urban edge' but this does not alter the fact that it is clearly in the countryside and outside the urban area. Rather, it reflects the previously developed nature of the land as part of frontage development. In the context of the generally rural setting the high density of the development and its extension back from the road frontage would be out of character and intrusive. The development would be seen from Redehall Road along the access road and from the adjacent countryside areas, above and through the boundary vegetation.
19. For these reasons the proposal would not respect the character, setting and local context as required by Policy CSP 18 of the CS. Neither would it integrate effectively with its surroundings or reinforce local distinctiveness and landscape character as required by Policy DP7A of the LP.
20. Policy CSP 21 of the CS requires protection of landscape and countryside character for their own sake. The proposal would not accord with that policy, but the requirement to protect the countryside for its own sake is not consistent with the Framework and this limits the weight that I give this.
21. In the draft Local Plan, which has been submitted for examination, it is proposed to allocate land to the east of Redehall Road for residential development. This would adjoin an existing built up part of Smallfield and its existing settlement boundary. The appeal site differs from that proposed allocation as it is within open countryside and separated from the built-up area and the settlement boundary. However, at this stage, only limited weight can be given to the proposed allocation as the examination process has not been completed.
22. For the reasons given I find that the proposal would unacceptably harm the character and appearance of the area. I give significant weight to this harm.

Other Considerations

23. The Council states that it cannot demonstrate a five-year supply of deliverable housing sites as required by the Framework. The CS is more than 5 years old and using the standard methodology with a 5% buffer the Council has 2.45 years' supply on the basis of the figures provided by the appellant. If a 20%

² Tandridge Local Plan Part 2: Detailed Policies (2014)

buffer is used, the supply is 2.14 years' worth. The corresponding figures using the Strategic Housing Market Assessment (2015) are 3.36 years and 2.94 years respectively.

24. In the context of the shortfall, the development would be of benefit. It would provide 16 units of market housing including a mix of housing sizes and types which would be well located in terms of accessibility on foot to local services and facilities. Having regard to the scale of the shortfall and the number of dwellings proposed I give significant weight to this benefit.
25. As well as the social benefits of new housing, the proposal would benefit the local economy through generation of employment and expenditure during construction and after occupation. The Council would be in receipt of New Homes Bonus and additional Council tax. I give further significant weight to these benefits.
26. The development would include new landscaping and biodiversity measures. The dwellings would incorporate measures for energy efficiency and renewable energy generation. These measures would however off-set the impacts of the development rather than provide net benefits. Similarly, Community Infrastructure Levy payments would be necessary to address infrastructure needs arising from the development and would not represent a benefit.

Whether Very Special Circumstances

27. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. I have concluded that the proposed development would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. The development would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm. I have also found that the proposal would harm the character and appearance of the area, to which I give significant weight.
29. On the other hand, I have concluded that significant weights should be given to the benefits in terms of housing supply and the economic benefits arising from the proposed development. Those weights are not however sufficient to outweigh the substantial and significant weights that I have given to the identified harms. On this basis, very special circumstances to justify the proposed development have not been demonstrated.
30. Policy DP10 of the LP resists inappropriate development in Green Belt unless very special circumstances are demonstrated. The proposal would not accord with that policy which is consistent with the Framework.

Conclusions

31. Paragraph 11(d) of the Framework provides for permission to be granted in circumstances where there is not a five-year supply of housing sites. However, this does not apply if policies in the Framework that protect areas of particular importance provide a clear reason for refusing the proposal. Policies relating to

Green Belt are one such policy, as stated in footnote 6. Therefore, the Framework policies provide a clear reason for refusal.

32. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

PH11

Appeal Decision

Site visit made on 18 February 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/B1930/W/19/3241475

Woodbury Manor, Lye Lane, Bricket Wood AL2 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Dewar against the decision of St Albans City & District Council.
 - The application Ref 5/19/0520, dated 1 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is replacement of existing structures with 3 chalet bungalows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline form with all matters reserved for subsequent consideration. I have consequently treated the submitted drawings showing a proposed site plan, floor plans and elevations for the proposed dwellings as being for illustrative purposes only.
3. The description of proposed development shown on the Council's decision notice is different to that shown on the outline planning application form. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the description shown on the outline planning application form in the banner heading and determined the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. Saved Policy 1 of the City and District of St Albans District Local Plan Review 1994 (the LP) states that the whole of St. Albans lies within the Green Belt except for 4 areas, including the towns and specified settlements listed in Policy 2. The appeal site is located outside the specified settlement of Bricket Wood shown on the Proposals Map. It is therefore located in the Green Belt.
6. The appellant submits that it is questionable whether the site is in the Green Belt. Nevertheless, paragraph 136 of the Framework states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The scope of the appeal process does not allow for a consideration of the merits of an individual site being within the Green Belt or for the Green Belt boundary to be redefined. I must therefore determine the appeal on the basis that it is within the Green Belt.
7. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate development, subject to a limited number of exceptions.
8. Policy 1 of the LP seeks to restrict development in the Green Belt. It sets out a number of exceptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exceptions are more restrictive than those set out in the Framework.
9. Paragraph 145(g) of the Framework includes an exception which is not included in Policy 1 of the LP. This concerns the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
10. There is disagreement between the main parties as to whether the appeal site is previously developed land. According to the Framework¹, previously developed land comprises 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 developed) and any associated fixed surface infrastructure. This excludes, amongst other things, land that was last occupied by agricultural or forestry buildings; land in built-up areas such as residential gardens; and, land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
11. The appellant states that the proposed dwellings would be built in disused garden within the curtilage of Woodbury Manor, which over the years has been used for plant propagation, bonfires and storage of garden machinery. Based on the evidence before me and from what I observed at my site visit, I am satisfied that the appeal site is within the garden associated with Woodbury

¹ See 'Annex 2: Glossary' – the National Planning Policy Framework 2019

Manor. Furthermore, given its location in the Green Belt outside the specified settlement of Bricket Wood in a predominantly open and wooded setting, the appeal site is not land in a built-up area.

12. I have had regard to the Council's observation that the application form states that the last use of the site was for horticulture and equestrian with greenhouse and stables (which are now demolished). However, there is no substantive evidence before me to show that this was for purposes separate to the residential use of Woodbury Manor. I therefore find that the appeal site constitutes previously developed land. In order to meet the exception in paragraph 145(g) of the Framework, the question is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.
13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
14. The Design & Access Statement (the DAS) submitted with the planning application states that the existing buildings on the appeal site have a footprint of 552 square metres and that the proposed dwellings would result in a reduction in footprint of 150 square metres. It is also stated that existing hard-core would be replaced with gardens; a hedge will be planted on the south-western boundary; and the buildings would be moved to the south-western corner of the site.
15. The Council's officer report and appeal statement dispute the calculations shown in the DAS in respect of the footprint of the existing buildings. In particular, the Council highlights that the greenhouse and stables have been demolished and therefore the footprint of these buildings should not be counted. It states that the footprint of the existing buildings is 205 square metres. The appellant's statement comments that the Council's calculations are not correct, however no further information is provided. At my site visit I saw 2 single storey buildings; a caravan; a small shed; and, 2 shipping containers. Based on what I observed at my site visit, I prefer the Council's calculations.
16. The Council states that the footprint of each proposed dwelling would be 211 square metres, which would give a total footprint of 633 square metres for the 3 dwellings. This is approximately in line with the indicative floor plans. Therefore, based on the evidence, it appears to me that the footprint associated with the new dwellings would be greater than the footprint of the existing buildings.
17. Nevertheless, I have exercised caution in comparing the aforementioned footprint figures. Firstly, footprint is calculated on a two-dimensional basis and this does not give a clear indication of the overall effect of a proposal on the openness of the Green Belt. Secondly, the proposal is in outline form and therefore, the figures at this stage could only ever be an approximation pending subsequent consideration of the details at reserved matters stage. Therefore, whilst I have had regard to the footprint calculations of the existing and proposed buildings, I have also considered the visual and spatial effects of the proposals, taking into account the existing make-up of the site and the nature of the proposal.

18. I recognise that the application is outline with all matters reserved and any permission could be subject to conditions. Nonetheless, the illustrative information before me indicates that the existing low-level buildings would be removed and replaced by 3no dwellings at a greater height and volume than the existing buildings. Whilst the site is visually contained due to the screening provided by trees, it would have a significantly greater spatial impact on the openness of the Green Belt.
19. Consequently, the proposed development would, by virtue of its permanence and size, have a significantly greater impact on openness than the existing development. Therefore, I find that the proposal would not meet the exception in paragraph 145(g) of the Framework.
20. The DAS refers to the exception in paragraph 145(e) of the Framework, which relates to limited infilling in villages. The Framework does not provide a definition of the term infilling, however the term is generally understood to denote the development of a relatively small gap within an otherwise built up frontage.
21. The appeal site is located outside the specified settlement of Bricket Wood. The compact suburban development pattern of the village changes to a more rural character along Lye Lane. The appeal site is accessed from Lye Lane, which is a rural tree-lined unlit road with no pavements. The wide frontage and wooded setting of the appeal site contrasts with the compact suburban development pattern to the south-west. Having regard to the facts on the ground, I would not describe the appeal site as being located within the village, notwithstanding that it is close to the settlement boundary.
22. Even if I was to conclude that the site was within the village, I do not consider that the proposal would constitute infilling. Infilling is not defined in the Framework and therefore remains a matter for the decision maker. Whilst the dwellings to the south-west in Meadow Close are positioned close to the appeal site, the proposed development would not be seen in the same context. This is because the proposal would be accessed from a different road which has a more rural character. The proposed dwellings would be positioned to the rear of the properties in Meadow Close and therefore would not be seen as infilling a small gap in a frontage. Furthermore, taking into account the size of the appeal site, and the substantial separation to the dwellings to the north-east, I do not consider that the proposed development represents the infilling of a small gap in the context of its relationship to existing development. Consequently, I find that the proposal would not meet the exception in paragraph 145(e) of the Framework.
23. The DAS further submits that the exception in paragraph 145(c) of the Framework applies to the development. This exception relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal is not for the extension or alteration of a building and therefore I find that this exception does not apply to the proposed development.
24. The DAS also advances paragraph 146(d) of the Framework. However, this criteria relates to the re-use of buildings that are of permanent and substantial construction. The existing buildings would not be re-used and therefore paragraph 146(d) does not apply to the proposal.

25. For the above reasons, I find that the proposal would not meet the exceptions in paragraph 145 or comprise the forms of development set out in paragraph 146 of the Framework. Furthermore, it would not meet the exceptions set out in Policy 1 of the LP. The proposal therefore constitutes inappropriate development in the Green Belt when assessed against the Framework and relevant policies in the Development Plan, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances.

Other considerations

26. It is not disputed that the Council is unable to demonstrate a 5 year Housing Land Supply (HLS). The proposed development would make a limited contribution of 3 dwellings towards housing supply which weighs in favour of the proposal. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly as indicated in paragraph 68 of the Framework.
27. The proposal would create some employment at construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution from the occupiers of 3 dwellings would be a modest benefit.
28. The appellant states that the proposed dwellings would have exceptional eco qualities and innovative in design. The features outlined in the DAS include: locally sourced timber; electric car-charging points; thermal efficient walls and windows; large central window to create light; grey water harvesting; photovoltaic tiles and thermal panels; a heat source pump and underfloor heating. It is stated that the proposed dwellings would be 'off-grid'.
29. Whilst the environmentally sustainable design approach is commendable, the indicative design of the proposal is relatively simple in form and the features proposed are relatively well-known techniques for achieving sustainable construction. I therefore do not find the proposal to be of exceptional quality or truly innovative design. The assertion that the Council would retain the ability to influence the details in any reserved matters application does not provide sufficient assurance that the final design would be of exceptional quality or innovative.
30. Additional planting and the replacement of hard-core with grass would provide limited ecological enhancement.
31. I note the letters of support for the proposed development from local residents.
32. There are no refusal reasons relating to matters such as living conditions, highway safety or parking provision. However, the absence of harm in these respects weighs neutrally and does not amount to a consideration in support of the appeal.
33. The DAS refers to other developments in the area, including a planning permission under reference 5/2014/2418. However, full details are not before me and I have nevertheless determined the appeal scheme on its own planning merits.

Green Belt Balance

34. I have found that the proposal would be inappropriate development, which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and 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.
35. I have had regard to other considerations in favour of the proposed development. Nonetheless, taken together, I find that the other considerations in favour of the appeal scheme would not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
36. The proposed development would therefore conflict with Chapter 13 (Protecting Green Belt land) of the Framework, which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also be contrary to saved Policy 1 of the LP, which seeks to restrict development in the Green Belt.

Conclusion

37. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR

PH12

Smallford Works - 2020



Smallford Works - 1990

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Nr 13155 153.08



Site



Smallford Works - 1980



Site

