

REGISTERED NUMBER:	5/2021/0423/LSM
APPLICANT:	Hunston Properties and the Trustees of the Sewell Trust
PROPOSAL:	ADDITIONAL INFORMATION - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096)
SITE:	Land to Rear of 112-156b Harpenden Road St Albans Hertfordshire
APPLICATION VALID DATE:	11/02/2021
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	N/A
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Marshalswick South

RECOMMENDATION	<p>GRANT PLANNING PERMISSION SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT TO SECURE DEVELOPER CONTRIBUTIONS TOWARDS: 40% AFFORDABLE HOUSING PROVISION; 5 SELF-BUILD DWELLINGS; LEISURE CONTRIBUTION TOWARDS WILLIAM BIRD PAVILION; YOUTH CONTRIBUTION; LIBRARY CONTRIBUTION; MANAGEMENT OF OPEN SPACE; TRAVEL PLAN; CONTRIBUTION TO HEALTH SERVICES, 10% BIODIVERSITY NET GAIN.</p> <p>REFUSE PLANNING PERMISSION IF A S106 AGREEMENT TO SECURE THE NECESSARY CONTRIBUTIONS HAS NOT BEEN ENTERED INTO BY 31 MARCH 2022 FOR THE FOLLOWING REASON: IN THE ABSENCE OF A COMPLETED AND SIGNED S106 LEGAL AGREEMENT OR OTHER SUITABLE MECHANISM TO SECURE THE PROVISION OF: 40% AFFORDABLE HOUSING PROVISION; 5 SELF-BUILD DWELLINGS; LEISURE CONTRIBUTION TOWARDS WILLIAM BIRD PAVILION; YOUTH CONTRIBUTION; LIBRARY CONTRIBUTION; MANAGEMENT OF OPEN SPACE; TRAVEL PLAN; CONTRIBUTION TO HEALTH SERVICES; 10% BIODIVERSITY NET GAIN THE INFRASTRUCTURE NEEDS OF THE DEVELOPMENT WOULD NOT BE MET AND THE IMPACTS OF THE PROPOSAL WOULD NOT BE SUFFICIENTLY MITIGATED. THE PROPOSAL IS THEREFORE CONTRARY TO</p>
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**THE NATIONAL PLANNING POLICY
FRAMEWORK, 2021, AND POLICY 143B
(IMPLEMENTATION) OF THE ST. ALBANS
DISTRICT LOCAL PLAN REVIEW 1994.**

**THAT THE LIST OF PLANNING CONDITIONS
AGREED BY MEMBERS AT REFERRAL
COMMITTEE ON 26TH JULY 2021 BE AMENDED
BY THE ADDITION OF A PLANNING CONDITION
REQUIRING THE PROVISION OF FIRE
HYDRANTS**

1. Reasons for Call in to Committee

- 1.1. This application was previously heard at Committee on 26th July 2021 where it was resolved to grant planning permission subject to the completion of a s106 Legal Agreement within 3 months. Unfortunately, due to resourcing challenges, it has not been possible to complete the Agreement in time, hence the need to report back to committee to seek further time.
- 1.2. In addition to this, it has come to light that a condition should have been applied in relation to fire hydrants, therefore this condition is proposed for addition to the previously agreed list.
- 1.3. The report to committee dated 26th July 2021 is appended. The following updates to the text reported verbally to committee are reproduced below for completeness:

1. *New revised NPPF 2021*

The following text changes are required as a result of the issuing of a revised NPPF on 20 July 2021:

Recommendation D should refer to the NPPF 2021.

7.6: The NPPF 2021 is a material consideration.

7.7: Paragraphs 218 and 219 of the NPPF read as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.

Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

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

8.1.2: reference to NPPF 2021.

8.1.11: Paragraphs 147 and 148 (note no change to actual text).

8.1.14: reference to paragraph 148

8.2.1: reference para 148

8.2.2: reference para 137 (note no change to actual text)

8.2.7 reference paragraph 138

8.18.1: reference to paragraph 148.

8.18.8: reference to paragraph 148.

8.18.9: reference to paragraph 148

8.18.13: reference to paragraph 148 and NPPF 2021.

10.1: reference to paragraph 148 and NPPF 2021.

Errata

6.10.1: buy should be spelled “by”.

6.14.1 – the word should be “confirmation” at end of first line

8.2.16 – add the word “preventing” between “of” and “neighbouring.”

2. Relevant Planning History

2.1. No change to report to Committee 26th July 2021

3. Site Description

3.1. No change to report to Committee 26th July 2021

4. The Proposal

4.1. No change to report to committee dated 26th July 2021: Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096)

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed	Date	04/03/2021	Expiry Date	27/03/2021
		18/03/2021	Expiry Date	27/03/2021

Press Notice Displayed	Date	04/03/2021	Expiry Date	27/03/2021
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5.2. Adjoining Occupiers

5.2.1. Consultations to adjoining occupiers are as per the previous report.

5.2.2. Late representations to committee on 26th July, verbally reported at the time, are reproduced below for completeness:

Mrp Planning

A letter from mrp planning was sent to all Councillors dated 20th July 2021. The letter makes the following points in summary:

- a) That the 2004 SPG on Affordable Housing sought to extend the 35% target in Policy 7A (affordable housing in the towns and specified settlements) into the Green Belt. However, SPGs/SPDs cannot amend or create policy.*
- b) In the absence of an affordable housing policy for major housing schemes in the Green Belt, the letter asserts that only way you can make an informed decision is if a Viability Appraisal is included with the application. That's the only way you can ensure the maximum feasible amount of affordable housing gets delivered.*

In response, the first point of fact to note is that Policy 7a itself does not set a target of 35% affordable housing. That is set out in the SPG. Policy 7a does not apply to sites in the Green Belt, as it relates to affordable housing provision in towns and major settlements. The SPG does not seek to apply Policy 7a to Green Belt sites, and states in terms that it is guidance (see paragraph 1.9): “The contents of this guidance will be taken into account as a material planning consideration in determining planning applications submitted after 16 April 2004.”

To respond directly to the points raised in the letter, the following text is added to the Planning Balance section, after 18.18.10 and before 18.18.11 (as currently numbered in the report):

Policy 7A of the Local Plan relates to affordable housing in town and specified settlements. This policy does not apply as the site is not in one of the towns specified in Policy 2 (to which the policy relates). Policy 8 is a rural exception site policy and does not apply here. The Council's Affordable Housing SPG seeks provision of 35% affordable housing on sites in the Green Belt. The Council does not accept that this guidance is unlawful and it has not been challenged in the courts.

However, even if the SPG is unlawful and therefore not a material consideration, that simply means that the Council has no policy and guidance relating to the amount of affordable housing that should be provided on the site. The acceptable level is therefore a matter of planning judgment. As a matter of judgment, it is considered that 35% provision is acceptable. It is not considered that there are any factors which mean that the amount of affordable housing provided in sites in the Green Belt should be different to sites which Policy 7A applies to. The provision at 40% is therefore also considered acceptable and is given very substantial weight as outlined earlier in this report.

It is also not considered that the Council must seek viability evidence that no more affordable housing could viably be provided on this site. There is no policy requirement to that effect. As a matter of planning judgment, it is not considered that it would be reasonable to require that evidence here. That is because again it would mean treating sites in the Green Belt differently to sites to which Policy 7A applies, when the need for affordable housing is district wide. Also, the Council has a need for both affordable and market housing. It is considered that, even if more affordable housing could viably be delivered on the site, the balance between market and affordable housing in this development is acceptable.”

15 Sandridgebury Lane

Email received 26/7/2021 making the following points:

- 1) their property has been missed off the consultation list
[A check of the file indicates this property was included in the neighbour notifications list and letters sent in relation to the initial consultation and the consultation on additional information]*
- 2) The ecology report is inadequate: does not identify nearby ponds and surveys were undertaken at the wrong time of year.
[the submitted ecological appraisal has been subject to review by Hertfordshire Ecology who also undertook a site visit. No concerns have been raised about the scope of the report or the surveys undertaken.]*

- 5.2.3. Since Planning Referrals on 26th July one additional representation has been received. This is reported for completeness only as it was received after the resolution had been made at committee. No new issues are raised by this late representation:

Response from 139 Charlton Road, London SE7 raising concerns in relation to ecology, traffic, air quality, visual impact, Green Belt and reliance on other appeal decisions.

6. Consultations:

- 6.1. The last committee report omitted a response received from Herts County Council Fire and Rescue Service dated 26 April 2021 requiring a condition in relation to Fire Hydrants:

This case will require a condition for the provision of Fire Hydrants, to ensure all proposed dwellings are within 90m of a fire hydrant, and access to water for firefighting is available at all times.

- 6.2. Following committee on 26th July, officers sought further clarification on ecological issues, given the concerns raised by objectors and Ward Councillors. A further response was received from Hertfordshire Ecology dated 31st August noting the following:

Surveys inadequate - one day in July not enough:

Ecological surveys carried out in support of planning applications need to characterise the habitats on site and in particular identify the presence of or potential for, protected species. This information will then be used to assess the site's ecological significance. Surveys carried out over multiple occasions always have the potential to provide greater detail of any site's ecology, although this would not necessarily change any assessment of its ecological importance. Providing surveys are carried out using appropriate methodology and within the optimum season for the habitats present, for a site of this size, nature and level of complexity, it is not unreasonable to expect a professional ecological consultant to be able to describe the habitat and its relative importance and potential for other protected species on site from one visit as well as identifying the need for any further surveys.

I consider this is consistent with BS 42020:2013 Biodiversity – Code of practice for planning and development – which states:

Reliable planning decisions should be based upon appropriate, complete and consistent ecological information within the framework of appropriate legal, policy and best practice guidance...[0.2a] which have sufficient information to identify and track cumulative biodiversity outcomes [0.2c]. Equally, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application [5.5]. This follows NPPF guidance [44]. Furthermore, desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary [5.5 Note.2].

It is also consistent with CIEEM Guidance states:

1.2 Preliminary Ecological Appraisal (PEA) is the term used to describe a rapid assessment of the ecological features present, or potentially present, within a site and its surrounding area (the zone(s) of influence¹ in relation to a specific project (usually a proposed development)). A PEA normally comprises a desk study and a walkover survey

1.6 In the majority of cases, additional surveys beyond the PEA will be required. In some scenarios, additional surveys will not be needed to allow an EclA to be

*undertaken; this is particularly the case for sites where it is unlikely that protected or priority habitats or species (see Box 1 for definition) are present, or where they are unlikely to be affected by the project*³.

3.6 The level of detail on constraints and opportunities should be proportionate to:

- the predicted degree of risk to biodiversity;*
- the nature and scale of the project; and*
- the complexity of the ecological feature concerned.*

Appendix 1 Conduct site visit with a view to collecting the information required to describe the habitats present, their potential ecological importance and the risks of protected, priority or invasive species being present.

Appendix 3 Phase 1 Habitat Survey – Appropriate for use across Great Britain, especially suited as a rapid survey tool in semi-natural habitat types in open countryside.

In respect of the above, no priority habitats or species (other than bats) have been currently or previously identified or recorded in or adjacent to this site. This is one field dominated by one habitat which has been described, sufficient to provide an indication of its relative importance; it is not reasonable to expect multiple seasonal or species surveys to further inform an understanding of such a site when it is considered sufficient information has been collected to provide this.

Incorrect statements relating to ponds

The distance of 250m relates to the area that should be considered in relation to the extent of terrestrial habitat that might be utilised by great crested newts (a European Protected Species) around their breeding ponds. Hertfordshire Environmental Records Centre do not have any records of great crested newts within or nearby the application site, the nearest record being over 2km away and across an urban landscape suboptimal for this species. The nearest pond shown on the OS 10k map appears to be over 1km away. Turnstone Ecology did not identify any ponds within the application and site and no new information has been provided to suggest otherwise. I have no reason to doubt the presence of the ponds within neighbouring or adjacent gardens mentioned although I was personally unable to discern them from available imagery on Google maps. These ponds will be unaffected by the proposals and no evidence has been provided that they contain great crested newts. It would not be reasonable to expect surveys to be undertaken of all such garden ponds unless there was evidence provided to indicate GCN were present locally and would be affected by the proposals.

Insufficient surveys and at wrong time of year (this is implied rather than explicit but has been picked up on by others and has been referred to by the ward councillor)

Turnstone Ecology carried out a Preliminary Site Survey of the site incorporating a phase 1 Habitat Survey, and a Habitat Suitability Assessment which included a Preliminary Roost Assessment. The date of this survey, the 6th July 2020, is within the optimal season for surveys of grassland and hedgerow habitats and within the time frame for carrying out PRAs. During the survey they assessed the potential for the presence of the following protected species or species groups: badger, bat species, dormouse, nesting birds, great crested newts, reptile species. The timing of preliminary site survey was within the active period for these species and so would not have prejudiced against the methods used to assess their likely presence. In the case of overwintering birds whilst Turnstone Ecology did not conduct their own survey, they did have access to and referenced previous surveys which incorporated the application site. Additional Activity Surveys

carried out to assess the presence of bats within the existing onsite building were conducted on the 24th August and 2nd September 2020. This is within the time frame specified by the Bat Conservation Trust best practice guidelines. Notwithstanding any actual and / or potential use of the field by birds of conservation concern, surveys have not shown that the site is of such significance for those species recorded it is sufficient to justify a fundamental constraint on potential development. Other species use of the field is by widespread species or otherwise incidental. It would be expected that any compensation would take into consideration new habitat suitable for such species. A wider scoping study may indeed have been considered inadequate for that purpose; however, this is not the proposal now being considered by the LPA, for which specific ecological information has been provided.

Methodological failings

These appear to relate to the objections raised by HMWT and relate to the provision of measurable net gain and the need for the provision of clear and unambiguous recommendations. The Turnstone reports do make specific recommendations for mitigation and ecological enhancements for example; specifying the type and number of bird and bat box/ lofts and the standards by which the proposed site waterbody should be built. Whilst the NE Biodiversity Metric V2 has been submitted, this only provides the Site Habitat Baseline assessment of site value; it does not provide a measurable assessment of the biodiversity loss resulting from the proposals or any required net gain needs. Consequently this is incomplete. Separate to the ecological reports, the application provides a landscape masterplan which states that overall the development will provide an increase in biodiversity to the site. Whilst this lists features and planting of benefit to wildlife, and may indeed be correct, this impact can only be reliably be demonstrated by full use of the metric, given it relies on calculating impacts in measurable biodiversity units. In the absence of any such supporting metric calculation, there is no objective means of demonstrating losses and gains resulting from this development. Given the aims of NPPF in respect of provision of net gains, the Environment Bill which proposes mandatory BNG of a minimum of at least 10% and the recent updating of the Biodiversity Metric (V3 July 2021), it is not unreasonable for the LPA also to seek the provision of BNG. This is a major development and will result in a significant and damaging ecological impact to the application site. Consequently the current metric information supplied to support this approach is inadequate. Whilst the absence of this is a deficiency in the ecological information provided, given this is not yet a mandatory planning requirement or subject to any adopted local plan policy to require it, it cannot be used as a reason for refusal. However BNG is expected to address losses of local biodiversity resources such as this site and the LPA is encouraged to seek its provision.

In addition the objection by CLASH residents group makes comparisons between the Ecological Report for the present application and the Scoping Report for application 5/2019/1187. Application 5/2019/1187 - whilst including the present site - was for a substantially larger area than the present application and making direct comparisons between the two reports is not wholly appropriate. Whilst the present application site may not meet the requirements for an Environmental Impact Assessment as specified under the Town and Country Planning Regulations 2017, the ecological report by Turnstone relates only to the present application site and not the whole of the Sewell Trust Land. However, it is recognised that species of farmland bird that have been shown to be present in the area by the EIA scoping report and surveys referenced in the Turnstone

ecological report may need to be subject of additional compensation measures to those required to achieve biodiversity net gain, if this application is approved.

Impact on ecological corridors not properly assessed.

The site of this application is adjacent to suburban housing, agricultural farmland and a sports fields. It does not in itself form part of a larger ecological corridor linking larger ecological resources referred to by CLASH, although it does represent an ecological resource that could be used as a 'stepping stone' between them. Compensation of this resource could provide a similar role. Locally the hedgerows do provide ecological buffers and corridors at the site level and it is proposed to retain these if development were to take place.

Recent information

We have been sent further information from CLASH, including plant species identified by HMWT following submission of photographs, and other wildlife observed. Whilst one of the plant species is a Local Wildlife Site indicator species it has been recorded previously, whilst others do not demonstrate a high quality grassland. However it is clearly not without some local interest. Other wildlife is already known to use the site, enhanced by local gardens. Whilst it is recognised that the site does contribute to the local biodiversity resource, no new or existing information suggests this is of sufficient value to represent a fundamental constraint. The presence of 'fox and cubs' – whilst likely to be good for pollinators – is a garden escapee and suggests that the site is not old, semi-natural grassland and may have been subject to reseeding at some point. It is however recognised that the metric provided is clearly incomplete and that if BNG is to be demonstrated, it should be calculated in full using the latest V3 metric, and submitted accordingly.

7. Relevant Planning Policy

7.1. As per previous officer report 26th July 2021

8. Discussion – issues of relevance

8.1. S106 Agreement

8.2. The s106 Agreement has been drafted in line with the heads of terms and is substantially agreed between the parties. A second draft is currently with the County Council for review. For a number of reasons including resourcing pressures and limited sealing windows as a result of Covid restrictions, the Agreement will not be sealed by the deadline set at the July committee of 26th October. Officers are therefore seeking an extension of time to complete the s106 and issue the decision notice until 22 March 2022. It is very much hoped and expected that not all of this time will be needed.

8.3. Fire Hydrants

8.4. The request for a fire hydrant condition was omitted in error from the previous report, so this is now rectified and the relevant condition is added to the list below. The wording is:

Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby

permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

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

8.5. Ecology

8.6. The comprehensive further response from Hertfordshire Ecology dated 31 August 2021 raises no new material considerations and confirms that Members had all of the requisite information before them at the previous committee in order to make a decision.

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

9.1. As noted above and as per previous officers report 26th July 2021.

10. **Reasons for Grant**

10.1. As set out in officers report to committee 26 July 2021.

GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT TO SECURE DEVELOPER CONTRIBUTIONS TOWARDS: 40% AFFORDABLE HOUSING PROVISION; 5 SELF-BUILD DWELLINGS; LEISURE CONTRIBUTION TOWARDS WILLIAM BIRD PAVILION; YOUTH CONTRIBUTION; LIBRARY CONTRIBUTION; MANAGEMENT OF OPEN SPACE; TRAVEL PLAN; CONTRIBUTION TO HEALTH SERVICES, 10% BIODIVERSITY NET GAIN.

RECOMMENDATION:

REFUSE PLANNING PERMISSION IF A S106 AGREEMENT TO SECURE THE NECESSARY CONTRIBUTIONS HAS NOT BEEN ENTERED INTO BY 31 MARCH 2022 FOR THE FOLLOWING REASON: IN THE ABSENCE OF A COMPLETED AND SIGNED S106 LEGAL AGREEMENT OR OTHER SUITABLE MECHANISM TO SECURE THE PROVISION OF: 40% AFFORDABLE HOUSING PROVISION; 5 SELF-BUILD DWELLINGS; LEISURE CONTRIBUTION TOWARDS WILLIAM BIRD PAVILION; YOUTH CONTRIBUTION; LIBRARY CONTRIBUTION; MANAGEMENT OF OPEN SPACE; TRAVEL PLAN; CONTRIBUTION TO HEALTH SERVICES; 10% BIODIVERSITY NET GAIN THE INFRASTRUCTURE NEEDS OF THE DEVELOPMENT WOULD NOT BE MET AND THE IMPACTS OF THE PROPOSAL WOULD NOT BE SUFFICIENTLY MITIGATED. THE PROPOSAL IS THEREFORE CONTRARY

Decision Code: A1

**TO THE NATIONAL PLANNING POLICY
FRAMEWORK, 2021, AND POLICY 143B
(IMPLEMENTATION) OF THE ST. ALBANS
DISTRICT LOCAL PLAN REVIEW 1994.**

**THAT THE LIST OF PLANNING CONDITIONS
AGREED BY MEMBERS AT REFERRAL
COMMITTEE ON 26TH JULY 2021 BE AMENDED
BY THE ADDITION OF A PLANNING
CONDITION REQUIRING THE PROVISION OF
FIRE HYDRANTS**

A. That the applicant, by 31 March 2022, enter into a legal agreement, pursuant to s106 of the Act in relation to 40% Affordable Housing Provision; 5 Self-Build Dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services, 10% Biodiversity Net Gain.

B. That Planning Permission be GRANTED subject to conditions.

C. And in the event that the s106 agreement is not entered into by 31 March 2022, grant officers delegated authority to refuse planning permission for the following reason:

In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of: 40% Affordable Housing Provision; 5 Self-Build Dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services, 10% Biodiversity Net Gain the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2021, and Policy 143b (Implementation) of the St. Albans District Local Plan Review 1994.

11. Conditions

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

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Reference 1956/P/101; Site Access Reference 19197/004 rev A.

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

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans: Parameter Plan 01: extent of Development; parameter plan 02: Road Structure; Parameter Plan 03: Building Heights

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

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

REASON To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

6. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

The landscaping details to be submitted shall include:

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

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

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

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

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

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

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

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

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

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

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

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

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, footways; ii) cycleways; iii) foul and surface water drainage; iv) visibility splays; v) access arrangements; vi) parking provision in accordance with adopted standard; vii) loading areas; viii) turning areas. The proposed development shall be carried out in accordance with the approved details.

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

12. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No. 19197/004 Rev A). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan review 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

15. No works shall commence until a detailed scheme is submitted to the LPA that shows the bus stop enhancements, including shelters, kassel kerbing and real time information bus displays must be provided for the NB and SB bus stops opposite the petrol filling station on Harpenden Road. The approved scheme shall be fully implemented prior to first occupation.

REASON To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

16. The new access to serve the development shall not be constructed until the new turning head to serve No 126A to 132 Harpenden Road as shown in principle on Drawing No. 19197/002/01 REV D has been constructed. The turning space shall permit the entry and exit of both domestic and service motor vehicles in forward gear and shall be retained thereafter.

REASON To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan.

17. Prior to the commencement of the hereby approved application, a detailed scheme that safeguards a minimum 4m width area on the east of the site boundary and internal active travel route that leading to the area must be submitted to the LPA for approval. The approved scheme shall then be fully implemented prior to first occupation.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 34 of the St Albans Local Plan, Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

18. No works shall commence until detailed design drawings are submitted to the LPA that show the provision of the two active travel accesses, being:

(1) North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station

(2) South East of the site & footway on Sandridgebury Lane.

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

19. No works shall commence until a detailed design drawing is submitted that shows the provision of 'Keep Clear' highway markings provided at the Beech Road / Seymour Road junction. All existing 'Keep Clear' markings on Harpenden Road between the Ancient Briton Signal and the proposed access junction must be reinstated as part of the offsite work / S278 process. Prior to first occupation of the site, the approved scheme shall be fully implemented.

REASON To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan Review 1994 Policy 5 of Hertfordshire's Local Transport Plan.

20. Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of

Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

21. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

REASON To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

22. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

23. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate all of the relevant recommendations in Section 4 of the Turnstone Ecological Appraisal dated November 2020.

REASON To comply with the requirements of Policy 106 of the St Albans Local Plan Review 1994 and the NPPF 2019.

24. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work,

and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. A public engagement strategy should also be produced. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

25. Following the completion of the fieldwork and the post-excavation assessment in Condition 24, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 24. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

26. To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

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

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

(i) a desktop study has been completed satisfying the requirements of condition 26 above;

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

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

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

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

28. The results of the site investigation and the detailed risk assessment referred to in Condition 27, shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person prior to the commencement of any other works.

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

29. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 28 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

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

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

32. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020 and the following mitigation measures detailed within the FRA.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.43 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in attenuation pond.
3. Discharge of surface water from the private drainage network into the existing Thames Water Surface Water Sewer.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants, to comply with the NPPF 2019.

33. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020.

The surface water drainage scheme should include;

1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. The overland flow route through the site should be managed to ensure that it does not cause flood risk to the proposed development.
4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future users. To comply with the N

34. Prior to works commencing on site, details of how the development will incorporate a mix of rainwater and greywater harvesting, and water efficient fixtures, fittings and landscaping to achieve compliance with the target of 110/litres/person/day must be submitted to the Local Planning Authority for approval. The development will be constructed in accordance with the approved details and maintained in perpetuity.

REASON To improve that the additional dwellings do not adversely affect the ability to supply water to the area as a whole, and ensure the meet the definition of sustainable development with regard to the efficient use of water, as required by the National Planning Policy Framework.

35. A noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the car wash process or any mechanical extract plant (e.g. refrigeration/air conditioning plant/etc) at the adjacent petrol station, are likely to give rise to excessive noise at the proposed new dwellings. The rating level of any noise from the plant/machinery/equipment from the adjacent petrol station shall not exceed the background sound level at the nearest proposed dwellings. Where additional measures are required to ensure noise from the petrol station does not exceed the background noise level, then a noise mitigation scheme shall be submitted to and approved in writing and implemented prior to the occupation of any of the units.

REASON To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

36. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development.

Where identified to be necessary, a scheme for noise mitigation including sound insulation measures to be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms, shall be submitted to and approved in writing, and implemented prior to the occupation of any of the units.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

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

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

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

REASON To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

37. Open space shall be provided on site in accordance with the requirements of Policy 70 of the St Albans Local Plan Review 1994. No development shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

REASON To comply with the requirements of Policy 70 of the St Albans Local Plan Review 1994.

38. The site is considered a ""High Risk Site"" for dust and a Dust Management Plan is recommended incorporating a number of specific mitigation measures based on the site-specific risks as per the IAQM guidance (outlined from page 40 in the submitted Hawkins AQ report Nov2019).

REASON To ensure the impacts during the construction phase are appropriately mitigated, to safeguard local air quality and residential amenity, to comply with the relevant provisions of the NPPF.

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

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

12. Informatives:

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

Document/plan	Date submitted
Site location plan	10/02/21
Indicative layout	10/02/21
Parameter plan - Access routes	02/06/21
Parameter plan - Development zones/open space	02/06/21
Parameter plan - Building heights	02/06/21
Planning Statement	18/12/21
Planning Statement addendum	02/06/21
Section 106 draft Heads of Terms	02/06/21
Access plan - 19197-004A	02/06/21
Transport Assessment	18/12/21
Framework Travel Plan	18/12/21
Stage One Road Safety Audit	02/06/21
Designer's Response to Stage One Road Safety Audit	02/06/21

Highways and Transport Addendum 29/06/21
Highways and Transport Addendum II 29/06/21
Noise report 18/12/21
Flood Risk Assessment 18/12/21
Utilities Assessment 18/12/21
Arboricultural report and Tree Protection Plan 18/12/21
Air Quality Assessment 18/12/21
Ecological Appraisal 18/12/21
Biodiversity metric letter and calculations 02/06/21
Landscape and Visual Impact Assessment and Landscape Masterplan 02/06/21

2. Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

3. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

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

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

6. Contaminated Land: Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site. Contaminated Land. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

9. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

10. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

11. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

12. Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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

14. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

15. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer Lee Stannard
Section 65 Parties 8A Churchill Road, St Albans, AL1 4HQ
Hertfordshire County Council (Highways), Pegs Lane, Hertford,
SG13 8DQ.

Plans on website <https://www.stalbans.gov.uk/view-and-track-planning-applications>

Appendix A – Report as reported to committee 26 July 2021

REGISTERED NUMBER:	5/2021/0423/LSM
APPLICANT:	Hunston Properties and the Trustees of the Sewell Trust
PROPOSAL:	Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096)
SITE:	Land to Rear of 112-156b Harpenden Road St Albans Hertfordshire
APPLICATION VALID DATE:	11/02/2021
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	No
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Marshalswick South

RECOMMENDATION	<p>A. That the applicant, within three months of the date of this committee meeting, enter into a legal agreement, pursuant to s106 of the Act in relation to the provision of</p> <p>40% Affordable Housing Provision; 5 Self-build dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services, 10% Biodiversity Net Gain.</p> <p>B. That Planning Permission be GRANTED subject to conditions.</p> <p>C. And in the event that the S106 agreement is not completed within 3 months of the date of this committee resolution, grant officers delegated authority to refuse planning permission for the following reason: “In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: 40% Affordable Housing Provision; 5 Self-build dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services; 10% Biodiversity Net Gain the infrastructure needs of the development would not be met and</p>
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	<p>the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2018, and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.</p>
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1. Reasons for Call in to Committee

1.1. The application has been called-in for consideration by the Referrals Planning Committee by Councillor Curthoys, Councillor Young and Councillor Campbell in any event.

1.2. The reasons given are:

1.2.1. ***“The proposed site was one of the broad locations identified in the recently failed strategic local plan and is in the green belt. NPPF’s presumption in favour of sustainable development renders the local plan policies for housing out of date under the MHCLG 2020 Housing delivery test announced on the 20th January 2021. This states that;***

(1) 55 local authorities delivered less than three-quarters of their housing need, and are therefore subject to the presumption in favour of sustainable development.

(2) Of these, 40 have a local plan that is more than five years old.

(3) Both of the above points (1 & 2) apply to St Albans District Council’s area.

As this is a site in the Green Belt and may affect many residents in Harpenden Road this application needs to be considered very carefully by committee to discuss the above reasons for call in and determine if this is a ‘sustainable location’ and if ‘very special circumstances’ exist to permit building in the Green Belt.” (Cllr Curthoys)

1.2.2. Concerns in relation to the following issues (Cllr Young and Cllr Campbell):

The size, location and potential impacts of this development are such that it is of great concern to nearby residents. The following are the main concerns:

Policy no 1 Green Belt - this development is in the Green Belt

Policy no 4 and 5 - New housing developments – the site of this new development is not consistent with the current local plan

Policy 34 – Highways considerations in development control; this proposed development will have a significant impact on traffic and traffic flow in an already heavily congested area.

Policy 40 Parking standards – parking provisions may not be adequate

Policy 74 Landscaping and tree preservation – there are a number of trees/wooded areas around the edge of the site which should be preserved to maintain amenity for residents.

Policy 102 Loss of agricultural land – this will be a loss of agricultural land

Policy 104 Landscape conservation – the landscape should be conserved

Policy 106 Nature conservation – wildlife in the area should be protected

2. Relevant Planning History

- 2.1. 5/2011/1724 - Outline application (access, layout and scale) for the erection of 116 houses and one 72 bed care home and formation of new accesses to Harpenden Road, 2 tennis courts and public open space – refused 27/10/2011 and appeal dismissed 3 July 2012.
- 2.2. 5/2011/2857 – Outline application (access, layout and scale) for the erection of 116 houses and one 72 bed care home and formation of new accesses to Harpenden Road, 2 tennis courts and public open space (resubmission following refusal of 5/2011/1724). Refused 10/02/2012 and appeal conjoined with 5/2012/2713 (see below).
- 2.3. The Decision notice issued by the Council gave the following reasons for refusal:
 1. *The proposed development, and its scale, represents inappropriate development within the Metropolitan Green Belt which would cause substantial harm to the fundamental intention and purposes of including land in the Green Belt, by reason of encouraging urban sprawl and compromising its openness, and the applicant has failed to demonstrate compelling reasons that the intended financial contributions and benefits meet the very special circumstances necessary to warrant the fundamental policy objection being overridden. The proposal is thereby contrary to Policy 1 'Metropolitan Green Belt' of the St Albans District Local Plan Review, 1994 and the aims and objectives of Planning Policy Guidance Note 2.*
 2. *The proposal by reason of the excessive footprint and scale of the proposed 2 bed dwellings would fail to provide functioning smaller units and as such does not appropriately meet identified housing need in the St Albans District for smaller units. The proposal thereby fails to accord with paragraphs 23, 24 and 26 of Planning Policy Statement 3 and Policy 4 'New Housing Development in Towns' of the St Albans District Local Plan Review, 1994.*
 3. *The proposed layout fails to respond to the topography of the land and the section of land to the north east of the site, if developed as proposed, would represent a built form of undue prominence, visible from the surrounding green belt land to the east and particularly the nearby footpath which passes close to the application site's eastern boundary. The scheme is thereby considered contrary to Policy 69 'General Design and Layout' of the St Albans District Local Plan Review, 1994.*
- 2.4. 5/2012/2713 – Outline application (access, layout and scale) for the erection of 71 houses and 14 flats, formation of new accesses to Harpenden Road, two tennis courts and public open space – refused 16/2/2013 and appeal conjoined with 5/2011/2857.
- 2.5. The Decision Notice issued by the Council gave the following reasons for refusal:
 1. *The proposed development, and its scale, represents inappropriate development within the Metropolitan Green Belt which would cause substantial harm to the fundamental intention and purposes of including land in the Green Belt, by reason of encouraging urban sprawl and compromising its openness, and the applicant has failed to demonstrate compelling reasons that the intended financial contributions and benefits meet the very special circumstances necessary to warrant the fundamental policy objection being overridden. The proposal is thereby contrary to Policy 1 'Metropolitan Green Belt' of the St Albans District Local Plan Review, 1994 and the aims and objectives of the NPPF.*

2. The proposed development will be detrimental to the visual amenity of the countryside and the openness of the Green Belt contrary to Policies 1, 69 and 74 of the St Albans City and District Local Plan Review 1994 and the aims and objectives of the NPPF.

2.6. Appeals in relation to application reference 5/2011/2857 and application reference 5/2012/2713 were conjoined and dismissed 12 March 2013. That decision was the subject of an application to the High Court and was subsequently quashed by order of the Court dated 12 December 2013.

2.7. The appeal was therefore re-determined in respect of both applications and dismissed 11 August 2015. The Secretary of State concluded in his paragraph 32 that:

“Taking into account Government policy in the Framework, and given the identified Green Belt harm, in conjunction with the harm to character and appearance, the Secretary of State agrees with the Inspector that the harm is serious enough to significantly and demonstrably outweigh the benefits of both appeal schemes and bring them into conflict with the development plan and the Framework as a whole (IR221). Overall, the Secretary of State considers that, taking all of the benefits of the proposed developments into account, both on an individual basis and cumulatively, the harm to the Green Belt has not been clearly outweighed, and very special circumstances do not exist to justify allowing the inappropriate development. He also concludes that there are no material considerations sufficient to overcome the conflict he has identified with the development plan.”

2.8. This decision, together with all other decisions in the planning history, has been taken into account in this report. Weight has been given to the importance of consistency in planning decision making, and the main reasons for reaching a different recommendation are set out in the body of this report below.

2.9. 5/2014/0093 – Outline application (access, scale and layout) for the erection of 85 dwellings, formation of new accesses to Harpenden Road, two tennis courts and public open space (resubmission following refusal of 5/2012/2713) – refused 23/04/2014 for the following reasons:

1. The proposed development, and its scale, represents inappropriate development within the Metropolitan Green Belt which would cause substantial harm to the fundamental intention and purposes of including land in the Green Belt, by reason of encouraging urban sprawl and compromising its openness, and the applicant has failed to demonstrate compelling reasons that the intended financial contributions and benefits meet the very special circumstances necessary to warrant the fundamental policy objection being overridden. The proposal is thereby contrary to Policy 1 (Metropolitan Green Belt) of the St Albans District Local Plan Review, 1994 and the aims and objectives of the NPPF.

2. The proposed development, by reason of its layout, density, proximity to the remaining open parts of the site and lack of space for a suitable landscape scheme and boundary treatment, will be detrimental to the landscape character and visual amenity of the countryside and the openness of the Green Belt contrary to Policies 1 (Metropolitan Green Belt), 69 (General Design and Layout) and 74 (Landscaping and Tree Preservation) of the St Albans City and District Local Plan Review 1994 and the aims and objectives of the NPPF.

3. Site Description

- 3.1. The site, of 5.24 hectares, is located in the Metropolitan Green Belt. It is greenfield meadow land, situated behind the rear gardens of a series of residential dwellings fronting, but set back from, Harpenden Road. It stretches from Sandridgebury Lane at its southern end to the boundaries of a short narrow residential cul-de-sac to the north. Overall, the land falls gradually towards the south east with a drop of some 5 metres, albeit the site itself is somewhat undulating with a natural dip towards the centre.
- 3.2. The 1930's Harpenden Road dwellings to the west are mainly detached and of varying styles showing a combination of hipped and gabled roofs with traditional painted closed eaves. A petrol station lies beyond No.146, and to the north of that, the north west corner of the site is bounded by a number of dwellings which extend along an off shoot of Harpenden Road in an easterly direction. Number 126 Harpenden Road is included in the application site, being proposed for demolition to provide the main vehicular access.
- 3.3. The sequence of houses along the main Harpenden road is broken by Petersfield, another cul-de-sac, immediately to the south of No.106, which accesses 4 large more modern dwellings, built in the 1980's. These, in turn, abut a series of residential properties located towards the western end of Sandridgebury Lane. The existing gated access to the site is located at its south-easternmost corner from Sandridgebury Lane.
- 3.4. Immediately to the east and north east of the application site lies open farmland.
- 3.5. The application site is bounded in parts by mature trees and hedgerows.

4. The Proposal

- 4.1. The application is for 150 dwellings, together with associated works. Access is applied for in full with all other matters reserved.
- 4.2. The mix (in terms of unit size) of housing units is not confirmed in the application, however, the tenure split is as follows:
 - 60 affordable units (40%) (precise tenures to be confirmed and secured in s106 Agreement)
 - 90 private market units (60%), of which 5 are proposed to be plots for self-build.
- 4.3. A total of 255 car parking spaces are proposed according to the application form and Transport Assessment.
- 4.4. Notwithstanding that all matters except access are reserved, the applicant has submitted parameter plans which seek to guide the scope of reserved matters submissions, these parameter plans deal with extent of built development, building height and the internal road structure.
- 4.5. These parameter plans were requested by the Council and are considered necessary for a proper consideration of this application for two reasons:

- i. the applicant is relying upon the proposed development's conformity with a previously prepared draft masterplan for the site (and other land) in terms of the overall planning balance.
- ii. The use of parameter plans can help to ensure that any subsequent reserved matters are in line with what was anticipated at outline stage, for example setting parameters about where green space should be located.

4.6. Any grant of planning permission for this application can be conditional upon future reserved matters applications according with approved parameter plans and this is an approach that is widely used for outline applications of significant scale.

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed	Date	04/03/2021	Expiry Date	27/03/2021
		18/03/2021	Expiry Date	27/03/2021
Press Notice Displayed	Date	04/03/2021	Expiry Date	27/03/2021

5.2. Adjoining Occupiers

5.2.1. № 47, 65, 69, 75, 106 – 158a (evens) and Faircroft Lodge, Harpenden Road; School House, St Albans Girls School; St Albans Girls School; 1 to 4 Petersfield; 110 Green Lane; 13 Ladies Grove; 13 Darwin Close; 15 New Greens Avenue; 1 Sandridgebury Lane (Larch Cottage); 17 Sandridgebury Lane; 19 Sandridgebury Lane; 1b Folly Lane; 2 Willow Way; 24 Malthouse Court Sopwell Lane; 38 Roland Street; 7 Anson Close; 7 Farriday Close; 70 Fishpool Street; 77 High Oaks.

5.2.2. Representations Received from residents in:

Childwick Lodge, Childwick Green, Childwick Green House, Harpenden Road, Ellis Fields, Sandridgebury Lane, Farriday Close, Potters Field, Sherwood Avenue, New Greens Avenue, Nelson Avenue, Heathview, Heritage Close, Abbey Mill End, kestrel Way, Runcie Close, Colindale Avenue, Alban Avenue, Suffolk Road, Goldsmith Way, Beech Road, Maple Avenue, Folly Avenue, Ladysmith Road, Upper Lattimore Road, Folly Lane; Beech Bottom, Pondwick Road, Tylers, Broadfields, Blueberry Close, Highfield Road, Gurney Court Road, Britton Avenue, Toulmin Drive, Ladies Grove, Blenkin Close, High Oaks, Nicholas Close, Green Lane, Brampton Road, Wynchlands Crescent, Sheppards Close, The Green, Petersfield, Eastmoor Park,. Clarendon Road, Clarence Road, Greatfield Close, Bewdley Close, Penny Croft, Cavendish Road, Westminster Fields, Woollam Crescent, Highfield Avenue, Batchwood Drive, Kingsbury Avenue, bridge Cottage, Charmouth Road, Woodcock Hill Cottages, Ashwell Street, Queens Crescent, Tudor Road, Marshalswick Lane, Henderson Close, Partridge Road, Sparrowswick Ride, Hales Meadow, Langley Crescent, Bowers Way, Park Avenue South, Fairshot Court, Cravells Road, Canberra Close, Churchfield, Blueberry Close, Broadfields, Tylers, Corder Close, Pondwick Road, Dickens Close, Upper Lattimore Road, Maple Avenue, The Ridgeway, Foley Avenue, Suffolk Road Harrow, Valance Place, Dellfield, Old Chapel, Royston Road, Dorchester Court, Dalton Street, Carlisle Avenue, Policott Close, Warrengate Road, Stanhope Road, Cambridge Road, Camp Road, Masefield Road, Woodstock Road North, Darwin Close, Marshall Avenue, Parkinson Close, Springfield Crescent, Alverton.

- 5.2.3. Representations received from the following organisations: CLASH, Campaign for the Protection of Rural England, St Albans Cycle Campaign, Wilderhood Watch – their comments are summarised along with the other representations below.

5.3. **Summary of Representations**

- 5.3.1. Points made in objection (note this is a summary capturing all of the issues raised, as opposed to summarising each individual representation):

Objections in Principle/Relating to Green Belt

- 5.3.1.1. Objection in principle to inappropriate development on Green Belt land
- 5.3.1.2. Harm to Green Belt not outweighed by the benefits/very special circumstances identified do not outweigh the harm
- 5.3.1.3. A precedent would be set for more development in this area
- 5.3.1.4. The plan to develop North St Albans is contrary to the NPPF
- 5.3.1.5. We don't need more houses.
- 5.3.1.6. It would be premature/inappropriate to permit development when there is a Call for Site - the new Plan should be awaited.
- 5.3.1.7. If the Planning Officers are minded to grant the application, using "very special circumstances", then the site design, density, road layout, ecological and arboriculture credentials and management need to be extensively challenged in order to truly deliver a sustainability and bio diversity gain for any development on this highest quality agricultural land and open Green Belt.

Objections relating to landscape, open space and ecological impacts

- 5.3.1.8. Losing open space which is important to people.
- 5.3.1.9. Area is vital for wildlife whose habitat would be lost.
- 5.3.1.10. People enjoy walking there and it would ruin the views and wildlife.
- 5.3.1.11. Green space close to Heartwood Forest and Batchwood should be protected as it is a natural wildlife corridor.
- 5.3.1.12. The site is a wetland habitat and a wildflower meadow and home to protected species, it is viewed from local footpaths.
- 5.3.1.13. The topography of the site is such that it is elevated at its north east side, this increases the visual impact.
- 5.3.1.14. Tree survey not accurate – hawthorn trees are in line with the actual fence (received from 118 Harpenden Road)
- 5.3.1.15. Existing wildlife corridor in this location should be retained uninterrupted – used by bats.

Objections relating to environmental impact (except for highways)

- 5.3.1.16. Additional noise and air pollution
- 5.3.1.17. Concerning that this is to be built next to a school, given the correlation between additional road traffic and respiratory problems
- 5.3.1.18. There is a need for open areas to allow ground water to feed the aquifers relied upon for water
- 5.3.1.19. Concerns about flooding
- 5.3.1.20. Concerns about health impacts from increased traffic

Objections relating to access, highways and transportation

- 5.3.1.21. The transport assessment is flawed.
- 5.3.1.22. Additional traffic, adding to congestion in the area. Concerns over safety for school children accessing local schools

- 5.3.1.23. Traffic congestion is already a major problem in the area. Area will become more congested and dangerous as a result of this development.
- 5.3.1.24. Impact on rat running through New Greens Estate
- 5.3.1.25. Proposed entrance is unsuitable and badly placed
- 5.3.1.26. Proposals for new cycle lanes do not go far enough – stopping at Ancient Briton leaving major obstacles for commuting to City Centre or station.
- 5.3.1.27. The Travel Plan is over optimistic and will not work/will not have a significant impact on total vehicle movements.
- 5.3.1.28. Figures to inform the Transport Assessment are out of date
- 5.3.1.29. Not enough parking is proposed at 1.7 spaces per dwelling – there will be overspill parking on surrounding streets.
- 5.3.1.30. Applicant's prediction that cycling will increase exponentially and car use will fall by their building a cycle lane is hopelessly optimistic
- 5.3.1.31. Support for additional cycle lane, but concern about some elements such as lack of segregation, level changes, conditions at and beyond Ancient Briton.
- 5.3.1.32. Impact on New Greens residents in term of additional traffic – difficult to enter and exit the estate.
- 5.3.1.33. A welcome attempt to make buses, cycling and walking attractive options, but apart from cycle lane on Harpenden Road, this is just another car focused estate
- 5.3.1.34. Existing cycling and pedestrian facilities are poor quality, contrary to the applicant claims.
- 5.3.1.35. More cycle storage should be provided at the expense of parking – there is too much parking.
- 5.3.1.36. Concerns the new cycle lanes will not be maintained. There is very poor maintenance of existing cycle lanes to the north.
- 5.3.1.37. Site access should be a full cycle route. Cycle routes needed through eh scheme not just around it.
- 5.3.1.38. How will parents at STAGs be prevented from using the new development for drop off/pick up? This will make an existing congestion problem worse.
- 5.3.1.39. Detailed technical comments on the TA methodology and conclusions

Objections in relation to impact on social and physical infrastructure

- 5.3.1.40. No increase in amenities to the area
- 5.3.1.41. There is not enough infrastructure to support the additional housing including in respect of school, shops, doctors etc

Objections relating to History of Site, Local Plan process

- 5.3.1.42. There have been numerous previous applications for housing on this site which have all been rejected
- 5.3.1.43. Nothing has changed since the previous applications were refused
- 5.3.1.44. There are brownfield sites waiting to be developed, e.g. on London Road, these should be prioritised.
- 5.3.1.45. There is no approved masterplan for the development of North St Albans
- 5.3.1.46. This is only part of the proposed masterplan which hasn't been disclosed for further scrutiny and is being used as a "foot in the door"
- 5.3.1.47. The new Local Plan process should take precedence over the MHCLG Housing Delivery Test and therefore the development of sites such as this should come forward via the plan making process, not via applications.

Objections in relation to Residential Amenity

- 5.3.1.48. The new homes will be directly under the flight path for Luton Airport giving a poor quality of life for residents;
- 5.3.1.49. Meeting the quota for housing should not be at the expense of quality of living for current residents.
- 5.3.1.50. Impact on rear outlook and amenity of properties adjacent to the site on Harpenden Road.
- 5.3.1.51. Considerable visual impact in day and night time
- 5.3.1.52. Concern about relationship to properties on Petersfield
- 5.3.1.53. Three story dwellings are not appropriate at the boundaries of the site.
- 5.3.1.54. Proposed 3 storey town houses will not match the existing residences

Objections related to Brexit and Covid impacts

- 5.3.1.55. Recent Government policy announced 21/07/20 to revitalise town centres was to reduce pressure on greenfield sites.
- 5.3.1.56. Housing needs should be re-assessed post Brexit and post pandemic; more brownfield sites may become available due to consequential economic changes.
- 5.3.1.57. Population is trending downwards due to Brexit and the pandemic, this should be taken into account.
- 5.3.1.58. Base survey data – is it skewed by Covid pandemic?

Objections in relation to housing provision

- 5.3.1.59. Clarity needed on mix and size of housing to be delivered
- 5.3.1.60. The most up to date projections should be used when assessing housing need
- 5.3.1.61. The development will not provide much needed affordable housing for local people.

Objections – other issues

- 5.3.1.62. This is a money making exercise and not to do with providing essential housing – a reckless project increasing eco-anxiety.
- 5.3.1.63. Concerns that representations made to app ref 5/2020/3096 will not be carried over.
- 5.3.1.64. Population forecasts are an over estimate
- 5.3.1.65. The application form is incorrectly dated and therefore invalid.
- 5.3.1.66. Some of the questions on the form are incorrectly answered.
- 5.3.1.67. All of the agricultural land is DEFRA classified 2 or 3a and should not be used for housing.
- 5.3.1.68. The applicant should not be able to further its own cause by failing to use the site for its established use as farmland.
- 5.3.1.69. Disruption during construction
- 5.3.1.70. Many of the reports misrepresent the baseline position and should be renewed re-assessed.
- 5.3.1.71. How will the development comply with the decision to make the UK Carbon Neutral by 2050. These houses will fail to comply with building regulations if dependent on gas boilers.
- 5.3.1.72. Vehicles will require electricity charging points - can the local supply cope?

5.3.2. One representation in support – new houses are needed and the site seems well thought through.

5.4. St Michaels Parish Council area extends close to the application site. A response was received from them dated 1 July 2021.

At a recent meeting of St Michael Parish Council (StMPC) Members asked me to re-state their comments on application 5/2021/0432. StMPC wishes to object to the proposed development and upholds many of the objections put forward by local residents.

The application site lies in the unparished area of St Albans and is not represented at parish council level; thus no parish council consultation has taken place. The StMPC boundary is however very close to the site. The proposal impacts on the immediate and wider neighbourhood, which extends into the StMPC area.

Many published comments responding to this application mention the external factors of Britain leaving the European Union and the Covid-19 pandemic. The nation is only beginning to see consequences and effects from these events and in our opinion expert demographic modelling would be required to predict how retail and work patterns might be altered in the years ahead. We have therefore tried to avoid bringing either topic into our comments, unless directly relevant.

The site is presently used for a range of low level leisure activities, identified by successive local strategic plans and by the national Green Belt policy as conducive to public health and well being. It is at present an element in the green corridors out of Heartwood. The proposed development itself provides no planting or design features which would replace or compensate for the loss of natural habitat despite the overwhelming amount of evidence for the social and financial benefits of softer landscaping. The provision of a vegetable gardening 'corner' is inadequate in size and inconvenient in location. It makes no meaningful contribution to people's lifestyle opportunities.

The proposal does not appear to include any infrastructure to cope with the increased population. The applicant's Travel Plan has identified local amenities (see table 3.1, page 9) but it is far-fetched to imagine that these facilities will be able to absorb the needs of an additional housing estate. The shops mentioned are small neighbourhood units catering principally to the New Greens area, and the closest convenience store (numbered one on the plan on page 6) is in fact the small retail section of the petrol filling station on the A1081. Such outlets are very unlikely in practice to supply family grocery shopping, thus increasing reliance on private vehicle use – or home delivery vehicles.

We note that the nearest GP surgeries are in the middle of St Albans where increased capacity seems impractical, although the NHS respondent is suggesting a financial levy from the developer to mitigate increased demand. It is unclear to us how this would translate into space or capacity being provided at existing venues.

Even if local doctors - and other existing facilities such as pharmacies, schools, etc. - were to be able to absorb the extra demand, the scope for this development, if approved, itself to be enlarged under a future fresh application causes concern.

We have a limited amount of technical knowledge with which to analyse the data in the densely packed Transport Assessment provided by the applicant. However the report seems to be predicated on a limited and out of date set of data. We would expect that an independent opinion on all the transport and safety aspects should be made available.

As it stands, the report seems unrealistic and naïve to anyone who in the last 30 years has used the A1081 north of St Albans at peak times, whether by public or private transport. 150 houses could easily generate 300 cars for work, shopping and school runs, none of which is provided for within easy reach of the site. The area north of Beech Road has none of the infrastructure needed to obviate car use.

Similarly the claim that the proposal seeks to 'discourage car use' is in our view unrealistic. Councillors' personal knowledge is that to reach the local hospital services by public transport takes far longer to reach than the claimed 13 minutes (page 12) which is closer to the walking time involved on top of a bus journey to the city centre.

The Ancient Briton crossroads regularly causes tailbacks way beyond the Woollams sports field, often (pre-pandemic) taking approximately 20 minutes to clear, and on many occasions, queues form back to Hawkswick and even the gated entrance to Childwickbury. While the Transport Assessment does acknowledge that "the Ancient Briton junction is operating beyond its practical reserve capacity in 2020 and will continue to do so in the future year scenario of 2025", this statement is immediately glossed over in their conclusion that "the impact of the development on the operation of the junction is not considered to be significant" (ref. final bullet point of 8.3 on page 32). We do not understand why the applicant apparently fails to address the consequences of adding in even more traffic saturation at this junction from the proposed development nearby.

We would maintain that such delays are highly significant. Moreover a large portion of the vehicular traffic is not on a North/South trajectory at all but needs go West towards Hemel Hempstead and the motorways. Already numbers of cars take rat runs across Sparrowswick and New Green estate and it is our view that these numbers would seriously increase with more traffic emerging into the traffic stream on the A1081.

Speeding along the A1081 is commonplace. We note that there is no apparent suggestion that the present positioning of the 30 and 40 mph zones be altered in consideration of safe entrance and egress to the proposed new access road.

Home delivery has risen phenomenally in recent years, pre-dating the sharp uptake during the Covid-19 pandemic, and the trend does look set to continue. Naturally this is not just a local issue but the additional effect of delivery vehicles waiting to turn into or out of the proposed access junction with the A1081 must be significant. We wonder whether any thought has been given to the considerable impact that delivery vehicles will have on computing traffic movement numbers, and road safety of the access junction to the proposed development.

The need for more homes has been discussed for many years and we do accept that new-build housing has to take place in order to meet the expected demand. It is recognized that there are few ideal sites and that in some cases, the compromise will be for development to take place in the "least worst" locations, although of course there is no instrument to ensure that it is only the most appropriate sites which are the subject of mass housing planning applications. Landowners will attempt speculative planning applications to optimise their own assets, wherever they are and with scant regard to whether there are better sites elsewhere.

Previous applications/appeal for this site (in various configurations) have failed and this latest application does not appear to put forward any compelling changes to set aside the planning refusals recorded.

The recent failure of the St Albans Local Plan process should not lead to a capitulation to speculative development. The current principles of Green Belt policy enshrined in the National Planning Policy Framework must prevail since no very special circumstances have been shown which would allow Green Belt status to be set aside for this development.

We thank you for your consideration.

6. Consultations:

6.1. District Archaeologist

6.2. Response received dated 12th April as follows:

RECOMMENDATION

Refuse due to a lack of historic environment information as stipulated by the National Planning Policy Framework (Section 16, Paragraph 189 ff. pp. 55).

ADVICE/COMMENTS

From the Historic Environment perspective, particularly when referencing below ground archaeology, little consideration appears to have been taken with regards to this significant aspect of the landscape in this application. A similar application was proffered in 2012 for the erection of 71 Houses and 14 flats, formation of new accesses to Harpenden Road, two tennis courts and public open space (5/2012/2713). Again, on the basis that there was no reference to the potential for below ground archaeology a refusal was requested at that time. This is a similar situation, because reference to that earlier application would have highlighted this potential constraint and may have been considered at the pre-application stage with pre-determination archaeological work. This would have led to an informed archaeological planning consultation with the potential for a reasonable and proportionate response to the proposal and would also have been good risk management.

There is archaeological interest in the proposal area as defined by the National Planning Policy Framework (Annex 2: Glossary). Previous work has been undertaken by Archaeological Solutions (then Hertfordshire Archaeological Trust) on the site of the Rugby Club to the north and a potential development adjacent to the north and east (Bourn, R. 2009. Archaeological Desk-Based Assessment Land at Cheapside Farm, Harpenden Road, St Albans: CgMs). These projects demonstrated limited archaeology at the rugby club site and potential archaeology to the east, close to the railway line (Roman Tile: Historic Environment Record 656). A desk-based assessment for the latter commented that an archaeological evaluation would be a likely requirement for any development, as a potential first stage of a multi-phase archaeological project. In addition, the current proposal is located approximately 450m north-west of a scheduled site and approximately 320m north-west of a locally designated area of archaeological significance associated with that scheduled monument. On a larger scale, the application site is located between further two areas of archaeological significance, Batchwood to the west and Porters Wood to the east. Together, these may suggest a large-scale late prehistoric and Roman landscape, possibly linking throughout this area.

The National Planning Policy Framework (Section 16 paragraphs 189-90, pp.55) states that an applicant should supply information on the historic environment. This information should include the likely impact of the development on the significance of any asset that the site contains (or the setting of an asset). The information should be in the form of “an appropriate desk-based assessment and, where necessary, a field evaluation.” As there is no desk-based assessment accompanying the application, it cannot be determined whether there are significant undesignated historic assets present, or to the extent that the development may impact upon these. Undesignated assets of equivalent significance to designated assets should be considered equal to designated assets (NPPF, Paragraph 197-98, pp.55). This means that the site has the potential to have archaeological constraints, but that these are unknown currently. Therefore, the impact upon those potential assets is unknown and therefore the indiscriminate loss of heritage assets would be contrary to the NPPF.

To fully understand the site, there needs to be an assessment of the impact of the development on any potential archaeology contained therein. In consequence, any application should be accompanied by a Heritage Statement with impact assessment. This can only be achieved, in this case, through the implementation of an archaeological evaluation, the results of which should help to inform the Statement and potentially the design of the site. Following potential planning approval, further archaeological work may be required should there be significant results from the evaluation. This work may be a multi-phase archaeological project and may include a range of possibilities from preservation in situ to a watching brief, or no further work should there not be significant archaeology present at any stage.

CONDITIONS

6.3. *If the application is approved the following conditions are requested:*

1.) Archaeological Investigation

No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. A public engagement strategy should also be produced. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

2.) Publication and Dissemination

Following the completion of the fieldwork and the post-excavation assessment in Condition 1, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

6.4. Community Services

6.4.1. Confirmed a leisure contribution will be sought. The William Bird Pavilion has been identified as requiring improvements and is suitably proximate to the site.

6.5. Environmental and Regulatory Services

6.5.1. No objection subject to the imposition of conditions and informatives. Suggested conditions are as follows:

Noise issues:

1. *BS4142: 2014 assessment – Plant and Machinery*

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the car wash process or any mechanical extract plant (e.g. refrigeration/air conditioning plant/etc) at the adjacent petrol station, are likely to give rise to excessive noise at the proposed new dwellings. The rating level of any noise from the plant/machinery/equipment from the adjacent petrol station shall not exceed the background sound level at the nearest proposed dwellings.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

2. *BS8233:2014 - Noise impact assessment*

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

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

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

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

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Air quality issues:

8. Air Quality report:

Condition:

An air quality report assessing the impacts of the proposed redevelopment is to be provided to the Local Planning Authority, having regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

Reason:

To ensure the amenities of the neighbouring premises are protected from decreased air quality arising from the development. In accordance with Policy 34 of the St. Albans District Local Plan Review 1994.

- 6.5.2. Supplementary response dated 01/07/21 providing clarification in relation to issues of air quality impact, and querying the appropriateness of the suggested air quality condition:

The proposed development is not predicted to exceed air quality objectives in terms of additional traffic on existing or new roads, and the location of the proposed dwellings is not likely to expose occupants to high levels of pollutants. The demolition/construction phase will cause dust, and therefore the applicant should provide a dust report. You can use the following template condition:

Dust during construction phase:

The site is considered a "High Risk Site" overall and a Dust Management Plan is recommended incorporating a number of specific mitigation measures based on the site-specific risks as per the IAQM guidance (outlined from page 40 in the submitted Hawkins AQ report Nov2019).

6.6. Contaminated Land Officer

- 6.6.1. Response received 3 April 2021 as follows:

The historical GIS maps show the site to be open land dating back to the earliest 1880s map. The adjacent residential houses first appear on the 1940s map. An adjacent garage (the site of the present day petrol station) is first labelled on the 1950s-70s maps, but structures are present on the 1940s map. The Garage (1950s to 1970s) (Motor vehicles: maintenance & repair e.g. garages) (1992) has been identified by the Council's prioritisation of potentially contaminated sites.

No known current or historical landfill sites with 250m of the site. Historical works (1950s-70s to present day) in Porter's Wood the nearest other potentially contaminative use identified by the prioritisation, approximately 210m to the Southeast. No known pollution incidents within 250m.

The Planning Statement advises the site to be formerly agricultural land, but it has not been farmed for more than 20 years.

The application seeks permission for up to 150 dwellings with private gardens and/or communal soft landscaping. The block plan (CMYK 'Residential Scheme – Feasibility Layout 04B') shows two proposed community growing spaces in the North of the site – possible allotments?

Given the scale of the proposed development and number of new receptors being introduced, an assessment of the impacts and risks should be undertaken. If minded to grant, I recommend any permission include the following conditions and informative:

10. Desktop study and site walkover

Condition:

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

Reason:

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

11. Site investigation

Condition:

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

- (i) a desktop study has been completed satisfying the requirements of (10) above;
- (ii) The requirements of the LPA for site investigations have been fully established; and
- (iii) The extent and methodology have been agreed in writing with the LPA.

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

Reason:

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

12. Options appraisal and remediation strategy

Condition:

The results of the site investigation and the detailed risk assessment referred to in (11), shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason:

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

13. Verification report

Condition:

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

Reason:

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

14. Remediation

Condition:

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

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

Reason:

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

15. Unsuspected Contamination

Condition:

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

Reason:

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

INFORMATIVE

Contaminated Land

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

6.7. Housing

6.7.1. Response received 1/4/2021 as follows:

With regards to the above planning application, the Strategic Housing department supports this application if it delivers 40% of the total number of properties as affordable housing.

It would be anticipated that the split between rented and intermediate housing would be broadly 2:1 in favour of rented accommodation. I would welcome discussion on the mix of property type, size and tenure so that it could inform any section 106 agreement. Current housing need is for larger, family sizes, properties being made available for rent.

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

6.8. Waste Management

6.8.1. Response received 24.03.21 confirming that:

I was not able to find the detail of number of flats to advise on containers etc. Houses will be supplied with a suite of containers to be presented at kerbside.

We would request that consideration of is given to the size and weight of the collection vehicles and that any 'dead-ends' have adequate turning areas so that reversing is kept to a minimum, in line with our contractor H&S guidelines. Meaning that they can navigate the site with ease.

6.9. Hertfordshire Growth and Infrastructure Unit

6.9.1. Response dated 26 March 2021 states:

Based on the information to date for the development of 150 dwellings we would seek financial contributions towards the following projects:

Library Service towards the enhancement of Marshalswick Library (This contribution is based on Table 2 below (index linked to PUBSEC 175)

Youth Service towards re-providing the Pioneer Young People's Centre in a new facility (This contribution is based on Table 2 below (index linked to PUBSEC 175).

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

HCC's standard approach is to request Table 2 of the Toolkit (below) is referred to and included within any Section 106 deed. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

Table 2: Hertfordshire County Council Services planning obligations contributions table

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES Social Rent					FLATS Social Rent		
Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21
Library facilities	£48	£91	£130	£156	£155	£38	£82	£107

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:

www.hertfordshire.gov.uk/planningobligationstoolkit

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

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83). In addition, for education requirements, paragraph 94 of Section 8 of the NPPF states: "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."

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

(ii) Directly related to the development;

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

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

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

6.9.2. Supplementary response dated 16 April 2021:

HCC recognises that the application site falls within the wider North St Albans Broad Location, which at the time of the withdrawal of the Publication Draft St Albans Local Plan in November 2020, was earmarked for a minimum of 1,100 dwellings on a 55ha site. The response submitted to you on 24 March 2021, does not change the need for the wider level of infrastructure that will be needed to deliver this broad location, should a planning application be forthcoming. From an HCC perspective, this includes the need to deliver a new primary school, adult care provision and improvement to the transport network, as set out in the County Council's response to the masterplan consultation and other subsequent discussions resulting from engagement through the planning performance agreement.

6.10. County Highways

6.10.1. No objection subject to the imposition of conditions and informatives, and the completion of a s278 agreement in relation to off site works (this being required buy planning condition).

6.10.2. Note that whilst the main response refers to the package of plans detailing the pedestrian and cycling improvements as well as the access, County Highways has confirmed in a supplementary response that the access plan submitted for approval (19197-004 Rev A) is acceptable in respect of the vehicular access to the site. County Highways has confirmed that all off site works, including carriageway changes outside the red line to facilitate the access, are required and should be

secured prior to occupation by way of planning conditions and a s278 Agreement (see below).

6.10.3. The detailed comments are as follows:

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1: Outline Condition

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, footways; ii) cycleways; iii) foul and surface water drainage; iv) visibility splays; v) access arrangements; vi) parking provision in accordance with adopted standard; vii) loading areas; viii) turning areas.

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

Condition 2: Estate Road Condition

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 3: Surface Water

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No. 19197/002/01 Rev D). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 4: Offsite Works / Mitigation

(Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G) have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 5: Bus Stop Enhancements

No works shall commence until a detailed scheme is submitted to the LPA that shows the bus stop enhancements, including shelters, Kassel kerbing and real time information bus displays must be provided for the NB and SB bus stops opposite the petrol filling station on Harpenden Road. The approved scheme shall be fully implemented prior to first occupation.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 6: Closure of Layby Southern access

The new access to serve the development shall not be constructed until the new turning head to serve No 126A to 132 Harpenden Road as shown in principle on Drawing No. 19197/002/01 REV D has been constructed. The turning space shall permit the entry and exit of both domestic and service motor vehicles in forward gear and shall be retained thereafter.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

Condition 7: Safeguard of Active Travel Access to the East

Prior to the commencement of the hereby approved application, a detailed scheme that safeguards a minimum 4m width area on the east of the site boundary and internal active travel route that leading to the area must be submitted to the LPA for approval. The approved scheme shall then be fully implemented prior to first occupation.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 8: Provision of x2 Active Travel Accesses

No works shall commence until detailed design drawings are submitted to the LPA that show the provision of the two active travel accesses, being:

(1) North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station

(2) South East of the site & footway on Sandridgebury Lane.

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 9: Reinstatement of Keep Clear Markings

No works shall commence until a detailed design drawing is submitted that shows the provision of 'Keep Clear' highway markings provided at the Beech Road / Seymour Road junction. All existing 'Keep Clear' markings on Harpenden Road between the Ancient Briton Signal and the proposed access junction must be reinstated as part of the offsite work / S278 process. Prior to first occupation of the site, the approved scheme shall be fully implemented.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

Condition 10: EV Charging Provision

Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 11: Cycle Parking Provision

Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 12: Construction Management Plan

No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;*
- b. Access arrangements to the site;*
- c. Traffic management requirements*
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*

- e. *Siting and details of wheel washing facilities;*
- f. *Cleaning of site entrances, site tracks and the adjacent public highway;*
- g. *Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;*
- h. *Provision of sufficient on-site parking prior to commencement of construction activities;*
- i. *Post construction restoration/reinstatement of the working areas and temporary access to the public highway;*
- j. *where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.*

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

Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or

other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN5) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at:

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

or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

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

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

AN7) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in

place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

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

OR by emailing travelplans@hertfordshire.gov.uk

Planning Obligations and Agreements

S106 (Town & Country Planning Act 1990)

A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI March 2014) Evaluation and Support Fee must be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance.

Further details of the Travel Plan review can be found under the subsection 'Travel Plan' of this statutory consultee response and informative AN8.

S278 (Highways Act 1980)

A Section 278 agreement will be required between the applicant and HCC. Details of the S278 process is stated above in Informative AN4.

Further details of the offsite works have been detailed under the subsections 'Design Considerations' and 'Mitigation' of this statutory consultee response.

It should be noted that all offsite works are fundamental to make the proposal acceptable in transport terms. All offsite works must be provided by the applicant prior to first occupation in order to mitigate the impact of the proposed development. All offsite works are sought in lieu of a financial planning obligation (except the above Travel Plan Evaluation and Support Fee).

Discussion

The proposals include the demolition of property no. 126 Harpenden Road to provide the access road for the site.

The proposals include a number of offsite highway works to mitigate the impact of the development and will be delivered by the applicant via a S278 agreement (Highways Act 1980). The major parts of the offsite works include:

- A priority 'T' junction with a ghosted right turn lane for the site access;
- A turning head at the southern end of the access and layby to Nos. 126a, 128 and 130 Harpenden Road (including the closure of the southern access);
- A toucan crossing to the north of the proposed site access junction;
- A stepped and shared cycle route along both sides of Harpenden Road between the site access junction and the Ancient Briton signals;
- Extension of shared footway / cycleway on western side of Harpenden Road between the site access junction and the National Cycle Route 6;
- Upgrade the bus stops located on Harpenden Road between the Petrol Filling Station and Ancient Briton signals to provide shelter and Kassel kerbs;
- Upgrade of the Ancient Briton Traffic Signals to provide a cycle gate on the southbound arm of Harpenden Road and a two-stage right turn on all arms;
- Upgrade the existing signal-controlled crossing to a toucan crossing on Harpenden Road near St Albans Girls' School.

The Transport Assessment notes it is the intention for the site to provide the following additional active travel accesses at the detailed design stage:

- A pedestrian and cycle access from the site to Harpenden Road (north of the petrol filling station);
- A pedestrian access on the south east corner of the site to Sandridgebury Lane;

Existing Site Description

The existing site consists of agricultural land and an existing property, no. 126 Harpenden Road.

The site is bound by the Old Albanian Sports Ground and property nos. 152-156b to the north, greenfield land to the east, existing residential properties fronting Sandridgebury Lane to the south, and existing residential properties (nos. 112-150) fronting A1081 Harpenden Road to the west.

Existing vehicular access to the site is via a gated access for agricultural use on Sandridgebury Lane.

Existing access to property No.126 Harpenden Lane is via a layby (of public ownership) with two accesses that link to Harpenden Road. Harpenden Road is a single carriageway Principal A Road (A1081) and is categorised as a main distributor in the HCC Highways Hierarchy. Harpenden Road is subject to a 30mph speed limit from the Texaco PFS southwards.

No Public Rights of Way (PRoW) link through the site. To the west of the site PRoW St Michael Rural 017 links Harpenden Road to Townsend School. To the south west of the site PRoW St Albans City 094 links Harpenden Road to New Greens Avenue, and to the south east of the site PRoW St Albans City 096 links Valley Road to Sandridgebury Lane.

Approximately 100m to the north of the site access, a shared footway / cycleway is on Harpenden Road and leads for the length of the route to Harpenden (National Cycle Network Route 6). Approximately 780m to the south of the site, the St Albans Green Ring cycle route can be accessed. The Green Ring is a continuous cycle route that encircles the city centre and links to a number of schools, employment areas, general amenities and railway stations.

Site History

The site was identified in Policy S6 (vi) 'North St Albans' of the St Albans City & District Draft Local Plan (2018), however, the draft has now been withdrawn.

The site has been subject to three previous applications for a residential development. Most recently the applications 5/2011/2857 (116 dwellings and 72 bed care home) and 5/2012/2713 (85 dwellings) were dismissed at appeal in August 2015. It is noted that the Highway Authority did not raise an objection to applications 5/2011/2857 and 5/2012/2713 subject to the provision of off-site highway works at the Ancient Briton junction.

Both applications included the same access proposal as this application (via the demolition of property no.126 Harpenden and provision of a priority junction).

Design Considerations

Vehicular Access

This outline application seeks approval for the proposed access arrangements.

The proposals shown on Drawing No. 19197/002/01 Rev D include the demolition of property no 126 Harpenden Road to provide the access road for the site. The proposed access is in the form of a priority 'T' junction with a ghosted right turn lane.

Visibility splays of 2.4m x 79m and 2.4m x 43m have been demonstrated from the proposed access on Drawing Nos. 19197/001 Rev – and 19197/002/01 Rev D. This is in-line with the standards contained in Manual for Streets (MfS) and Roads in Hertfordshire: Highways Design Guide which require a minimum (Y) visibility splay of 43m for a 30mph highway. Cycle visibility splays of 2.4m x 17m to the edge of the cycle lane have also been demonstrated.

A swept path analysis (Drawing No. 19197/TK01 REV -) has demonstrated a refuse vehicle of 12.2m length can suitably enter and exit the site access junction.

At the access, the proposals include a 3.0m wide ghosted island right turn lane plus the retention of 3.5m wide running lanes in both directions on Harpenden Road. The internal access road to the site is proposed to be 5.5m width with 2m footways on both sides. These designs are considered suitable.

The access arrangements include the closure of the southern access of the layby that fronts properties 126-132. The Highway Authority have reviewed the ownership and are satisfied that the proposals fall within the highway boundary and will be subject to a S278 agreement. The proposals include a turning area where the existing southern access is located. The Highway Authority have reviewed the proposed changes to the layby and are satisfied with the design shown on Drawing No.19197/002/01 Rev D.

Pedestrian Access

The development proposals shown on Drawing No. 19197/002/01 Rev D includes the provision of 2m width footways on both sides of the access road which will link to the existing footways on Harpenden Road. At the access, tactile paving and a raised table is proposed, which is in line with the design standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The Highway Authority are satisfied with this design

A signal-controlled toucan crossing is proposed to the north of the site access on Harpenden Road. The Highway Authority are satisfied with this design. Footways from the site access will continue to route southwards to the Ancient Briton signals. The proposals include sections of segregated and stepped cycle lanes along the length of the route, yet footways on both sides of the Harpenden Road will remain at a minimum width of 2m, in-line with the standards contained in Roads in Hertfordshire: Highways Design Guide. The pedestrian route southwards on Harpenden Road across Petersfield Road, Sandridgebury Lane, Green Lane and Francis Avenue will be upgraded to include a raised table crossing, designed in line with the standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The cycle infrastructure would increase the width of the bellmouth on Old Harpenden Road. To facilitate safe pedestrian access, a refuge island will be provided.

The proposals include the upgrading of the existing puffin crossing on Harpenden Road near St Albans Girl's School to provide a toucan crossing, as

shown on Drawing No. 19197/002/03 Rev F. The Highway Authority are satisfied with this arrangement.

The Transport Addendum states it is the design intention to provide pedestrian access to the site from two other access points, being:

- North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station (Note: the proposals include the upgrading of the bus stops).

- South East of the site & footway on Sandridgebury Lane:

This route will provide a link from the south of the site to St Albans Girls' School. It is acknowledged that the footway on the northern side of Sandridgebury Lane is of narrow width at points and is subject to vehicle parking. Therefore, the route may not be suitable for mobility impaired users. It is therefore requested by that signs are provided on-site that warn pedestrians of the narrow footway and provides routings for pedestrians to follow through the site to access wider footways on Harpenden Road.

The Highway Authority deem the two intended accesses necessary to mitigate the impact of the site and encourage active travel. Therefore, it is requested by way of planning condition that the accesses are provided and delivered via the S278.

It is also requested by way of planning condition that the pedestrian and cycle corridors are provided and retained on the eastern boundary of the site in order to provide active travel corridors for any possible future development.

Cycle Access

The development proposals are shown on Drawing Nos. 19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G. These show the provision of cycleways on both sides of Harpenden Road that link from the extension of the shared footway / cycleway to NCR 6 to the north of the site to the Ancient Briton junction (approx. distance 880m to the south).

The proposals include a mixture of segregated, stepped and shared off-road cycle routes on both sides of Harpenden Road and a section of on-road routing on Old Harpenden Road. The proposals at the Ancient Briton signals include the provision of a cycle gate on the southbound arm of Harpenden Road, a two-stage right turn on all arms and the provision of priority crossings of cycle tracks at the following side roads: site access road, Petersfield Road, Sandridgebury Lane, Green Lane and Francis Avenue. The design has been based on the standards contained in the DfT's Cycle Infrastructure Design LTN1/20.

The proposals include the upgrading of the existing puffin crossing on Harpenden Road near St Albans Girl's School to provide a toucan crossing, as shown on Drawing No. 19197/002/03 Rev F.

From the point of the proposed toucan crossing near the site access, the footway on the western side of Harpenden Road leading northwards will be widened to provide a 3m width shared footway/cycleway that will link to the existing shared footway / cycleway that forms part of the National Cycle Route 6.

As noted above, all works are to be delivered by the applicant via a S278 agreement and required prior to first occupation in order to mitigate the impact and make the site acceptable in transport terms.

Public Transport Access

The Transport Assessment states that the two bus stops to the north of the application site are proposed to be upgraded to be bus shelters, with raised kerbs (to allow improved accessibility for all users) and associated carriageway markings. The Highway Authority support the upgrade of the bus stops and note real time information bus displays must also be provided. These upgrades will form part of the S278 agreement.

The proposed offsite works shown on Drawing No. 19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev E, 002/04 Rev C, 002/05 Rev C, 002/06 Rev F also include changes to x4 bus stops on the section of Harpenden Road south of the site (NB & SB at St Albans Girls' School and NB & SB at the Ancient Briton).

These changes will form part of the S278 agreement and will all be subject to HCC DDA specifications with Kassel kerbs.

The existing NB and SB bus stops at St Albans Girls' School have real time information boards. The works to these bus stops must ensure the real time information boards are retained.

RSA

A Road Safety Audit Stage 1 with Designers Response has been provided by the applicant. The RSA S1 was undertaken by Acorns Projects Limited in May 2021.

Should the application be permitted, the following problems found in the RSA S1 must be resolved in the RSA S2 and detailed design stage:

- Problem reference 2.2.1;*
- Problem reference 2.3.4.*

It should be noted that all existing street furniture and lighting columns that will be displaced by the initial works must be relocated to reduce conflicts as part of the S278 / detailed design stage. It is also requested at the detailed design stage that directional markings are installed on the cycle route that inform cycle users of the direction of flow.

It will be determined at the S278 stage whether parking restrictions should be provided along the length of carriageway parallel to the proposed cycle routes. The detailed design must include features to prevent vehicles driving on stepped cycleway.

The RSA S1 problem 2.3.3 raised a concern that the proposed changes to the southbound approach of Harpenden Road at the Ancient Briton signals would result in a narrow carriageway for two lanes of traffic. The proposals include the relocation of the traffic signal island approximately 0.5m westwards and has submitted swept path analysis drawings that demonstrate max legal length (16.5m) can route through the junction (Drawing Nos 19197/TK03 Rev A & 19197/TK04 Rev -).

The RSA review raised a concern regarding the potential conflict between southbound cyclists that wish to turn right following motorised traffic at the Ancient Briton Junction. The Transport Assessment

Addendum has clarified that the intergreen period will be extended to provide cyclists with additional time to manoeuvre through the junction.

Internal Highways / Arrangements

The outline application is for all matters other than access to be reserved. The proposed outline application is for up to 150 dwellings. However, it should be noted the schedule of accommodation shown on the illustrative site layout (feasibility layout 04b) is for 132 dwellings.

No detailed plans of the internal layout have been provided at this stage. The internal layout must be confirmed at the reserved matters stage. Turning heads must be provided on all cul-de-sacs that allow a 12.2m length refuse collection vehicle to turn. Refuse collection vehicles must be able to access bin stores / collection points within a maximum 20m drag distance. A fire appliance must be able to access all buildings within 45m maximum distance set out in Manual for Streets.

It should be noted that the Highway Authority will look to adopt the main internal highway / spine road within the site and therefore the designs must be in-line with the standards contained in Roads in Hertfordshire: Highways Design Guide.

Car Parking

The Transport Assessment states that the proposed development will be provided with car parking facilities in line with the St Albans City & District Revised Parking Policies and Standards (2002). The Highway Authority are satisfied with the proposed provision as it is in line with standards. Plans detailing the parking provision must be provided at the reserved matters stage.

The applicant should be aware that HCC declared a climate emergency in 2019 and Policy 5 of HCC LTP4 requires new developments to provide active and passive Electric Vehicles Charging provision.

No details of EV provision have been provided. It is therefore requested by way of condition, to add to the mitigation measures of the site, that all dwellings that have a car parking space are provided with one active EV charging unit. This will encourage the uptake of EVs and reduce the impact to air quality.

Cycle Parking

The Transport Assessment states that cycle parking will be provided in accordance with the St Albans City & District Revised Parking Policies and Standards (2002) which states 1 space per unit if no garage or shed is provided. The Highway Authority recommends this is enhanced to a provision of one space per bedroom as this will support and encourage cycle use.

The location and details of spaces have not been provided. Conveniently located and easily accessible cycle parking are key factors in encouraging the uptake in cycling. The details of the cycle parking must be provided at the reserved matters stage and it is requested by way of condition that the cycle parking is secure, covered and well-lit. It must be designed in line with the best practices set out in Chapter 11 of the DfT's Cycle Infrastructure Design LTN1/20.

Traffic Impact **Trip Generation**

To predict the future trip generation of the site, the Transport Assessment has used total person trip rates derived from TRICs for Houses Privately Owned. The Highway Authority has reviewed the total people trip rates and is satisfied that they are representative and robust.

To calculate the modal splits, the applicant has used the 2011 Census 'Method of Travel to Work' for the St Albans 007A Lower Super Output Area (LSOA). The Highway Authority have reviewed the modal split and are satisfied the selection is representative.

The Transport Assessment has predicted the following vehicle trips:

- AM Peak arrivals 21 vehicles, departures 80 vehicles, total 101 vehicles;*
- PM Peak arrivals 64 vehicles, departures 26 vehicles, total 90 vehicles.*

Distribution and Assignment

The applicant has used the 2011 Census location of usual residence and 'place of work by method of travel to work' for the St Albans 007 MSOA. The Highway Authority have reviewed the distribution and method of assignment and consider it suitable.

It is noted that 6% of vehicle trips have been assigned to Sandridgebury Lane. The Highway Authority does not believe this routing is realistic and should have been assigned to Beech Road. However, as it represents only 6% of vehicle trips (6 vehicles in the AM, 5 vehicles in the PM peak) it is not considered a major issue.

Base Year Traffic Flows

Base year flows have been based on Manual Classified Counts (MCC) dated Thursday 26th January 2017 for the Sandridgebury Lane / A1081 Harpenden Road junction, Green Lane / A1081 Harpenden Road junction, A1081 Harpenden Road / Batchwood Drive / Beech Road (Ancient Briton) junction.

Base year flows for the Site Access / A1081 Harpenden Road junction have been calculated using the movements surveyed for the Sandridgebury Lane / A1081 Harpenden Road junction survey.

Whilst the use of traffic surveys dated over four years old may include a degree of inaccuracy, due to the current Covid-19 pandemic and lockdowns, the Highway Authority consider that the use of surveys submitted are suitable as they will be subject to TEMPro growth factors to account for any background growth.

The Highway Authority have reviewed the TEMPro growth factors and consider them suitable for the 2020 base year flows.

Future Year Flows

The Transport Assessment has used TEMPro growth factors from 2020-2025 to calculate the future year flows. The Highway Authority have reviewed the growth factors and consider them suitable.

It is noted that no committed developments have been included in the future year flows. The Highway Authority are satisfied that this will have been included by the TEMPro growth factors.

Capacity Assessments

The Transport Assessment has included capacity assessments at the following junctions: (1) Site Access / A1081 Harpenden Road, (2) Sandridgebury Lane / A1081 Harpenden Road, (3) Green Lane / A1081 Harpenden Road, (4) A1081 Harpenden Road / Batchwood Drive / Beech Road (Ancient Briton).

(1) Site Access / A1081 Harpenden Road

The model setup is suitable, and the results show the junction will operate within theoretical capacity.

(2) Sandridgebury Lane / A1081 Harpenden Road

The model setup has shown the 'blocks' box as unticked whereas the right-turn does block. The width of the give-way is stated as 10m, the Highway Authority consider this distance more likely to be 8m.

These issues with the model setup are considered minor as 6 trips generated from the site in both peak hours are predicted to route onto Sandridgebury Lane. The model results show the junction will operate within theoretical capacity.

(3) Green Lane / A1081 Harpenden Road

The model setup has shown the 'blocks' box as unticked whereas the right-turn does block. This issue is considered minor as 0 vehicles in both peak hours are predicted to route onto Green Lane.

(4) A1081 Harpenden Road / Batchwood Drive / Beech Road (Ancient Briton)

The capacity assessment has been based on LinSig software. A review of the model setup has shown the flows have been input correctly. The applicant has not provided details of whether they obtained the controller specifications for the junction from HCC. It is assumed the applicant has optimized the model to provide the best results.

The modelling has shown the junction already operates over theoretical capacity in the base 2020 (without development) scenario.

The Transport Assessment Addendum has included an updated LinSig assessment that includes changes to the signal timings (increasing the intergreen period) to accommodate the cycle gate and two-stage right turn arrangement which provide cycles extra time to safely route through the junction.

The capacity assessment results are theoretical and suggest the PRC at the junction will continue to be over capacity and the proposals worsen the operation for vehicles

The theoretical capacity results have shown that in the 2025 AM Peak the PRC at the junction is predicted to worsen from -27% without development to -50% with development. The mean max queue on Harpenden Road north is anticipated to increase from 78 pcus to 130 pcus (+52 pcus), on Beech Road by +56pcus and on Batchwood Drive by +40pcus (The proposals will result in +85 new vehicle trips through the junction in the AM peak hour (i.e. 1.5 vehicles per minute)).

In the PM Peak the PRC is predicted to worsen from -22.6% without development to -53% with development. The mean max queue on Harpenden Road north is anticipated to increase by +5 pcus, on Beech Road by +73pcus,

Harpenden Road south by +50pcus and on Batchwood drive by +47pcus. (The proposals will result in +75 new vehicle trips through the junction in the PM peak (i.e. 1.25 vehicles per minute).

Mitigation

It is acknowledged that the Ancient Briton junction in the base year (without development) operates over theoretical capacity and this will be worsened once the development and cycle infrastructure is introduced. However, the proposals will provide an active travel corridor that significantly enhance the cycling and walking infrastructure which has the potential to mitigate the impact. The Propensity to Cycle Tool, commissioned by the DfT, shows that in the 'Go Dutch' scenario the A1081 Harpenden Road might need to serve 170 people cycle commuting to either St Albans or Harpenden.

The proposals also include enhancements to bus infrastructure along Harpenden Road, including the provision of new shelters (and electric information boards requested by way of condition).

Therefore, the proposals will not only benefit the future residents of the site, and mitigate their impact, but also provide a wider benefit for the local communities, in line with NPPF paragraphs 108a & 110a which notes:

'108a – appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location';

'110a -applications for development should:give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use';

The proposals have been designed in line with design standards contained in the DfT's Cycle Infrastructure Design LTN1/20 that facilitate the use of all types of cycles (i.e. mobility impaired cycles) and also include enhanced crossing facilities to assist in reducing the severance caused by Harpenden Road. This is in line with NPPF Paragraph 110b & c which notes:

'applications for development should:

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport

(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards';

The mitigation proposed, in terms of creating an active travel and public transport corridor on Harpenden Road is in-line with the principles set out in the HCC Local Transport Plan, which notes mitigation in the form of road widening and building is not sustainable as it is environmentally damaging and encourages car use. It is also noted that on average 63% of trips in the county are under five miles, and therefore the proposed cycle, pedestrian and bus infrastructure will encourage a shift away from car use. The proposed cycle route links with the St Albans Green Ring to the south and to the NCR 6 that leads northwards to Harpenden. The proposals are in-line with the HCC LTP Policy 1: Transport User Hierarchy and Policies 7 & 8 Active Travel Walking and Cycling.

It is noted that the capacity modelling has been undertaken on a 'localised' scale for each junction, and therefore the capacity assessment results for each

junction are not linked. The queues shown for the Ancient Briton signals suggest the Mean Max Queue could theoretically be extended and therefore the reinstatement of keep clear line markings on Harpenden Road, Beech Road and Batchwood Drive must be provided as part of the S278. New keep clear markings must be provided at the Beech Road / Seymour Road junction.

As stated throughout this consultee response, all off-site works (i.e. mitigation) must be provided prior to any occupation on site and must be delivered by the development as part of a S278 agreement.

Highway Safety Impact

The Transport Assessment has included a review of personal injury collisions that were recorded over the most recently available five-year period. The data was obtained from Hertfordshire County Council. The review found a number of collisions have occurred on the section of Harpenden Road that will be subject to off-site highway works.

One collision of fatal severity occurred at the Francis Avenue / Harpenden Road junction which involved a quad bike overtaking a vehicle and the same time the vehicle was attempting to turn right into a driveway.

Of the casualties occurred over the five year period, four casualties involved cyclists (three serious and one slight severity). Causation factors included cycles overtaking parked cars, vehicles turning into the path of cycles on Harpenden Road. The proposed mitigation in terms of cycle infrastructure is designed to take cycles off the carriageway and onto the designated stepped, segregated or shared cycle routes.

Sustainability

The site is in a location with an established footway network. Footways and street lighting are located on the A1081 Harpenden Road.

The National Cycle Network (NCN) route 6 is located approximately 100m to the north of the site access towards Harpenden. Approximately 780m to the south of the site, the St Albans Green Ring cycle route can be accessed. The Green Ring is a continuous cycle route that encircles the city centre and links to a number of schools, employment areas, general amenities and railway stations. The nearest bus stops are located on A1081 Harpenden Road approximately 160 m to the north of the site. Both bus stops are provided with timetable information, poles and flags. The stops are frequently served by bus services 321, 361, 653.

As noted in the section above, the all part of proposed mitigation (cycle, pedestrian and bus improvements, S106 Travel Plan) must be provided by the applicant as part of the S278 in order to make the site acceptable in transport terms and in terms of the NPPF's favour for sustainable development.

The mitigation will significantly enhance the existing sustainable travel provisions and enable future residents to travel sustainably.

Travel Plan

The applicant has submitted a Framework Travel Plan. The HCC Travel Plan team have the following comments on the current travel plan which must be addressed before it can be approved:

- *TP requires name and contact details of a Travel Plan Co-Ordinator (TPC) once appointed;*
- *Interim TPC name and contact details should be provided;*
- *The details of a secondary contact need to be provided to HCC, once a TPC has been appointed. Please insert into the TP text saying that “a secondary contact will also be appointed and details provided to HCC”;*
- *TP should include a statement of commitment from developers stating that they are committed to implementing the TP;*
- *The average time per month allocated to TPC role and their frequency on site is required;*
- *It is the developer’s responsibility to oversee the ongoing implementation of the TP. Only if the Residents Association is willing to take on the responsibility should the management of the TP be handed over. This scenario could only occur 5 years post full occupation;*
- *The TPC should also work alongside external partners such as bus and rail companies to increase the travel opportunities of the development;*
- *More walking measures are required – for example - should also include promotion of Hertfordshire Health Walks;*
- *More cycling measures are required – should include the following additional measures – cycle training, Dr Bike (or similar);*
- *Need to mention the provision of high-speed broadband, as measure to enable homeworking and facilitate access to home delivery services, the outcome being a reduction in the need to travel;*
- *It is stated that a revised baseline will be conducted at 50% occupation and that this would be counted as year one monitoring. This is incorrect – year one monitoring would take place the following year;*
- *Surveys should aim to achieve a high response rate, if surveys fail to achieve this HCC would advise on multi-modal traffic counts for the remaining survey periods. Minimum response rates should be agreed with HCC prior to surveys being undertaken;*
- *Surveys should be repeated annually for five years post full occupation;*
- *Review report should be submitted to HCC within 3 months of travel surveys.*

If planning permission is granted, a Travel Plan Monitoring and Support fee of £1,200 per annum for 5 years (£6,000 subject to indexation Retail Price Index March 2014) is required via a S106 agreement.

CTMP

If the application is permitted planning permission, the Highway Authority request by way of planning condition that a Construction Traffic Management Plan is submitted prior to construction. Due to the sensitive location of the development site, a CTMP is needed to mitigate any adverse impact from the development on the operation and safety of the local highway network.

Planning Obligations & Agreements

All offsite works are to be delivered via a S278 agreement. It should be noted that all offsite works are fundamental to make the proposal acceptable in transport terms. All offsite works must be provided by the applicant prior to first occupation in order to mitigate the impact of the proposed development.

A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI March 2014) Evaluation and Support Fee must be secured by Section 106 agreement Under the Town & Country Planning Act 1990 in accordance with Hertfordshire County Council’s Travel Plan Guidance.

Conclusion

The Highway Authority have reviewed the development proposals and does not wish to raise an objection subject to the inclusion of planning conditions, informatives, obligations and agreements.

To make the site acceptable in transport terms and mitigate its impact, all off-site works outlined in this response must be provided by the applicant via an S278 agreement prior to occupation.

6.10.4. Supplementary response dated 08/07/2021 stating that:

On the basis that the location of the access and on-site carriageway and footway design is the same as Drawing No 19197/002/01 Rev D, I can confirm I am content with Drawing No.19197/004 rev A.

All offsite works indicated on Drawing No 19197/002/01 Rev D, including but not limited to the proposed right-turn bay, changes to the layout of the layby to the north, footway / cycleway designs, toucan crossing etc must still be provided as part of the S278 and delivered prior to first occupation.

6.11. Hertfordshire Ecology

6.11.1. Response received dated 24 June 2021 as follows:

The Site is an Ecosite, this does not indicate any assessment of its ecological value but that it is a site for which Hertfordshire Environmental Records Centre has habitat records. The application is also supported by an Ecological Appraisal by Turnstone Ecology (report date November 2020). This also references previous surveys.

Protected species

Sufficient surveys effort has been carried out on the buildings in relation to bats including two bat activity surveys of the building. No evidence of its use by bats was observed. I have no reason to question the methodology or results and advise that bats do not need to be considered as a constraint to works to this building.

The eastern hedgerow contains a large Oak tree with potential for roosting bats, it is understood this is being retained. The boundary vegetation also provides suitable habitat for foraging and commuting bats and Mitigation relating to lighting as recommended in section 4.4.3 of the report by Turnstone Ecology should be followed in full.

Evidence of bird nesting was found within the house, works to this and other suitable nesting habitats as identified within section 4.4.5 need to be carried out according to the recommendations within this section. Reasonable avoidance measures to safeguard reptiles and other species such as hedgehogs and amphibians have also been provided. These should be carried out as best practice. These along with measures for the safeguarding of nesting birds are best secured as a method statements within a CEMP.

*I support the enhancements recommended within the report such as the ten bird boxes, ten bat tubes and two bat lofts as detailed. I advise these are secured by **Condition** with their position and type demonstrated on a **Landscape and Ecological Management Plan**.*

Habitats

The site is described in the report as being an area of semi improved grassland and is classified in the accompanying metric calculation as modified grassland of moderate condition.

On a recent field visit the grassland was found not to be without interest containing 9 Local wildlife site indicator plants some of which, oxeye daisy and meadow buttercup, were dominant in sections. Others such as Lesser stitchwort is found frequently with Common Spotted Orchid being locally frequent within one section of the field. Pyramid orchid and ragged robin are present but rare. In addition to these species of interest, fox and cubs a non-native naturalised species is found across the field and is particularly dominant in a south western section overlapping the area where common spotted orchid is frequent. The overall species diversity within the sward varied being more species-rich to the South East but on average did not exceed 9 species per m² for large sections of the fields.

Given these characteristics the grassland does not meet Local Wildlife Site status and is not a lowland meadow Priority Habitat. I would accept that the grassland overall does not qualify as 'other neutral grassland' within the metric and that the assessment as modified grassland of moderate condition is appropriate.

*The Turnstone report supports recommended by FPCR in 2020 (report not provided) advising that the topsoil from areas of the grassland field with the highest floral diversity should be translocated to proposed areas of greenspace in order to preserve the seedbank prior to development. This should include the areas where orchids were most frequent. I would support this providing the methodology proposed does not lead to further dispersal of alien species such as the fox and gloves plants found on site. I advise that a method statement outlining this procedure is submitted to the LPA for their consideration and secured by **Condition**.*

Biodiversity net gain and compensation

Although a metric calculation has been submitted demonstrating the loss in biodiversity units resulting from the development no equivalent calculation has been provided demonstrating how no net loss or a measurable biodiversity net gain will be achieved.

The proposed development will result in the loss of all of the existing onsite habitats with the exception of the boundary vegetation. The value of this loss in biodiversity units, presently calculated by Turnstone Ecology using the NE biodiversity metric (V2), is 24.46 units. This represents a considerable local loss of semi-natural grassland habitat locally. Although I support measures shown on the landscape master plan such as planting for pollinators and the inclusion of a small meadow area, without any supporting metric calculation it is not possible to assess the degree that these measures compensate for the biodiversity loss. Furthermore, given the density of the proposed development and size of the habitats being removed it is unlikely that full compensation can be achieved within the development site.

Although not mandatory, since the submission of the 2020 Environment Bill there is an increased expectation that major developments should deliver a biodiversity net gain (BNG). If in line with the Environment Bill a 10% BNG is sought, this based on the existing calculation equates to a total of 26.9 biodiversity units. If this cannot be achieved on site, which given the constraints imposed by the proposed lay out is unlikely, then the shortfall will need to be achieved offsite either on suitable land owned by the applicant or through contributions to allow this to be

achieved elsewhere, ideally close to the application site or elsewhere within SADC. In the absence of any identified project, any contributions should be paid to SADC to be retained for a maximum of five years pending the identification of a suitable BNG project. Based on the range of tariffs within the Governments Net Gain Consultation Proposals December 2018. I advise this should be a rate of £12,000 per biodiversity unit with the resulting fund secured via a S106 agreement. Furthermore, the Environment Bill creates the expectation that all biodiversity net gain should be secured by the planning process for a period of 30 years. This would exclude the inclusion any biodiversity measures within green spaces outside of this control and which cannot be guaranteed in the long term through planning, such as private gardens.

6.12. Hertfordshire as Local Lead Flood Authority

6.12.1. Response received dated 16 March 2021 – no objection:

Following a review of the Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020. We can confirm that we have no objection on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The drainage strategy is based upon attenuation pond and discharge into a Thames Water Sewer. We note surface water calculations have been submitted and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 year plus 40% for climate change with 3.43 l/s maximum discharge from the proposed development into the Surface Water Sewer.

The overland flow route should be managed within the proposal for development to ensure that it does not cause flood risk to the proposed development. From the options outlined in the Flood Risk Assessment we would prefer to see the flow route managed with the use of above ground SuDS features as much as is feasible.

As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme, we recommend the following planning conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020 and the following mitigation measures detailed within the FRA.

- 1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.43 l/s during the 1 in 100 year event plus 40% of climate change event.*
- 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in attenuation pond.*
- 3. Discharge of surface water from the private drainage network into the existing Thames Water Surface Water Sewer.*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

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

Condition 2

No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020.

The surface water drainage scheme should include;

- 1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.*
- 2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.*
- 3. The overland flow route through the site should be managed to ensure that it does not cause flood risk to the proposed development.*
- 4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.*
- 5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.*
- 6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

Reason

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

6.13. Herts Valleys Clinical Commissioning Group

6.13.1. *Response received dated 17.03.2021:*

This development of 150 dwellings would result in approximately 360 additional residents.

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

There are also factors, which intensify the impact:

- Firstly, there is a major housing growth planned in the area (according to the previous draft Local Plan) and any capacity that there is, is likely to be exhausted in the near future.*

- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

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

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

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

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

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

Closest practices to the proposed development are:

- *The Lodge Surgery - the main surgery of the Lodge Practice Group, which has a floor area of 407m² and patient list of 20,825 as of 1 April 2020. Circa 11,000 i.e. over 50% of these patients attend the main surgery for appointments. Department of Health’s Principles of Best Practice stipulate that a surgery with 11,000 patients is recommended to have approx. 750 m² NIA (net internal area) of floor space, which is circa 340m² more than this practice currently occupies, therefore demonstrating significant constraint.*
- *Parkbury House Surgery - which has a patient list of 21,283 as of 1 April 2020 and floor area of 675 m².*

According to the Principles of Best Practice a surgery with 21,000 patients is recommended to have 1,100 NIA (net internal area) of floor space, which is equates to over 400 m² of current shortfall.

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

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

150 dwellings x 2.4 = 360 new patients

360 / 2,000 = 0.18 GP (based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)

0.18 x 199m² = 35.82 m² additional space required

$35.82 \times \pounds 5,410$ (build costs including land, fit out and fees) = $\pounds 193,786.20$
 $\pounds 193,786.20 / 150 = \pounds 1,291.91 \sim \pounds 1,290$ per dwelling

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

6.14. Affinity Water

- 6.14.1. Response received 18/02/2021 in relation to 5/2020/3096 and information received that same comments apply to this application. No objection but comments made in respect of the importance of water efficiency, with the following condition recommended:

Prior to works commencing on site, details of how the development will incorporate a mix of rainwater and greywater harvesting, and water efficient fixtures, fittings and landscaping to achieve compliance with the target of 110/litres/person/day must be submitted to the Local Planning Authority for approval. The development will be constructed in accordance with the approved details and maintained in perpetuity.

Reason: To improve that the additional dwellings do not adversely affect the ability to supply water to the area as a whole, and ensure they meet the definition of sustainable development with regard to the efficient use of water, as required by the National Planning Policy Framework and Part G2 of the Building Regulations.

- 6.14.2. Matters in relation to infrastructure connections and diversions were brought to our attention, and these could be added to any grant of planning permission by way of an Informative.

6.15. Thames Water

Response received 24 February 2021 confirming comments in relation to 5/2020/3096 remain the same.

- 6.16. No objection.

6.17. Hertfordshire Constabulary

Response received 5th February 2021 to application 5/2020/3096 with confirmation received 25th March 2021 that they apply equally to 5/2021/0423.

Thank you for sight of this Outline application on which I comment from a crime prevention perspective only. I have read the supplied documentation and I have attended the location to assess the area.

Whilst I have no serious concerns with the intention to develop this area for housing, it would have been helpful if there was some mention of how the homes were to be built with regards security.

The Design and Access statement included the following statement –

This document comprises an overarching Planning Report incorporating Design & Access Statement, prepared in compliance with the guidelines produced by the Commission for Architecture and the Built Environment (CABE).

That same CABE document contains the following advice –

“Statements should demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime. These

may be particularly relevant to address under layout and landscaping themes. Early consultation with police will help identify key issues in your local area, and measures to help address these.”

The only mention of security is in relation to cycle storage, which whilst important is less so than that of humans. In any future documentation I would hope this serious omission is rectified.

I accept this is an outline application, but security should be considered at this stage and it would be helpful if the architect had taken the advice re early consultation.

At this stage I have no constructive comment to add.

6.18. Hertfordshire and Middlesex Wildlife Trust

6.18.1. Response received in objection, dated 15 March 2021, as follows:

6.18.2. *This application does not demonstrate a 'measurable' net gain to biodiversity by utilising the Defra biodiversity metric.*

6.18.3. *This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF and BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved. The following additional information is required:*

6.18.4. *Net gain to biodiversity (habitats) should be adequately and objectively demonstrated by application of the DEFRA biodiversity metric.*

6.18.5. *NPPF states:*

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing 'measurable' net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure 'measurable' net gains for biodiversity.

6.18.6. *The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can*

be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

- 6.18.7. *In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:
'8.1 Making decisions based on adequate information
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:
h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'*
- 6.18.8. *The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and its use is advocated in govt guidance e.g. <https://www.gov.uk/guidance/natural-environment>*
- 6.18.9. *In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score of 10% (the 10% is the net gain) to demonstrate compliance with policy. The full metric excel spreadsheet must be supplied for scrutiny, not a summary. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.*
- 6.18.10. *If the development results in a negative - net loss score, a biodiversity offset must be proposed and endorsed by a legitimate biodiversity offset broker or provider with full establishment, management and monitoring regimes.*
- 6.18.11. *Once the extent of the mitigation, compensation and enhancement measures are established by the Defra metric calculation, they will need to be definitively proposed, so that they can form the basis of a condition. BS 42020 states:
'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'*
- 6.18.12. *A clear indication of all ecological measures that will be delivered by the development must be provided. This could be conditioned as part of the decision by adapting a condition from BS 42020. However, until a Defra metric assessment has been conducted, the character and extent of onsite provision will not be known.*
- 6.18.13. *Until this information has been provided, the application should not be approved.*

6.19. Ramblers Association

- 6.19.1. Response received 11 March 2021 (letter dated 1 March 2021, in objection:

- 6.19.2. *We oppose this application which is for an inappropriate development in the Green Belt*
- 6.19.3. *This site was part of the North St Albans Broad Location in the withdrawn St Albans Local Plan and a draft master plan had reached an advanced stage of development but this has very limited weight with regard to the present application.*
- 6.19.4. *However this broad location may be included in a future Local Plan in which case the master plan will remain relevant. This master plan provides good internal walking routes and better connections with the external world including:*
- *a new connection to the Hertfordshire Way*
 - *restrictions on vehicular use of Sandridgebury Lane and Valley Road*
 - *a new pedestrian crossing on the Harpenden Road*
- 6.19.5. *It is essential that any development of this site follows the master plan sufficiently to guarantee the future integrity of the wider broad location. Therefore if this application is approved we request the council to ensure by appropriate conditions or S106/278 agreements that:*
- a) *The network of footpaths across the boundary to the west and into the wider Broad Location is provided in accordance with the master plan.*
 - b) *Any pedestrian routes which form part of the overall broad location path network and which are not adopted by the highways authority are dedicated as public rights of way. As the two parts of the broad location have different owners and developers this will ensure that these links are permanently available to the residents of both sites and the general public and not just to the occupants of the dwellings on this site.*
 - c) *The potential pedestrian and cycle access points adjacent to the petrol station and via the existing gated access to Sandridgebury Lane are implemented.*
 - d) *The signalised pedestrian crossing is installed to the north of the site access on Harpenden Road.*
 - e) *Where designated cycle lanes and stepped cycle routes are provided along the Harpenden Road the pedestrian footway is never less than 2 metres wide.*

6.20. St Albans and District Footpaths Society

- 6.20.1. Response received 2 March 2021, making the following points in summary:
- Objection – inappropriate development in the Green Belt
 - Notwithstanding this, the network of paths should be capable of linking up with the wider development known as the North St Albans masterplan.
 - Any routes which for part of the cross the network should be dedicated as public rights of way
 - The developer should be required to construct the pedestrian and cycle access points adjacent to the petrol station and via the existing gate on Sandridgebury Lane
 - The Society consider that, as the benefits offered to the community in the Masterplan cannot all be included in this small development, this application should be refused.
- 6.20.2. The St Albans and District Footpaths Society is affiliated to the Ramblers Association. The Ramblers Association submitted a separate representation, making the above points and these following 2 additional points:
- The signalised pedestrian crossing should be installed to the north of the site access on Harpenden Road.
 - Where designated cycle lanes and stepped cycle routes are provided along the Harpenden Road the pedestrian footway is never less than 2 metres wide.

- 6.21. St Albans Civic Society
- 6.22. Response received 13/3/21 making the following points in summary:
- Objection – inappropriate development in the green belt
 - Land is a valuable buffer between St Albans, Sandridge and Harpenden
 - Proposal is premature
 - Sets a dangerous precedent.

7. Relevant Planning Policy

- 7.1. National Planning Policy Framework
- 7.2. St. Albans District Local Plan Review 1994:
- | | |
|-------------|---|
| POLICY 1 | Metropolitan Green Belt |
| 1Site 106 | Nature Conservation |
| POLICY 111 | Archaeological Sites Where Planning Permissions may be Subject to a Recording Condition |
| POLICY 143B | Implementation |
| POLICY 2 | Settlement Strategy |
| POLICY 34 | Highways Consideration in Development Control |
| POLICY 39 | Parking Standards, General Requirements |
| POLICY 40 | Residential Development Parking Standards |
| POLICY 69 | General Design and Layout |
| POLICY 7 | Houses in Multiple Occupation |
| POLICY 74 | Landscaping and Tree Preservation |
| POLICY 7A | Affordable Housing in Towns and Specified Settlements |
| POLICY 84 | Flooding and River Catchment Management |
| POLICY 84A | Drainage Infrastructure |
- 7.3. Supplementary planning Guidance/Documents
 Design Advice Leaflet No 1 – Design and Layout of New Housing
 Affordable Housing SPG 2004
 Revised Parking Policies and Standards January 2002
- 7.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.5. The development plan is the St Albans District Local Plan Review 1994.
- 7.6. The NPPF 2019 is a material consideration.
- 7.7. Paragraphs 212 and 213 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

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

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

8. Discussion

8.1. Principle of development

8.1.1. The statutory development plan is the St Albans Local Plan Review 1994. The National Planning Policy Framework 2019 is an important material consideration.

8.1.2. The land is in the Metropolitan Green Belt, covered by Policy 1 of the Local Plan. The development would be classed as inappropriate development for which very special circumstances must be demonstrated. This policy differs in the detail from the more recent NPPF 2019, but the fundamental policy test remains.

8.1.3. The draft Local Plan 2018 has been withdrawn therefore no weight can be attached to it in decision making. However it may still be appropriate to attach some weight to the evidence base prepared in support of that Local Plan, and to other work carried out pursuant to that plan, depending on the precise circumstances.

8.1.4. A new Local Plan is underway but is at a very early stage. The NPPF in paragraph 48 states that weight can be given to emerging policies, but clarifies this in paragraph 49 as follows (note both a and b need to be satisfied):

49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.1.5. No draft policies for the new Local Plan have yet been produced. No weight can be attached to it in decision making. It is also clear in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no plan for the application to be premature to and because, in any event, the criteria set out in paragraph 49 of the NPPF are not satisfied here.

8.1.6. It is also important to note that the potential outcome of evidence being prepared for the new Local Plan or the likelihood of land being allocated or otherwise as a result of that evidence, must not be prejudged. No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.

8.1.7. This application is before the Council for a decision now. It must be treated on its own merits, and based on relevant policy and material considerations which apply at the time of making the decision.

- 8.1.8. The Council cannot demonstrate a 5 yr supply of land for housing. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.
- 8.1.9. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole.*

- 8.1.10. Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.1.11. Paragraphs 143 and 144 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case:

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

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

- 8.1.12. This means that the proposed development will be unacceptable in principle, unless there are very special circumstances sufficient to clearly outweigh the harm caused, and in this eventuality planning permission should be granted.
- 8.1.13. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF and no additional consideration of the age of the plan as a material consideration is merited.
- 8.1.14. The remainder of this report goes on to consider the harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the text in paragraph 144 of the NPPF, in order to determine whether very special circumstances exist in this case.

8.2. Green Belt - Harm

- 8.2.1. Inappropriate development in the green belt is by definition harmful, and substantial weight should be given to this harm (para 144 NPPF).
- 8.2.2. Paragraph 133 NPPF confirms that:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

8.2.3. The NPPG states:

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

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

Paragraph: 001 Reference ID: 64-001-20190722

- 8.2.4. It is clear that the loss of open Green Belt land would be permanent. The application site is presently completely open, containing no buildings and comprising grass land. This is the spatial element of openness. In visual terms, regard must be had to the LVIA submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. Officers are of the view that the LVIA demonstrates a low level of impact on the perception of open Green Belt countryside to the north and east. This means that whilst there is spatial harm to openness as a result of the proposals, there is no additional harm to openness as a result of the limited visual impact on the openness of the Green Belt.
- 8.2.5. A more detailed discussion of the landscape impacts of the proposals can be found later in this report, although it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.2.6. Harm to the openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant.
- 8.2.7. The assessment of harm to the Green Belt assessment should be set in the context of the five Green Belt Purposes, as set out in paragraph 134 of the NPPF:
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 special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.2.8. As part of the Council's evidence base for the now withdrawn local plan, this site, as part of a much larger parcel of land, was included in the SKM Green Belt review 2013, where it was found to play a role in preventing the merging of St Albans and Harpenden as well as a partial contribution towards safeguarding the countryside

from encroachment, but with limited or no contribution towards checking sprawl or preserving the setting of the historic town.

8.2.9. The wider site was also subject to consideration in the Strategic Housing Land Availability Assessment where it was considered that it should be further assessed for potential housing development for part of the site only.

8.2.10. The next stage was the Draft Strategic Site Evaluation Outcome where the larger site (which was contiguous with the former North St Albans Broad Location), scored “green” across all criteria:

Stage 1

1. Green Belt Review (GBR) evaluation

Stage 2

2. Suitability 3. Availability

Stage 3

4. Unique contribution to improve public services and facilities

5. Unique contribution to enhancing local high quality job opportunities

6. Unique contribution to other infrastructure provision or community

7. Deliverable / Achievable

8. Overall Evaluation

8.2.11. This is all relevant background, however, it relates to a much larger site. It is necessary now to consider and make a planning judgement on the harm to Green Belt purposes of the application site on its own, drawing on the evidence base as a material consideration.

a) to check the unrestricted sprawl of large built-up areas:

8.2.12. The proposed development optimises the use of the site, at a net density of 40 dwellings per hectare assuming a net developable area of 3.3 ha as specified in the application submission. This density is considered appropriate for this type of location, striking a balance between optimising the site and ensuring sufficient space for important elements such as soft landscaping and screening.

8.2.13. So far as is relevant for an assessment against this Green Belt purpose, parameter plans define the extent of built development and show a green buffer around its edges and a larger area of green space in the north east corner which is the highest part of the site.

8.2.14. This contrasts with the information provided for app refs 11/2857 and 12/2713 (Appeals A and B) in the 2015 appeal decision). For these applications, layout and scale was applied for and where plans indicated built development right up to the boundaries of the site with no buffer, and where the Inspector commented this created an intensity of development taking full advantage of the site and which led to unrestricted sprawl.

8.2.15. It is considered that this latest application is materially different, providing a clear buffer between the site and the open countryside, and as a result does not lead to unrestricted sprawl in the same way that previous applications were considered to by the appeal Inspector. It is therefore not considered to represent unrestricted sprawl and there is not considered to be any significant harm to this Green Belt purpose. The harm is instead low to moderate.

b) to prevent neighbouring towns merging into one another:

8.2.16. It is not considered that the development of this site would cause harm to Green Belt purposes in terms of neighbouring towns from merging, as the integrity of the

gap between St Albans and Harpenden and St Albans and Sandridge, would be maintained.

c) to assist in safeguarding the countryside from encroachment:

- 8.2.17. The site is bounded to the south, west and partially to the north by existing residential development. The eastern half of the northern boundary is with the Old Albanians Rugby Club playing fields – an established Green Belt use. In the south east corner, the St Albans Girls School Playing Fields adjoin the site, and these have the benefit of permission for flood lights (ref 5/2020/2217), which is an urbanising feature.
- 8.2.18. It is therefore the eastern boundary which adjoins open countryside, and where encroachment would be most apparent. It is therefore considered that there would be some harm to this Green Belt purpose, but the harm is not significant due to the nature of the north, south and west boundaries and by the green buffer proposed as outlined above. The previous appeal Inspector considered encroachment along with the matter of sprawl. A different assessment is required here for the reasons set out in a) above – i.e. a materially different scheme.
- 8.2.19. Further, as discussed below, the site has an urban edge character. As a result, the proposals would only have a localised effect on the Green Belt. The broad purpose of the Green Belt in this location would remain, and the encroachment into the countryside would not be significant.
- 8.2.20. The harm in this case is considered to be low to moderate.
- 8.2.21. d) to preserve the setting and special character of historic towns
It is not considered that the development of this site would have any impact on the setting and special character of the historic core of St Albans. There is not considered to be any harm to this Green Belt purpose.
- 8.2.22. e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
It is not considered that the development of this site would in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development, and whilst sites may come forward via the new Local Plan, this process cannot be afforded any material right in decision making. There is not considered to be any harm to this Green Belt purpose.
- 8.2.23. In conclusion on Green belt harm, this ultimately is a matter of planning judgement. It is considered that there is substantial harm to the Green Belt by definition, as well as significant harm to openness, and low to moderate harm in relation to encroachment into the countryside and restricting urban sprawl. In line with the NPPF, substantial weight must be afforded to these harms.
- 8.2.24. This report now focuses on the many other considerations which must be taken into account.

8.3. Impact on character and appearance

- 8.3.1. Policy 2 of the St Albans Local Plan Review 1994 seeks to protect and enhance the “essential character” of existing settlement.

- 8.3.2.** The application site is situated on the edge of St Albans, adjoining the existing built up area, with existing residential development to the west, south and part of the northern boundary. The playing fields of the Old Albanians rugby club can be seen to the north, and the playing fields of St Albans Girls school adjoin to the south east, on the other side of Sandridgebury Lane.
- 8.3.3.** The application site is located just behind, and would be accessed from, the main Harpenden Road which is one of the principal routes into St Albans (the main route from the north), and which is serviced by a number of buses.
- 8.3.4.** These characteristics combine to give an urban edge, as opposed to rural, character.
- 8.3.5.** The Site lies within Landscape Area 102 – Ayres End Valleys and Ridges. The 'Strategy and Guidelines for Managing Change' are: Improve and Conserve. The site is not covered by any local or national landscape designations.
- 8.3.6. The submitted Landscape and Visual Impact Assessment demonstrates a low level of impact on the wider landscape and low visibility/impact on the perception of open Green Belt countryside to the north and east. The methodology is in line with Landscape Institute guidelines (GLVIA 3). The viewpoints covered are comprehensive.
- 8.3.7.** A residential development in this location would not be out of keeping with the existing surrounding uses, these being established housing, a school, and a rugby club. Specific issues of residential amenity in relation to adjacent existing residential properties are considered later in this report.
- 8.3.8.** Whilst it is acknowledged that the change to the character and appearance of the area would be significant in terms of the site itself and its immediate surroundings, it is considered that given the conclusions of the LVIA, these impacts would be localised and overall, the essential character of St Albans would be preserved. Overall, officers consider that the harm is limited.

8.4. Landscaping

- 8.4.1. The landscape masterplan indicates that green infrastructure is provided for and linked with existing natural assets trees and hedgerows to be retained. There is space for proposed community growing spaces and allowances for onsite open space provision. Space for nature and the surface treatment of runoff (SuDS) is integrated.
- 8.4.2. The existing native hedgerow with mature trees along eastern and northern boundary is to be retained and reinforced, this will contribute to enhancement of biodiversity and quality of green infrastructure, plus provide screening.
- 8.4.3. The highest and most visually prominent part of the site in the north eastern corner is proposed as open space/children's play area and community growing spaces, demonstrating a response to the site's topography.
- 8.4.4. The views illustrated indicate that existing and new tree planting could achieve reasonable softening and screening in views from open countryside.
- 8.4.5. Vehicular access is solely from Harpenden Road, with the GI green corridor along the eastern boundary linking with Sandridgebury Lane at the southern end of the

site. Safe access along Sandridgebury Lane would need to be resolved at reserved matters stage.

- 8.4.6. There seems to be scope for water sensitive design and integration of SuDS with the landscape scheme/GI elements.
- 8.5. In summary, the proposed approach to landscaping is acceptable, noting that this remains a reserved matter. Suitably wording planning conditions are recommended to guide the scope and quality of landscaping reserved matters.
- 8.6. In relation to trees, there are a number of mature trees on site proposed for retention. The illustrative landscape masterplan indicates that some of these trees could be impacted by the layout. As layout is a reserved matter, it is considered that these issues are resolvable at reserved matters stage, through detailed design of the layout. Planning conditions are proposed to ensure retained trees are protected during construction.
- 8.7. Provision of housing including self-build and affordable housing
- 8.7.1. As noted above, the Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 150 new homes and would provide 40% affordable housing. It is proposed that 5 of the market units would be made available as plots of self-build housing. The Council is currently failing to meet its statutory duty for the provision of plots for self build housing.
- 8.7.2. SADC currently has a housing land supply of 2.5 years from a base date 1 April 2020. It is acknowledged that 2.5 years is substantially below the required 5 years. There is also a clear and pressing need for affordable housing within the District.
- 8.7.3. The provision of housing therefore weighs heavily in favour of the proposals. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Colney Heath (appeal by Canton Limited) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers the very same housing and affordable housing position in the District as applies in relation to the application subject of this committee report. Some data, such as ward specific data is not relevant, but the Council acknowledges that there is pressing need across the District in its entirety. The Council did not contest the data on housing need submitted by the appellant to the Inquiry. The Inspector concluded that:

“49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.”

...

“52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the

appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

...

“54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.”

- 8.7.4. There is no material reason for officers to apply a different weighting to the proposals subject of this officer’s report. The housing situation and the emerging plan situation are the same. There is no reason to think that the site cannot come forward immediately on receipt of full planning permission and significantly boost local supply. Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self build plots.
- 8.8. Illustrative masterplan and parameter plans
- 8.8.1. The application includes extensive reference to the masterplanning process carried out with the Council as part of the work on the then emerging Broad Locations proposed as part of the now withdrawn Local Plan. The applicant contends that this process remains a strong material consideration. In line with 8.1.2 above, officers consider that the evidence produced for the local plan, including studies such as the draft masterplanning work, can still be considered a material consideration, however, because it relates to the withdrawn Local Plan, and has not been considered in detail as part of the local plan examination process, it can only be given limited weight in decision making.
- 8.8.2. The previous masterplanning process, whilst only carrying limited weight in decision making, was collaborative and positive, and produced a draft masterplan that whilst issues remained outstanding, was considered to represent a good quality approach to the development of the wider site, particularly in terms of layout, scale and access. It also ensured that matters such as topography were fully taken into account, which was a criticism of previous proposals. All matters except access are reserved, but parameter plans have been submitted with the application which could be conditioned so as to ensure that reserved matters submissions are in scope with the parameters set at outline stage, to result in a high quality scheme in terms of overall extent of built development, road layout and hierarchy and building height.
- 8.8.3. The key difference when compared with the wider masterplan is the location of the central amenity space, located in the lowest part of the site. As a standalone application, all drainage requirements must be met on site as opposed to in the wider masterplan area. The lowest part of the site forms a natural drainage location and reflects the existing overland flow route. This element of the proposals is considered acceptable in landscape and drainage terms, having regard to consultee responses.
- 8.8.4. The broad approach to layout and scale as defined by the parameter plans is considered acceptable, and will assist the Council in securing a high quality scheme at reserved matters stage. As noted in the landscape section above, they demonstrate that sufficient space is available for green infrastructure within the

site. The parameter plan reflects the site's topography proposing green areas as opposed to built form where the land is highest.

8.8.5. Detailed design considerations, controlled by policies 69, 40 and 74 of the St Albans Local Plan Review 1994 are not relevant to this outline planning application and there is no reason to consider that these policies could not be fully complied with at reserved matters stage.

8.9. Residential Amenity

8.9.1. Some local residents have expressed concerns in relation to residential amenity. Specific concerns have been raised in relation to the existing properties on Harpenden Road, and properties on Petersfield.

8.9.2. It is important to note that layout is a reserved matter. The parameter plans indicating extent of development will include private gardens so it should not be assumed that all of the brown area on this plan will be built form.

8.9.3. Properties on Harpenden Road have very long gardens, and as such it is considered that amenity can be suitably protected at the reserved matters stage, through appropriate boundary treatments.

8.9.4. 19 Sandridgebury Lane has the potential to have a close relationship with properties on the site, however, it is considered that these relationships are capable of being satisfactorily resolved at reserved matters stage when the layout is confirmed.

8.9.5. Similarly in respect of houses on Petersfield, use of appropriate boundary treatment and detailed layout considerations at reserved matters stage would be capable of adequately protecting residential amenity.

8.10. Suitability of location

8.10.1. Notwithstanding the Green Belt status of the site, it is considered that the site is in a suitable and very sustainable location for housing development, for the following reasons:

- a) It is located on the edge of St Albans, the largest settlement in the District with access to all of the shops and services provided by the City.
- b) It is within easy walking distance of local shops and services in New Greens, and slightly further afield on Sandridge Road.
- c) It is located close to schools, including Margaret Wix Primary, Townsend Secondary and St Albans Girls School.
- d) It is within easy reach of Harpenden Road, with the closest bus stops being 160m to the north of the site. Harpenden Road benefits from regular bus services (service 321) to St Albans City Centre and on to Watford, and north to Harpenden and Luton. Carnegie Road, a 7 minute walk away, has further services albeit at a lower frequency, to destinations within St Albans and on to Hatfield and Welwyn Garden City.
- e) The St Albans City Station with its fast, frequent services to London and Bedford is 3.2km (just under 2 miles) from the site, and is served by bus route 653 which operates every 30 minutes Monday to Saturday. The railway station provides fast, frequent services to London and Bedford.
- f) It is within easy cycling distance of the City Centre (and railway station), with off-site improvements to cycling facilities proposed as part of the application (see Transportation and Highways section of this report).

8.10.2. In conclusion, the suitability and sustainability of the location weighs in favour of the proposals. It is considered that moderate weight should be given to this benefit of the proposals.

8.11. Transportation and Highways

8.11.1. Policy 34 of the Local Plan Review 1994 sets out Highways Considerations In Development Control, setting out a number of considerations, all of which are dealt with by County Highways in their consultation response, albeit that response is set in the context of the NPPF and HCC Local Transport Plan 4 2018.

8.11.2. The detailed comments from the County Highways authority are set out earlier in this his report. The Highways Authority does not wish to raise an objection.

8.11.3. In terms of the access arrangements, the County has confirmed it is content with the access applied for as part of the application and shown on plan reference 19197/004 Rev A. As is commonly the case, works to deliver the access are required outside of the red line boundary, along with the associated pedestrian and cycleway improvements. These works are set out on a series of drawings ref 19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G. These plans are located in the two Addendums to the Transport Assessment. These works are necessary to mitigate the impact of the development and to provide a choice of travel by sustainable modes in line with prevailing policy. County Highways has recommended securing delivery of these works by way of pre commencement conditions and s278 agreement, which is considered an appropriate mechanism. This means that the approved plans and the s278 together will deliver the whole suite of on and off site works required.

8.11.4. In summary, the County has confirmed that:

1. The vehicular access to the development is acceptable.
2. Pedestrian access is acceptable subject to the imposition of conditions.
3. Cycle access is acceptable subject to the delivery of the proposed off site works, the detail of which has been agreed, and which are necessary to make the development acceptable.
4. The requirements of the Road Safety Audit have been satisfied, with two matters which it has been agreed can be resolved at reserved matters stage.
5. The Highways Authority is, overall, content with the findings of the Transport Assessment and its Addendums.
6. The site is in a sustainable location.
7. A Travel Plan has been submitted which requires some minor improvements (this can be dealt with by way of a s106 obligation).
8. EV charging points are encouraged – these can be secured by planning condition.
9. A Construction Traffic Management Plan will be needed and can be secured by planning condition.

8.11.5. Turning to parking, the application form and TA indicate provision of 255 spaces based on the illustrative layout, and state that his conforms with SADC Local Plan 1994 parking standards and the Parking SPG 2002. This cannot be confirmed as a matter of fact that this stage, as layout is a reserved matter, and the precise number of residential units on the site is not confirmed (it being up to 150). Parking is therefore part of the “layout” element of reserved matters and should be determined at that time.

8.11.6. In conclusion it is considered that the requirements of Policy 34 (Highways Considerations In Development Control) have been met or can be met at reserved matters stage. There is no evidence to suggest that the requirements of Policies 39 and 40 in relation to Parking Standards cannot be met at reserved matters stage.

8.12. Ecology and biodiversity

8.12.1. The consultation response from Hertfordshire Ecology confirms that the officer carried out a full assessment of the submitted Ecological Appraisal including undertaking a site visit in June 2021.

8.12.2. Hertfordshire Ecology has no raised objection to the proposed development on ecological grounds. The consultation response confirms that the Ecological Appraisal follows an appropriate methodology and there is no reason to question the conclusions. Conditions are recommended to ensure that the recommendations within the report are carried out as part of any proposed development, at the appropriate time. These will be necessary to make the development acceptable in planning terms, in respect of impact on ecology and biodiversity, having regard to policy 106 of the St Albans Local Plan and the relevant provisions of the NPPF.

8.12.3. The applicant has committed to providing a 10% Biodiversity Net gain, either through measures on site, or through off site compensation, the details of which to be confirmed at reserved matters stage and secured through a s106 Agreement. The concerns in relation to this approach from HMWT and others are noted. However, there is recent precedent for this approach in the recently allowed appeal at Bullens Green Lane and it was an approach accepted by the Council during that appeal. This is because the most appropriate time to assess biodiversity loss and gain, and to determine the most appropriate compensation, is when the full details of the proposed development are known.

8.12.4. The NPPF requires compensation for loss of biodiversity (paragraph 175) but does not require net gain, and there is no statutory basis for requiring net gain at this time. Therefore, the commitment to 10% biodiversity net gain counts as a benefit of the proposals, to which it is considered that moderate weight should be applied.

8.13. Drainage and flooding

8.13.1. The Local Lead Flood Authority (Hertfordshire County Council) has confirmed that the submitted drainage and flood risk assessment is acceptable, and has suggested the imposition of planning conditions to secure the final detailed drainage strategy should planning permission be granted.

8.14. Above and Below Ground Heritage

8.14.1. Dealing with below ground heritage first, i.e. archaeology, the District Archaeologist has confirmed that the recommendation should be refusal pending an archaeological investigation and statement, noting that the results may influence the design of the site, As this is an outline application with all matters reserved except access, it is considered there is scope to require such a statement by planning condition, and that the results of the assessment can influence the detailed design at reserved matters stage. There is nothing in the consultation response to suggest that the development is unacceptable in principle

on archaeological grounds, and therefore it is not considered that a reason for refusal would be sustainable in this instance.

8.14.2. Turning to above ground heritage, there are no heritage assets adjoining the site or upon which the development would have a direct impact. A heritage assessment was therefore not considered to be necessary.

8.15. Planning history of site as a material consideration

8.15.1. The site has an extensive planning history, with a number of applications for development having been refused. These are detailed in the planning history section of this report.

8.15.2. It is noteworthy that a number of material considerations have changed since 2015:

1. The housing need position has worsened in the District;
2. The Local Plan has been withdrawn, and the new plan is at a very early stage, no material weight can be applied to it in decision making;
3. The ministerial statement of 2015 which indicated that housing need in itself was unlikely to constitute very special circumstances has been withdrawn from the NPPG;
4. This is a different proposal, which draws upon a previous masterplanning process. Whilst that process has limited weight, officers are of the view that it represented a good quality approach to the masterplanning of this site. Adherence to those principles can be achieved through the use of parameter plans.

8.15.3. Recent appeal decisions of relevance

8.15.4. There are a number of recent appeal decisions within the District and beyond for housing on Green belt land. The applicant has drawn the Councils attention to a number of decisions. These can be material considerations, and weight has been applied to them as appropriate and as set out in this report. Ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations and that has been the approach here.

8.16. Impact on social and physical infrastructure

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

Affordable Housing

1. 40% of the dwellings are proposed to be affordable housing. The Section 106 agreement will set out the detailed tenure information and the overall split between rented and intermediate tenures.

Self-build housing

2. A total of 5 dwellings will be made available as self-build dwellings where the initial owner of the home will have primary input into its final design and layout.

The Section 106 agreement will set out the arrangements for delivery and marketing of the self-build dwellings.

Community/leisure

3. Provision in accordance with the attached tables – to be put towards improvements to the William Bird Pavilion. New Greens.

Net Increase in On-Site Population	
The Council will base its calculations for the net increase in on-site population on the following occupancy rates, which are taken from the latest available information from Hertfordshire County Council.	
Dwelling Size	Occupancy
Dwellings with 1 bedroom	1.5
Dwellings with 2 bedrooms	1.7
Dwellings with 3 bedrooms	2.3
Dwellings with 4 bedrooms	3.0
Dwellings with 5 or more bedrooms	4.0

Table 1: formula for calculating net increase in population from site

Type of provision	(A) Local Standard of Provision	(B) Cost per Square metre ¹	(C) Contribution per person	(D) Total Contribution	Project to which Contribution will be Applied
Leisure and Cultural Services	£82.53 m ² per 1000 population	£3,908 per square metre	£322.72	£TBC*	Improvements to existing provision at William Bird Pavilion.

*total contribution calculated by multiplying the net increase in on site population by the contribution per person.

Youth Services

4. Hertfordshire County Council has requested a contribution towards Youth Facilities in the area, in line with Table 2 below. The timing of payments will be set out in the Section 106 agreement.

Libraries

5. Hertfordshire County Council has requested a contribution towards Library Facilities in the area, in line with Table 2 below. The timing of payments will be set out in the Section 106 agreement.

Table 2: Hertfordshire County Council Services planning obligations contributions table

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES Social Rent					FLATS Social Rent		
Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21
Library facilities	£48	£91	£130	£156	£155	£38	£82	£107

*uses an assumed relationship between bedrooms and habitable rooms

All figures are subject to indexation and will be indexed using the PUBSEC index base figure 175

Open Space

6. Open space and play space is proposed within the development, the delivery of which is secured by condition. The Section 106 agreement will cover the timing of the provision and arrangements for ongoing maintenance/management.

Highways/Sustainable Transport

7. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum (index linked RPI March 2014) Evaluation and Support Fee must be secured by Section 106 agreement Under the Town & Country Planning Act 1990 in accordance with Hertfordshire County Council's Travel Plan Guidance.

Health Services

8. The NHS Herts Valleys Clinical Commissioning Group has requested a contribution towards the provision of GP services in the area. A contribution of £193,786.20 (£1,290 per dwelling) will be included within the Section 106 agreement.

Biodiversity Net Gain

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

Legal costs

The applicant agrees to pay the reasonable legal costs of the District Council and the County Council in connection with the preparation, negotiation and completion of the Section agreement.

8.16.2. It should be noted that as per their consultation response, Hertfordshire County Council as Local Education Authority are not seeking a financial contribution towards primary or secondary education in this instance.

8.17. Other matters raised by objectors/in consultation responses

8.17.1. Most of the issues raised in representations have already been covered in this report. Those that have not been are set out below.

8.17.2. Air quality: The proposed development is not predicted to exceed air quality objectives in terms of additional traffic on existing or new roads, and the location of the proposed dwellings is not likely to expose occupants to high levels of pollutants.

8.17.3. The demolition/construction phase will cause dust, and therefore the applicant should provide a dust report – this can be secured by way of a planning condition.

8.17.4. Potential Impact on Rights of Way – this is an issue for the reserved matters stage as it relates to the layout.

8.17.5. Loss of Agricultural land – the applicant states that the land has not been farmed for more than 20 years, and there is no evidence to the contrary. It is not considered that a reason for refusal in relation to loss of agricultural land would be sustainable in this case. The loss of agricultural land is not, in any event, considered to be significant.

- 8.17.6. Validity of application – officers have reviewed the submitted documentation and are satisfied the application is valid.
- 8.17.7. Accuracy of report – the accuracy of some reports has been queried by third parties. No statutory consultees have raised any concerns in relation to this. Some reports, such as the Planning Statement, put forward arguments that officers may or may not concur with. This forms part of the overall consideration of the application in the usual way.
- 8.17.8. Covid/Brexit impacts – it is not possible to quantify or apply weight to these issues in terms of how they may impact on how much land is developed and where in the context of this planning application which is with the Council for decision now. These issues can only properly be considered through the new Local Plan to which no weight can currently be applied in decision making.
- 8.17.9. Disruption during construction – it is acknowledged that there will inevitably be impacts during construction. However, it is considered that these can be mitigated by way of conditions requiring a construction traffic management plan and a construction environmental management plan. A condition in relation to dust is also recommended.
- 8.17.10. 132 dwellings shown on illustrative plan – some objectors have expressed concern about the illustrative plan showing 132 dwellings, this is not an issue in itself, as layout and scale are reserved matters and the illustrative plan is for information rather than approval. The description of development is for “up to” 150 dwellings. Officers are content that the information provided with the application allows a full assessment of the impacts of up to 150 dwellings to be considered.
- 8.17.11. Energy - compliance with building regulations – electricity supply for car charging: these are important matters, however, this outline planning application must be determined against prevailing policy and material considerations appropriate to the outline stage. It will be for the developer to obtain building regulations certification at the appropriate time and to ensure that utility supplies are sufficient. If further physical infrastructure requiring planning permission is required to support this, this can be included at the reserved matters stage or by way of stand alone planning application(s).
- 8.17.12. Precedent – very limited weight is given to the risk that approval would set a precedent for future development. Precedent is only a material consideration if there is evidence in one form or another that granting planning permission would encourage other similar proposals which would then be difficult to resist. The recommendation for approval here is based on the particular facts of this case, which will differ from other future applications. As it was put by the Colney Heath appeal Inspector:

“Rarely will any other appeal decision provide an exact comparison to another situation. In some of the cases referred to, there are similarities in the size and scale of the proposal, in other cases there are entirely different planning policy positions, housing supply considerations, land use considerations, locational characteristics, main issues and other factors which have been weighed in the balance. Furthermore, it remained common ground that each appeal should be considered on its own merits as is the case here. It is for the decision maker in each case to undertake the planning balancing exercise and as a result, the weight I have attached to these other appeal cases is limited”

8.18. Planning Balance

- 8.18.1. An assessment of the planning balance, in the context of paragraphs 11 and 144 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgements based on the merits or otherwise of each individual case.
- 8.18.2. Taking the development plan first, compliance with the most important policies of the St Albans Local Plan Review 1994 needs to be considered.
- 8.18.3. Policy 1, Green belt, requires that very special circumstances are demonstrated for inappropriate development to proceed, mirroring the NPPF. This requires the harms and benefits of a scheme to be weighed up, and this is dealt with below.
- 8.18.4. Policy 2, Settlement Strategy, seeks to direct development to the main towns, and seeks to protect and enhance the essential character of existing settlements. In accordance with the analysis set out in this report, the impacts of the development must be seen in the context of this site having an “urban edge” character, and in the context of those impacts being considered to be localised. There is not considered to be a significant impact on the essential character of St Albans as a result of this development, albeit officers do not consider there is evidence to show its character will be enhanced by the development. There is therefore some minor conflict with Policy 2.
- 8.18.5. As noted above, the requirements of Policy 34, Highways Considerations in Development Control, have been complied with.
- 8.18.6. Policies 69, 70 and 74 deal with matters that have been reserved as part of this outline application. The submission of parameter plans provide comfort that the requirements of those policies can be met at reserved matters stage.
- 8.18.7. In terms of other material considerations, the NPPF is highly material
- 8.18.8. Paragraph 144 advises:
When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.18.9. This report has identified significant harm, to the Green Belt by definition of inappropriate development, significant harm in relation to openness and low to moderate harm in relation to encroachment into the countryside and restricting urban sprawl. This harm carries substantial weight in line with paragraph 144 of the NPPF.
- 8.18.10. In terms of other harms, there is limited harm to character and appearance as noted in this report. Aside from this, there is not considered to be any additional material harm arising from the proposals. All technical issues have been resolved and there are no objections from statutory consultees that cannot be resolved by way of planning conditions, s106 Agreements or which are for the reserved matters stage. The development is in a sustainable location for housing. The submitted parameter plans ensure that the detailed reserved matters will be in keeping with a masterplan approach which has previously been considered acceptable by officers. There will potentially be some harm to amenity during construction, these can be mitigated via the construction traffic management plan

and are not considered in themselves to warrant a reason for refusal. There is some minor conflict with Policy 2 of the Local Plan 1994 as noted above.

8.18.11. Turning to the “other considerations” which weigh in favour of the proposals, as this report has indicated, the delivery of market and affordable housing are both afforded very substantial positive weight. The provision of self-build is given substantial positive weight. The commitment from the applicant to deliver 10% biodiversity net gain on the site is afforded moderate positive weight. The site is located in a highly sustainable location, and this benefit is given moderate positive weight. The accordance with the masterplanning process is given limited positive weight.

8.18.12. In addition to the above, the applicant has stated that the age of the local plan and the need for green belt releases to include the application site as very special circumstances. In response:

- a) the fact the plan is out of date is covered by the NPPF and the triggering of paragraph 11. One of the consequences of the age of the local plan is the lack of a 5 year housing land supply, which is taken into account in the weight attached to the delivery of housing. To apply additional weight to the age of the local plan in itself would be double counting. No additional weight is applied to this factor.
- b) as noted earlier in this report, no weight can be attached to the emerging Local Plan and it would be wrong to seek to prejudge the outcome of evidence being prepared to support that emerging plan. No weight is therefore attached to the suggested need for green belt releases to include the application site.
- c) The applicant cites economic benefits and investment in infrastructure as additional benefits of the development. The infrastructure comprises the off-site cycle lane, which is considered necessary to make the development acceptable in planning terms rather than being an added benefit. The economic benefits would apply to any scheme of this scale and are not considered to constitute a particular benefit of this proposed development.

8.18.13. Each application for planning permission is unique and must be treated on its own merits. In this particular case, it is considered that as a matter of planning judgement, the “other considerations” set out above do clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 144 of the NPPF, it follows that very special circumstances exist. As such, although there is some minor conflict with Policy 2 of the St Albans District Local Plan Review 1994, the proposal would accord with the National Planning Policy Framework 2019 and planning permission should be granted.

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

9.1.1. As noted in this report.

10. Reasons for Grant

10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the green belt and any other harm is clearly outweighed by other considerations (paragraph 144 NPPF 2019). In this case, the harm relates to harm to the green belt, limited harm to character and appearance, and some harm to amenity during construction. There is limited conflict with the most important

policies of the development plan (St Albans Local Plan Review 1994). The benefits include the provision of housing, self build housing and affordable housing, and the commitment to 10% biodiversity net gain. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 Agreement.

RECOMMENDATION:	Resolution to Grant Conditional Planning Permission Subject to Completion of S106 Agreement	Decision Code: A1
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A. That the applicant, within three months of the date of this committee meeting, enter into a legal agreement, pursuant to s106 of the Act in relation to the provision of: 40% Affordable Housing Provision; 5 Self-build dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services, 10% Biodiversity Net Gain.

B. That Planning Permission be GRANTED subject to conditions.

C. And in the event that the S106 agreement is not completed within 3 months of the date of this committee resolution, grant officers delegated authority to refuse planning permission for the following reason:

In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: 40% Affordable Housing Provision; 5 Self-build dwellings; Leisure Contribution towards William Bird Pavilion; Youth Contribution; Library Contribution; Management of Open Space; Travel Plan; Contribution to Health Services; 10% Biodiversity Net Gain the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2018, and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

11. Conditions

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

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

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

REASON: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan reference 1956/P/101; Site Access reference 19197/004 Rev A.

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

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans: Parameter Plan 01: extent of Development; parameter plan 02: Road Structure; Parameter Plan 03: Building Heights

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

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

REASON: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

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

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

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

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

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

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

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

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

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

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

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

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

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

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, footways; ii) cycleways; iii) foul and surface water drainage; iv) visibility splays; v) access arrangements; vi) parking provision in accordance with adopted standard; vii) loading areas; viii) turning areas. The proposed development shall be carried out in accordance with the approved details.

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

12. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets

within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No. 19197/004 Rev A). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan review 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

15. No works shall commence until a detailed scheme is submitted to the LPA that shows the bus stop enhancements, including shelters, kassel kerbing and real time information bus displays must be provided for the NB and SB bus stops opposite the petrol filling station on Harpenden Road. The approved scheme shall be fully implemented prior to first occupation.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

16. The new access to serve the development shall not be constructed until the new turning head to serve No 126A to 132 Harpenden Road as shown in principle on Drawing No. 19197/002/01 REV D has been constructed. The turning space

shall permit the entry and exit of both domestic and service motor vehicles in forward gear and shall be retained thereafter.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan.

17. Prior to the commencement of the hereby approved application, a detailed scheme that safeguards a minimum 4m width area on the east of the site boundary and internal active travel route that leading to the area must be submitted to the LPA for approval. The approved scheme shall then be fully implemented prior to first occupation.

REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 34 of the St Albans Local Plan, Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

18. No works shall commence until detailed design drawings are submitted to the LPA that show the provision of the two active travel accesses, being:

(1) North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station

(2) South East of the site & footway on Sandridgebury Lane.

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

19. No works shall commence until a detailed design drawing is submitted that shows the provision of 'Keep Clear' highway markings provided at the Beech Road / Seymour Road junction. All existing 'Keep Clear' markings on Harpenden Road between the Ancient Briton Signal and the proposed access junction must be reinstated as part of the offsite work / S278 process. Prior to first occupation of the site, the approved scheme shall be fully implemented.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan Review 1994 Policy 5 of Hertfordshire's Local Transport Plan.

20. Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

21. Prior to the approval of reserved matters pursuant to the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in

writing by the Local Planning Authority. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

22. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

23. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate all of the relevant recommendations in Section 4 of the Turnstone Ecological Appraisal dated November 2020.

REASON: to comply with the requirements of Policy 106 of the St Albans Local Plan Review 1994 and the NPPF 2019.

24. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. A public engagement strategy should also be produced. All works shall be carried out and completed in

accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

25. Following the completion of the fieldwork and the post-excavation assessment in Condition 24, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 24. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

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

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

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

(i) a desktop study has been completed satisfying the requirements of condition 26 above;

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

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

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

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

28. The results of the site investigation and the detailed risk assessment referred to in Condition 27, shall be used to prepare an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person prior to the commencement of any other works.

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

29. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 28 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

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

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

32. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020 and the following mitigation measures detailed within the FRA.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.43 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in attenuation pond.
3. Discharge of surface water from the private drainage network into the existing Thames Water Surface Water Sewer.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants, to comply with the NPPF 2019.

33. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020.

The surface water drainage scheme should include;

1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. The overland flow route through the site should be managed to ensure that it does not cause flood risk to the proposed development.
4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future users. To comply with the NPPF.

34. Prior to works commencing on site, details of how the development will incorporate a mix of rainwater and greywater harvesting, and water efficient fixtures, fittings and landscaping to achieve compliance with the target of 110/litres/person/day must be submitted to the Local Planning Authority for

approval. The development will be constructed in accordance with the approved details and maintained in perpetuity.

REASON: To improve that the additional dwellings do not adversely affect the ability to supply water to the area as a whole, and ensure the meet the definition of sustainable development with regard to the efficient use of water, as required by the National Planning Policy Framework.

35. A noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the car wash process or any mechanical extract plant (e.g. refrigeration/air conditioning plant/etc) at the adjacent petrol station, are likely to give rise to excessive noise at the proposed new dwellings. The rating level of any noise from the plant/machinery/equipment from the adjacent petrol station shall not exceed the background sound level at the nearest proposed dwellings. Where additional measures are required to ensure noise from the petrol station does not exceed the background noise level, then a noise mitigation scheme shall be submitted to and approved in writing and implemented prior to the occupation of any of the units.

REASON: To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

36. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development.

Where identified to be necessary, a scheme for noise mitigation including sound insulation measures to be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms, shall be submitted to and approved in writing, and implemented prior to the occupation of any of the units.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

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

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

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

REASON: To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

37. . Open space shall be provided on site in accordance with the requirements of Policy 70 of the St Albans Local Plan Review 1994. No development shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

REASON: To comply with the requirements of Policy 70 of the St Albans Local Plan Review 1994.

38. The site is considered a “High Risk Site” for dust and a Dust Management Plan is recommended incorporating a number of specific mitigation measures based on the site-specific risks as per the IAQM guidance (outlined from page 40 in the submitted Hawkins AQ report Nov2019).

REASON: to ensure the impacts during the construction phase are appropriately mitigated, to safeguard local air quality and residential amenity, to comply with the relevant provisions of the NPPF.

12. Informatives:

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

Document/plan	Date submitted
Site location plan	10/02/21
Indicative layout	10/02/21
Parameter plan – Access routes	02/06/21
Parameter plan – Development zones/open space	02/06/21
Parameter plan – Building heights	02/06/21
Planning Statement	18/12/21
Planning Statement addendum	02/06/21
Section 106 draft Heads of Terms	02/06/21
Access plan – 19197-004A	02/06/21
Transport Assessment	18/12/21
Framework Travel Plan	18/12/21
Stage One Road Safety Audit	02/06/21
Designer’s Response to Stage One Road Safety Audit	02/06/21
Highways and Transport Addendum	29/06/21
Highways and Transport Addendum II	29/06/21
Noise report	18/12/21
Flood Risk Assessment	18/12/21
Utilities Assessment	18/12/21
Arboricultural report and Tree Protection Plan	18/12/21
Air Quality Assessment	18/12/21
Ecological Appraisal	18/12/21
Biodiversity metric letter and calculations	02/06/21

2. Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.
3. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
4. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx
5. Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
6. Contaminated Land: Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site. Contaminated Land. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.
7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
9. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

10. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
11. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
12. Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
13. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.
14. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and->

[pavements/business-and-developer-information/development-management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

15. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the [the County Council's website](https://www.hertfordshire.gov.uk) at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	Ruth Ambrose
Section 65 Parties	Mr & Mrs J W Shreeves, 8A Churchill Road, St Albans, AL1 4HQ. Hertfordshire County Council (Highways), Pegs Lane, Hertford, SG13 8DQ.
Plans on website	https://www.stalbans.gov.uk/view-and-track-planning-applications