

REGISTERED NUMBER:	5/2022/0267/LSM
APPLICANT:	Mr R Martin M Scott Properties Ltd
PROPOSAL:	Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure - AMENDED & ADDITIONAL INFORMATION
SITE:	Land Between Caravan Site and Watling Street Park Street St Albans Hertfordshire
APPLICATION VALID DATE:	18/02/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	N/A
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Park Street

RECOMMENDATION	<p>A. That the applicant, within six months of the date of this committee meeting, enters into a legal agreement pursuant to S106 of the Act in relation to the provision of:</p> <ul style="list-style-type: none"> • 40% Affordable Housing Provision • 5% Self-Build and Custom Housebuilding Plots Provision • Primary Education (expansion of Killigrew Primary School) • Secondary Education (expansion of Marlborough School) • Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspeare School) • Youth Service (re-provision of St Albans Young People's Centre) • Library Service (increasing capacity of St Albans Central Library) • Sustainable Transport Contribution • County Council Monitoring Fee • Open Space Provision • Biodiversity Onsite Compensation Scheme
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B. That conditional outline planning permission be granted.

C. That the application be referred to the Secretary of State as a Departure from the Development Plan (Green Belt development)

D. That in the event that the S106 agreement is not completed within six months of the date of the 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 and Custom Housebuilding Plots Provision, Primary Education (expansion of Killigrew Primary School), Secondary Education (expansion of Marlborough School), Special Educational Needs and Disabilities (delivery of new severe learning difficulty school places through the relocation and expansion of Breakspere School), Youth Service (re-provision of St Albans Young People’s Centre), Library Service (increasing capacity of St Albans Central Library), Sustainable Transport Contribution, County Council Monitoring Fee, Open Space Provision, Biodiversity Onsite Compensation Scheme; 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.”

E. In the event that six months from the date of the committee resolution elapses, but significant progress has been made on the S106 agreement, that an extended period may be agreed between the Development Manager and the Chair of the Planning (Development Management) Committee, to allow for the S106 Agreement to be completed and the decision notice to be formally issued.

1. Reasons for Call in to Committee

- 1.1. Former Councillor Richard Curthoys called-in this application for the reasons set out below. Whilst the application was called-in under the Council's previous scheme of delegation, the call-in nonetheless remains valid.

"The site lies entirely within Green Belt and represents nearly the entire separation space between St Albans and Park Street, along the line of Watling Street. The proposed development would therefore affect many residents in Park Street, so should be considered carefully by committee, to determine whether it meets the 'very special circumstances' requirement for building in the Green Belt and whether the application is in a 'sustainable location'. The proposed site borders land owned by SADC under HM Land Registry title number HD487901. The proposed site was one of the locations put forward by the land owner in a recent 'call for sites' in relation to the works on the emerging strategic local plan and is in the green belt. As this is site in the Green Belt and will affect many residents in Park Street 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 the necessary 'very special circumstances' exist to permit building in the Green Belt. Policies 1 (Metropolitan Green Belt), 2 (settlement strategy) 8 (affordable housing in the Metropolitan Green Belt) 69 (general design and layout) and 70 (design and layout of new housing) of the St Albans District Local Plan Review 1994 need consideration.

I have not predetermined this application"

- 1.2. In any event, the application is reported to committee for determination as the application raises District-wide implications.

2. Relevant Planning History

- 2.1. At the planning application site:

5/1977/0676 – Agricultural Dwelling (outline). Refused on 25/11/1977 for the following reason:

"The site is within the Metropolitan Green Belt as defined in the approved County Development Plan and as similarly identified in Hertfordshire 1981 Planning Objectives and Policies, where it is the policy of the District Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes or unless there is some quite outstanding reason why permission should be granted. It is considered that no such need has been proved. Furthermore, the proposed development does not comply with Policy 2 of submitted County Structure Plan Written Statement which states that it is the District Planning Authority's policy to retain a Green Belt extending over the whole of the County wherein there is a general presumption against development which will only be accepted, whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned"

- 2.2. Adjacent to the planning application site:

5/2014/0316 - Land Off Of, Old Orchard, Park Street, St Albans - Outline Application (all matters reserved) - Erection of 10 detached dwellings – Refused on 08/05/2014 for the following reasons:

1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is inappropriate development in the Metropolitan Green Belt and would be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt. This is contrary to the provisions of the National Planning Policy Framework (March 2012) and Policy 1 (Metropolitan Green Belt) and Policy 2 (Settlement Strategy) of the St Albans District Local Plan Review 1994. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances are apparent in this case.

2. By reason of the loss of hedgerow and trees, and the lack of scope for substantial planting along the rear boundary of the site, the proposal would fail to respect its setting in the Metropolitan Green Belt and Watling Chase Community Forest, or existing landscape assets. The proposal is therefore contrary to the National Planning Policy Framework, March 2012, and Policy 1 (Metropolitan Green Belt) and Policy 74 (Landscaping and Tree Preservation) of the St Albans District Local Plan Review 1994.

3. In the absence of a completed and signed S106 legal agreement to provide for leisure and open space provision, sustainable transport measures, primary education, secondary education, nursery education, childcare, youth, libraries and fire hydrants, the infrastructure needs of the development would not be met and the impact of the proposal would not be mitigated. The proposal is therefore contrary to the National Planning Policy Framework, March 2012, and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.

Appeal subsequently dismissed (APP/B1930/A/14/2228339) on 28/01/2015.

2.3. Other applications:

St Stephens Green Farm, Chiswell Green Lane

5/2021/3194 - Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions. Refused Planning Permission on 25 October 2022 for the following reasons:

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special

Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; 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, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal decision pending.

Land South of Chiswell Green Lane

5/2022/0927 - Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements. Refused on 06/12/2022 for the following reasons:

1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances 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, the St Stephen Parish

Appeal decision pending

Bullens Green Lane

5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath St Albans AL4 0FU - Additional documents omitted from original submission - Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works- no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission for the following reasons:

- 1. The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.*
- 2. The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.*
- 3. It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.*
- 4. Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.*
- 5. The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.*
- 6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.*

7. *Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms of the impact of the proposal on the historic environment cannot be made and, consequently, the proposal would be contrary to Policy 111 of the St Albans Local Plan Review and the National Planning Policy Framework 2019.*

8. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; 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 2019, and Policies 7A and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the Council's Affordable Housing Supplementary Planning Guidance.*

Appeal allowed – 14 June 2021.

Harpenden Road

5/2021/0423 - Land To Rear Of 112-156B Harpenden Road St Albans Hertfordshire - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.

Burston

5/2020/3022 - Land To Rear Of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire - Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works. Refused on 26 May 2021 for the following reasons:

1. *The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.*

2. *The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important*

house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.*

3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.

Appeal allowed – 31 January 2022.

Orchard Drive

5/2021/2730 - Land Off Orchard Drive Park Street St Albans Hertfordshire - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works. Conditional Permission granted 21/06/2022

3. Site Description

- 3.1. The application site consists of a broadly triangular parcel of land, extending to around 4.5 hectares, located to the west of Watling Street and to the north of Old Orchard. The site is mainly adjacent to residential properties to the east and south, whilst open fields mainly lie to the west of the site beyond existing trees. Watling Street Caravan Park and an electricity substation lie beyond the north eastern boundary of the site, whilst a petrol station is opposite the site's north western most point. The site principally slopes down from Watling Street towards the fields west of the application site. The site is currently used for agricultural purposes and is sited within the Metropolitan Green Belt.

4. The Proposal

- 4.1. Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure
- 4.2. An amended parameter plan (ref: PP-01 Rev F) was received in June 2023, which made a minor amendment to the northernmost active travel access point into the site, to be consistent with other submitted drawings/information. No re-consultation

was therefore considered necessary, noting the considerations at Paragraph 6.16 of the Council's current Statement of Community Involvement.

5. Representations

5.1. Publicity / Advertisement

Publicity:	03/03/2022, 16/06/2022, 29/11/2022	Expiry Date	26/03/2022, 09/07/2022, 20/12/2022
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5.2. Adjoining Occupiers

5.2.1. In addition to neighbouring occupiers being notified of the application by post, site and press notices were used to advertise the application. The application has been formally advertised on three occasions.

5.2.2. In respect of the first round of consultation, responses objecting to the proposed development were received from: 192 Watling Street; 186 Watling Street; 214 Watling Street; 17 Seaman Close; 10 Mount Drive; 228 Watling Street; 9 The Rise; 18 Seaman Close; 1 Magnolia Close; 90 Radlett Road; 38 Frogmore Home Park; 218 Watling Street; 6 Station Terrace; 6 Pilgrim Close; 205 Cell Barnes Lane; 21 Mount Drive; 12 Branch Road; 2 Cardinal Place; 2 Falcon Close; 54 Spooners Drive; 37 Park Street; 12 The Rise; 19 Penn Road; 216 Watling Street; 1-2 Park Street Lane; 6 Brinsmead; 167 Watling Street; 12 Old Orchard; 10 Old Orchard; 9 Old Orchard; 1 How Wood; 31 Old Orchard; 44 Park Street Lane; 180 Watling Street; Flat 1 Chequer Street; 23 Mount Drive; 29 Old Orchard; 17 Old Orchard; 160 Tippendell Lane; 446 Mount Drive; 238 Watling Street; 14 Old Orchard; 116 Tippendell Lane; 2 Old Orchard; 2 Mount Drive; 70 Beaumont Avenue; 7 The Rise; 139 Watling Street; 34 Burston Drive; 124 The Old Coach House; 11 Mount Drive; 9 Mount Drive; 1 Old Orchard; 1 Penn Road; 3 Hawfield Gardens; 199 Mount Pleasant Lane; 6 Watling View; 40 Butt Field View; 17 Pilgrim Close; 4 Old Orchard; 17 Hawfield Gardens; 131 Watling Street; 13 Applecroft; 1B The Rise; 3 Penn Road; 3 The Rise; 6 Mount Drive; 4a Mount Drive; 41 Mount Drive; 104 Tippendell Lane; 190 Watling Street; 21 Old Orchard; 8 Old Orchard; 143 Watling Street; 198 Watling Street; 10 Hawfield Gardens; 21 Seaman Close; 27 Mount Drive; 1A Hawfield Gardens; 19 Old Orchard; 124A Watling Street; 133 Watling Street; 28 Forge End; 32 Mount Drive; 6 Old Orchard; 64 Orchard Drive; 49 Burston Drive; 151 Watling Street; 159 Watling Street; 39 Mount Drive; 200 Watling Street; 31 Abbey Drive (Abbots Langley); 5 Mount Drive; 14 Hawfield Gardens; 174 Tippendell Lane; 115 Watling Street; 5 Old Orchard; 33 Meadway; 16 Old Orchard; 7 Old Orchard; 114 Tippendell Lane; 141 Watling Street; 194 Watling Street; 1 Caravan Site Watling Street; 10 Caravan Site Watling Street; 4A Hawfield Gardens; 9 Seaman Close; 188 Watling Street; 28 Old Orchard; 2 Coopers Mews (Watford); 11 Seaman Close; 102 Gallows Hill Lane; 1 Seaman Close; 1 Maplefield; 123 Watling Street; 35 Seaman Close; 19 Seaman Close; 31 Seaman Close; 161 Watling Street; 135 Watling Street; 23 Old Orchard; 5 Hawfield Gardens; 22 Old Orchard; 15 Old Orchard; 30 Old Orchard; 20 Old Orchard; 208 Watling Street; 17 The Leys; 278 Watford Road; 29 Mount Drive; 27 Old Orchard; 92 Tippendell Lane; 46 Telford Court; 25 Cherry Hill; 25 Old Orchard; 25 Upton Close; 11 Old Orchard; 33 Old Orchard; 147 Watling Street. A comment was also received on behalf of "Greenbelt" and CPRE Hertfordshire.

5.2.3. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.4. These objections can be summarised as:

Principle

- Already too much development in the village with too little parking, and lorries are already causing danger to older properties
- There are already 14 houses being built in the area
- Moved to this area to enjoy the green space and to avoid city centre living
- People have a right to expect the village conditions to be maintained in the area where they bought their houses
- No very special circumstances to justify removal the Green Belt
- Green Belt was designated for a reason
- Proposal would be contrary to the Green Belt's definition and purposes/principles
- Loss of valuable Green Belt land
- Removing the history of the village
- Contrary to NPPF Green Belt provisions
- Policy 1 of the Local Plan indicates that development in the Green Belt is inappropriate except in very special circumstances.
- Lack of a five year housing land supply is insufficient to justify very special circumstances (VSC)
- Proposal is contrary to the Hunston Court Case
- Each application needs to be determined on its own merits
- The submitted Green Belt Statement is not factually correct
- The Planning Inspector at Colney Heath was careful to indicate in her decision report that it did not provide a precedent for other sites where different circumstances would clearly apply. The justification for the decisions on the two applications to St Albans Council similarly quoted the inadequacy of housing land supply and CPRE Hertfordshire believes this arises from an incorrect interpretation of the National Planning Policy Framework (NPPF), Paragraph 11 (and footnotes).
- It is inappropriate to suggest that housing need, unconstrained by the policy requirements to protect designated land, should constitute VSC.
- Contrary to council pledge of sustainability against the climate crisis
- Permitting the development would be contrary to climate change aspirations
- Coalescence between Park Street and St Albans
- Site assists in the prevention of urban sprawl
- The site constitutes a clear encroachment into open countryside with a significant effect on its openness and character in this location, and would lead to further urban sprawl in an area already subject to degradation of the Green Belt.
- Was not set to be released in the 2013 Green Belt review
- The application site is large and does not constitute a narrow strip of green belt nor a self-contained piece of land
- The benefits put forward by the applicant could apply potentially to any development
- Brownfield redevelopment and urban regeneration should be encouraged
- Loss of agricultural land, including related issues such as national food security and the need to support locally grown food
- Previous appeal at this site was upheld – nothing has changed since
- 2014 appeal at site to the south of this application site was dismissed
- This is an opportunistic development, in an area already overdeveloped, which was once a semi-rural village
- The site was not identified as suitable in the Neighbourhood Plan and allowing this application would undermine community involvement in planning

- Each case needs to be considered on its own merits

Highways and Transport

- Impact on traffic – particularly on the A5183 and Park Street Roundabout
- Traffic surveys were done during lockdown, are not representative therefore, and should be disregarded
- Traffic surveys are flawed as they ignore current traffic jams, that the route is used by HGVs, air quality issues, the cumulative impact from Railfreight, and that schools nearby have specific admission criteria
- Evidence that a right turn lane is not needed should be based on accurate traffic counts
- Insufficient road infrastructure
- This is a key route into Park Street, which is often gridlocked – delays on the motorway exacerbate issues
- Danger at Park Street roundabout posed by inappropriate speeds
- Increase in traffic congestion and journey times
- Exacerbate pre-existing traffic issues, including access onto Park Street
- Danger from access on highway at brow of hill on Park Street
- Access arrangements should be shown accurately in relation to land contours and should also show interactions with nearby driveways, and also demonstrate safety
- Increased traffic will cause highway safety issues
- Increased traffic will affect my ability to work
- Danger to pedestrians
- Pavements are difficult to navigate
- The underpass at Watling Street is unsafe
- Entrance to the site is at a 40mph section of road
- Already accidents on the local road network
- There is no prohibition for larger lorries in the area
- Potential for up to 250 extra vehicles
- Where will the road access be?
- Concerns relating to adequate loading and turning
- Impact on car parking locally
- The Council will not allow me to have off-street parking, and so as a result of this development, I will need to park a long way away
- The development will not include appropriately sized garages
- Concern as to traffic impact on Tippendell Lane
- E-scooters are illegal as is cycling on the pavement
- Train service to Park Street is limited and not 24 hours
- Commuter trains are only two carriages and the rail service is on a single track
- Only 8 car parking spaces at the station
- Rail service is not reliable
- Only one bus route serves the stops nearest the application site
- School transport is usually private hire and not public transport
- Nothing proposed to alleviate impact of more traffic
- During the fuel crisis, access into nearby houses was near-impossible
- There has in recent times been a noticeable increase in traffic and pollution
- How will the emergency services access the site during congestion?

Landscape and Visual Impacts

- High amount of work needed due to steep incline at bottom of field
- Natural beauty would be affected beyond repair

- New houses would be an eyesore
- Development up to 2.5 storeys in height
- High density
- Little green land is now left
- Proposal would reduce the rural landscape
- Mitigation measures cannot compensate for the loss of green space
- Site is not a narrow strip of land
- Site borders a rural area and relates to the adjacent countryside
- Site is a rare example of undisturbed land
- Loss of views as a result of new trees to mitigate landscape impact
- Submitted landscape assessment ignores the views from nearby properties
- Site is on a slope and would be very visible in surrounding area
- The bench at the top of the hill will overlook a housing estate and not fields

Ecology

- Loss of wildlife
- A range of wildlife is present on site at present – including mammals, butterflies and birds. The development would deprive them of their habitat.
- Potential for rare/protected trees and wildlife at the site
- Loss of trees
- Loss of an agricultural habitat which is different to other habitats in the area
- Impact on biodiversity
- Impact from light pollution
- Site provides an ecological space away from roads and pollution
- Green areas are needed to soak up pollution
- The predicted biodiversity of the proposed development is optimistic, and includes a grass verge, which is unlikely to have much biodiversity value in the future
- How can the destruction of the site result in a biodiversity net gain?
- Biodiversity net gain is inherently flawed, and many developers fail to meet pre-application promises.
- The UK is in an ecological recession
- Danger posed to wildlife from cats in domestic premises
- Lockdown has meant that wildlife can be observed and enjoyed locally

Drainage

- Issues with emergency water mains in area that have required repair multiple times
- Increased strain will be placed upon an already struggling drainage system
- Is there drainage capacity?
- Removal of soil that acts as natural drainage
- Site provides natural water table assistance
- Will lead to localised flooding

Infrastructure

- Basic infrastructure cannot support the development
- No nearby shops
- The M&S Simply Food is not big enough to serve the development
- GPs and Vets cannot cope
- Schools and other amenities at capacity
- Emergency services are at their limits
- A&E Waiting times at Watford are long
- Potential strain on telecommunications

- Cumulative impact from other developments on services is ignored

Amenity

- Development will cause overlooking and loss of privacy
- Concern as to loss of outlook and view from rear of property over development
- Loss of light and overshadowing
- Concerns regarding security
- Concerns as to the impact of development during construction
- Pollution impacts for future occupiers
- Concerns regarding Air Quality, which is already bad in this area
- Impact on human health
- Impact on the safety of the area
- A new junction will need more lighting causing light and noise pollution
- The response from Environmental Compliance is unsatisfactory

Other Comments

- St Albans City and District Council has complete disregard for the wellbeing of residents, where future residents will need to drive to buy even a bottle of milk. The Council's Green Speak does not exist outside of the City Centre.
- Impact of the proposal on livelihoods and quality of life
- The fields mean a lot to people
- We walk our dog here
- Can I sue the council if I get respiratory issues in the future?
- Park Street is a dumping ground to satisfy housing targets
- This application would change the feel of the village
- Hertfordshire will no longer have any green space
- There is plenty of brownfield land to accommodate developments
- We will never have enough housing until we regulate who can buy houses
- Frustration with the planning process, whereby the Council will allow new dwellings, but refuse simple householder applications on technicalities
- Limited information about affordable housing provision and whether it would just be slightly cheaper than the rest of the development
- The affordable housing is unlikely to be affordable to those who need it
- Houses are too expensive and without bank of mum and dad I will never be able to buy my own home
- Impact on house prices
- The consultation process is flawed and leaves the Council open to legal challenge. There is no avenue for the public to liaise directly with highways. Highways should take into account the comments of the public and delay their response until this is done. The Council disregards public concern about highways and ignored issues relating to access in the previous application at this site.
- Developers financial gain
- Developers know that building houses here is more profitable than Letchworth
- Houses should be built up north where there is more space
- Developers should build more schools and hospitals
- Land should be donated to the woodland trust
- How much has it cost the taxpayer to get rid of the illegal mass-occupation of this site circa 40 years ago?
- Money should stop being spent on fighting this ill-advised application
- Potential for future phases of development if this is approved

- A precedent will be set for future development
- Might be even more dwellings here at a later date
- Addresses near to application site not notified of the application
- Is the Council considering this application for the extra council tax income?
- Totally inappropriate, just a money grab resulting from SADC Call for sites. Why on earth would SADC, approve this, only yards from one of the busiest roundabouts in Hertfordshire?
- Concerns regarding population increase
- Who would want to live at this site anyway when it is in such proximity to busy roads?
- The impact of this application will be in addition to that of Railfreight – which could simply become a lorry terminal
- The political response to preserving the Green Belt is appalling
- Application is too political
- No consideration has been given to the impact of this application on the adjacent Gypsy and Traveller Community who would face discrimination from this application being granted, contrary to the Human Rights Act
- Allowing this development would mean that the strip of land immediately to the south of the application site should also be granted planning permission
- Roman coins have been found in this field
- The proposal will not include solar panels
- Covid has shown we need to be able to enjoy nature
- Park Street will become less desirable

5.2.5. Representations supporting the proposed development were received from 125 Watling Street; 40 Park Street Lane; 32a Hazel Road. These representations can be summarised as:

- Not everyone is lucky to own their own home
- The District needs more three bedroom properties, not just two bedroom housing association properties that are still expensive
- There are families in overcrowded housing that need better conditions
- Support the application if it includes social housing
- It appears the application has met the criteria set out in the neighbourhood plan

5.2.6. Comments were received from the following addresses after the second round of public consultation on this application, objecting to the proposed development: 15 Branch Road; 4 Hazel Road; 1 Mangolia Close; 4 Hawfield Gardens; 55 Maplefield; 208A Watling Street; 46 Burnside; 100 High Street; 5 Upton Close; 3 The Orchard; 10 Approach Road; 47 Watling Street; 26 Old Orchard; 28 Boleyn Drive; 5 Old Orchard; 64 Orchard Drive; 1 Old Orchard; 12 Old Orchard; 17 Old Orchard; 3 Hawfield Gardens; 10 Old Orchard; 23 Mount Drive; 10 Mount Drive; 46 Mount Drive; 8 Old Orchard; 180 Watling Street; 19 Maplefield; 20 Driftwood Avenue; 21 Park Street; 25 Birchwood Way; 21 Seaman Close; 16 Old Orchard; 32 Rosemary Drive; 13 Homestead Close; 222 Park Street Lane; 102 Park Street Lane; 114 Brewhouse Hill; 7 Park Street; 19 Seaman Close; 6 Walnut Close; 27 Burston Drive; 8 Frogmore; 7 Kitchener Close; 106 Radlett Road; 16 Brinsmead; 6 Pilgrim Close; 20 Hawfield Gardens; 112 Park Street Lane; 38 Maplefield; 35 Spooners Drive; 183 Park Street Lane; 218 Radlett Road; 23 Hawfield Gardens; 25 Ringway Road; 34 Old Orchard; 138 Park Street Lane; 55 Watling View; 30 Ringway Road; 4 Branch Road; 14 Old Orchard; 37 Park Street; 80 Spooners Drive; 14 Old Orchard; Ambleside; 55 Park Street Lane; Frogmore House; 53

Burnham Road; 101 Orchard Drive; 4 Epping Green (Hemel Hempstead); 23 Old Orchard; 17 Upton Close; 70 Beaumont Avenue; 19 Grovelands; 31 Old Orchard; 24 Hawfield Gardens; 7 Moor Mill Lane; 11 Woodlands; 16 Homestead Close; 7 Old Orchard; 43 Park Street; 57 Meadow Close; 192 Watling Street; 100 High Street; 69 Harpenden Road; 16 Burston Drive; 5 Hawfield Gardens; 17 Hawfield Gardens; 28 Highfield Lane; 25 Bridgefoot Cottages; Lake View; 74 How Wood; 7 Seaman Close; 28 Park Street Lane; 198 Watling Street; 41 Mount Drive; 9 Old Orchard; 32 Old Orchard; 8 Hollybush Avenue; 32 St Stephens Avenue; 20 Park Street Lane; 32 Spooners Drive; 55 Park Street Lane; 38 Park Street Lane; 26 Page Place; 11 Pilgrim Close; 15 Birchwood Way; 4 Spooners Drive; 3 Penn Road; 84 Park Street; 167 Watling Street; 39 Spooners Drive; 139 Watling Street; 27 Dell Rise; 7 Pilgrim Close; 27 Mount Drive; 19 Old Orchard; 3 Birchwood Way; 14 Brinsmead. Comments were also received on behalf of "Greenbelt".

5.2.7. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.8. These comments can be summarised as:

Principle

- Contrary to existing Local Plan, Neighbourhood Plan and National planning policies
- This site has not been previously allocated (including in the Neighbourhood Plan)
- Loss of Green Belt land
- Contrary to Paragraph 149 of the NPPF
- Contrary to NPPF Green Belt purposes
- Will result in encroachment
- Will result in loss of openness
- Would cause coalescence
- Urban sprawl
- No very special circumstances
- This development is not needed
- Area cannot take more development
- Use brownfield land instead
- Scheme proposes too many houses
- Have had to endure lots of urban sprawl in past decade
- Bad for the environment
- Will cause pollution – already high levels of CO2 in this area
- The housing targets the Council is working to are incorrect, based on pre-pandemic and pre-Brexit assumptions
- Housing targets can only be formulated through a local plan
- This site is one of the few in the area that has never been degraded for sand or gravel extraction

Highways and Transport

- Will cause an increase in traffic
- Will exacerbate issues at Park Street Roundabout
- Question the accuracy of the traffic survey
- Question the accuracy of the additional transport information
- Will cause parking issues
- Road safety concerns
- Poor public transport
- Traffic caused by construction vehicles

- Traffic impact worsened by the Strategic Rail Freight Interchange, which has not provided the road improvements they were required to
- Traffic lights should be considered on the Park Street Roundabout
- Unsafe pedestrian routes
- Not a sustainable location
- How will emergency vehicles be able to get through?

Landscape and Visual Impacts

- Would affect the character of Park Street
- Site provides relief from existing roads and housing
- Loss of views
- Adverse visual impact

Ecology

- Will have an adverse wildlife impact and destroy habitats
- Will have an adverse impact on plants
- Will result in a reduction in biodiversity
- Concerns with the predicted biodiversity net gain
- The biodiversity net gain report has been prepared as a desktop study
- Would impact upon the ecology of adjacent land
- Impact on protected species

Drainage

- Would cause localised flooding
- Multiple emergency repairs to drainage infrastructure have been required in past 12 months
- River Ver floods every year

Infrastructure

- No extra infrastructure
- Development will stretch existing infrastructure
- Impact on schools and doctors surgeries
- Not enough shops, services and amenities nearby to serve the development
- Insufficient sewer capacity and gas supply
- NHS responses and requests for contributions would not overcome existing pressures on NHS resources

Amenity

- Will cause overlooking
- Noise impacts
- Screening will not offer sufficient privacy to neighbouring residents – particularly in winter when vegetation will not be in full leaf
- Light and air pollution.
- Future residents exercising their permitted development rights will further impede the amenities of local residents
- Will impact the amenities of neighbouring residents who have lived here for years

Other Comments

- Additional information does not overcome concerns
- Previous applications for smaller schemes at this site have been refused and should act as a precedent

- This is a significant piece of land and would represent the largest housing development that there has ever been in Park Street on Green Belt land
- Opens floodgates for other developers
- Will result in mental health impacts
- Construction will cause years of disruption
- Affordable housing in other developments has not been provided
- Disillusionment with local and national government
- Will result in overpopulation
- Loss of agricultural land
- Food security concerns
- Concerns with submitted land classification report
- This land has been farmed for many years
- Scheme is just about money making
- No consideration of local residents
- Development will ruin the village
- There is a climate change emergency
- Concerns as to the applicant's interest in this land
- The proposal would make no discernible difference to affordable housing situation in the District
- Homes will not be affordable
- Other examples of developments permitted in the local area have been cited
- The numbers of people employed in the construction of the site are unrealistic
- New homes should be sustainably constructed
- The submission of this application is premature as a new Local Plan is being prepared
- Going against the policies in the Neighbourhood Plan, which local people voted for at a referendum, would be illegal
- Application needs to be considered in the context of planning applications in neighbouring local authority areas.
- A new 'new town' is needed.

5.2.9. Comments were received from the following addresses after the third round of public consultation on this application, objecting to the proposed development: 5 Hawfield Gardens; 55 Park Street Lane; 25 Birchwood Way; 23 Old Orchard; 218 Watling Street; 10 Old Orchard; 70 Beaumont Avenue; 2 Old Orchard; 7 The Rise; 29 Old Orchard; 21 Seaman Close; 10 Mount Drive; 16 Old Orchard; 198 Watling Street; 180 Watling Street; 5 Old Orchard; 31 Old Orchard; 30 Old Orchard; 52 The Crescent; 141 Watling Street; 34 Burston Drive; 22 Old Orchard; 24a Mayflower Road; 11 Mount Drive; 27 Mount Drive; 32 Old Orchard; 9 Mount Drive; 188 Watling Street; 25 Park Street; 41 Mount Drive; 8 Old Orchard; 139 Watling Street; 3 Hawfield Gardens; 32 Seaman Close; 17 Old Orchard; 76-78 Park Street; 2 Mount Drive; 14 Old Orchard; 39 Mount Drive; 43 Mount Drive; 36 Wych Elms; 90 Maplefield; 18 Upton Close; 2 Upton Close; 5 Upton Close; 25 Upton Close; 9 Old Orchard; 25 Hawfield Gardens. Comments were also received on behalf of "Greenbelt".

5.2.10. Comments were also received anonymously or from partial or incomplete addresses. Multiple responses from some of the addresses above were also received.

5.2.11. These comments can be summarised as:

Principle

- Proposal is unsustainable and unhealthy for residents

- Proposal would result in coalescence
- Loss of Green Belt
- No very special circumstances
- There should be a brownfield first approach
- CPRE has demonstrated there is capacity for 1,173 new homes in the District
- Contrary to Green Belt purposes
- The submitted rebuttal to Spatial Planning's comments is not credible

Highways and Transport

- Will cause an increase in traffic
- Traffic survey submitted is inaccurate
- Traffic survey is based on statistics which are not correct and do not adequately forecast future demand
- It is illegal that SADC defer all highways decisions to the County Council, as the County do not allow community input, thereby denying the views of the community to be adequately regarded
- No credible mitigation measures have been put forward
- Will impact Park Street Roundabout
- Will lead to more parking in nearby streets
- Will make accessing and leaving nearby streets worse
- Can be hard to leave the village
- Traffic in area is worse when there are accidents on the motorways
- HGVs routinely drive through Park Street when they shouldn't
- Poor local public transport
- Increase in traffic will impede ability for people to get to work
- Regardless of whether there are any other road improvements, traffic through Park Street will still increase as a result of railfreight.
- Drivers use Watling Street as it is the fastest route.
- The traffic modelling used is flawed, was collated during covid, and has simply been accepted.
- Commuters will use cars despite any improvements to more sustainable transport options and the proximity of Park Street railway station.
- Lack of consultation on highways matters
- The Council simply ignore objections contrary to statutory requirements

Landscape and Visual Impacts

- Will affect the character of the area
- This site, combined with the Rail Freight site, will change the character of the area
- Park Street is still a village
- The landscape information ignores the fact that the site is on a hill
- Loss of green space

Ecology

- Will impact wildlife
- The wildlife strip is poorly sited and would be unsuccessful

Drainage

- The submitted drainage information is based on incorrect assumptions

Infrastructure

- Local infrastructure will not be able to cope (e.g. schools, GP surgeries, hospitals etc.)

Amenity

- Will cause pollution
- Increase in noise
- Not clear what the construction timetable will be

Other Comments

- The proposal would impact upon food security
- Would not help to address climate change
- Proposal would be bad for the environment
- Proposal will impact quality of life
- Proposal will cause house values to fall
- Loss of agricultural land
- Concern as to food security
- Rail Freight will end up as a Road Freight terminal
- The consultation deadline should be extended over the Christmas period
- This application should be refused, just like the nearby Cala Homes scheme
- Local residents have suffered enough overdevelopment
- Granting the application will undermine both national and local planning policy
- Previous objections raised are not overcome by the additional information
- Council should take into account updated government guidance

5.2.12. Comments in support of the application from 76/78 Park Street were received, expressing that more houses should be built for young people, and that the application would be good for local small businesses.

6. Consultations:

6.1. Affinity Water

First Response 23/03/2022

6.1.1. Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

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

6.1.3. If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. Contamination

6.1.4. Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

2. Contamination during construction

- 6.1.5. Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Infiltration

- 6.1.6. Surface water should not be disposed of via direct infiltration into the ground via a soakaway.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

Reason: To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply.

- 6.1.7. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
- 6.1.8. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

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

Infrastructure connections and diversions

- 6.1.10. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.
- 6.1.11. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Second Response 21/06/2022

- 6.1.12. Thank you for your notification of the below application with additional information.
- 6.1.13. We have no further comments than those that were in our letter dated 23rd March 2022 which still stand.

6.2. Archaeology

- 6.2.1. The proposed development area lies immediately adjacent to the important Roman road of Watling Street. The application was submitted with an archaeological desk based assessment which has indicated a low potential for archaeological deposits from all periods. No form of evaluation or on site

assessment apart from a walkover survey has been undertaken. The location, abutting the Roman Road of Watling Street, which was laid out in the first century AD and has been in use ever since. There is the potential for roadside settlement of Roman and medieval date being identified. It is stated in the DBA that a Roman kiln was identified to the south-west of the site.

6.2.2. Recommendations (conditions):

6.2.3. 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 a programme of initial trial trenching followed by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. 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 paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

6.2.4. 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 Local Planning Authority 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 paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

6.3. Hertfordshire Police Design Liaison Officer

Comments Received 11/03/2022

6.3.1. Thank you for sight of this application on which I comment from a crime prevention perspective only. I have read the supplied documents and have knowledge of the site having commented at the Pre-Application stage.

6.3.2. I have no serious concerns with the intention to build new homes at this location, but the intention to construct in the region of 95 new homes will of course have a large impact on local policing with an increase in demand for services.

- 6.3.3. I am encouraged by sight of the security page within the Design & Access Statement, which refers to Secured by Design (SBD).
- 6.3.4. This is a good first step but must be followed up with action, which hopefully will include the desire to be accredited under the SBD scheme.
- 6.3.5. I would welcome an approach from the design team to discuss this most exciting project with a view to taking all reasonable steps to ensure crime does not flourish at this location.
- 6.3.6. The indicative layout plans and statements regarding parking are all very positive from a CP perspective and SBD is very achievable at minimum cost if considered from the start, which does appear to have been done.
- 6.3.7. Currently and at this stage of planning, I am able to support this application.

Further comments 16/06/2022

- 6.3.8. Support the Proposal
- 6.3.9. Thank you for sight of this application on which I comment from a crime prevention and safety aspect only. I have commented on this application already, and the amendments brought forward here have no bearing on security. As such, I have no further comment to make beyond my earlier comments.

6.4. British Pipeline Agency

Initial Response 28/02/2022

- 6.4.1. Thank you for your correspondence regarding the above noted planning application.
- 6.4.2. Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
- 6.4.3. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.
- 6.4.4. Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

Further Response 10/06/2022

- 6.4.5. Planning Application 5/2022/0267 - Not Affected
- 6.4.6. Thank you for your correspondence regarding the above noted planning application.
- 6.4.7. Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
- 6.4.8. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

- 6.4.9. Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

Further Response 05/12/2022

- 6.4.10. BPA Pipelines – Not affected
- 6.4.11. Thank you for your correspondence enclosing details of your proposals.
- 6.4.12. Having reviewed the information provided, the BPA pipeline(s) are not affected by these works, and consequently no site visit or supervision will be required and the works are free to continue as planned.
- 6.4.13. However, if the location of your work should change, please contact us immediately, by emailing landsteam@bpa.co.uk.
- 6.4.14. This response is valid for 90 days. After which, if a refresh is required, please quote the BPA reference number "2021-2783" and email landsteam@bpa.co.uk stating this is a refresh, and we can check whether these works are still ok to proceed.

6.5. Land Contamination Officer

Initial Response 28/02/2022

- 6.5.1. I have reviewed the phase I contaminated land assessment which has been submitted in support of the above application for a residential development with public open space. The contaminated land assessment confirms the potential presence of on-site and off-site contamination which could adversely impact future site users and the wider environment. To ensure that a suitable site investigation is undertaken to identify the presence of risks from contamination, the following conditions should be included on any decision notice:

6.5.2. 1. Site investigation

Condition:

A site investigation shall be carried out by a competent person to fully investigate the extent contamination at the site further to the information detailed within the phase 1 contaminated land assessment provided for this development. 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 for review.

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.

6.5.3. 2. Options appraisal and remediation strategy

Condition:

The results of the site investigation and the detailed risk assessment referred to in shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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.

6.5.4. 3. Verification report

Condition:

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

Reason:

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

Second Response 14/06/2022

6.5.5. With regards to the above consultation, we recommend the following planning conditions be applied:

6.5.6. 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 ground gas 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.

Reason:

To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.7. 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. 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 for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.8. Verification report

Condition:

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

Reason:

To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

6.5.9. 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.

6.5.10. Comments

The submitted report entitled “Watling Street, Park Street, St Albans Phase 1 Desk Study” produced by Hydrock and dated 20th October 2021” has been reviewed. The application site is reported to be situated directly adjacent to an historic landfill site/sewage treatment works.

6.6. Design and Conservation Officer

Initial Comments 17/03/2022

6.6.1. No above-ground heritage constraints, nor is this likely to impact on the Park Street Conservation area. Archaeology may be an issue and they should be consulted.

6.6.2. No detailed comment on the illustrative layout or parameters plan. Seems acceptable.

Further Comments 06/07/2022 and 29/11/2022

6.6.3. No further comment.

6.7. East of England Ambulance Service

6.7.1. The proposed development will put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the geographical area associated with the proposed application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

6.7.2. Any new housing development requires assessment of:

- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines
- The suitable location of existing ambulance station(s) within the locality to meet the increased demand with potential to redevelop or extend and in certain instances relocate to a more suitable location
- Additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes.
- The need to recruit, train and provide new equipment for additional voluntary Community First Responders (CFR) to support the proposed development and the community as a whole.

6.7.3. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

- 6.7.4. Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £25,009.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth 95 (dwellings) ¹ including 40% affordable and 5 self-build	Rate ²	Ambulance Cost ³	Total
247	0.15	£675	£25,009

1 Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)

2 Calculated using per head of population in Hertfordshire and West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)

3 Calculated from EEAST ambulance data

- 6.7.5. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development. Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

- 6.7.6. Non-emergency patient transport services are commissioned by NHS Herts CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.
- 6.7.7. The age profile is important for EEAST as well as the CCG, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource). Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

Review of Planning Application

- 6.7.8. The change of use from agricultural land to housing will impact on emergency ambulance services.
- 6.7.9. EEAST would highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being.

- 6.7.10. EEAST notes the sites are in Flood Zone 1 at low risk of flooding. The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.
- 6.7.11. EEAST would welcome the developers to utilise the catchment of clean and grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.
- 6.7.12. EEAST would welcome the potential for community gardens/planting of orchard trees to support community physical and mental health and well-being. The planting and usage of communal and residents' amenity are welcomed as these can support physical and mental health and wellbeing and help develop community cohesion.
- 6.7.13. EEAST supports central open spaces and would encourage the developer to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest.

Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision

- 6.7.14. It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction. The use of speed ramps to reduce vehicle speed should be limited to reduce any potential damage to ambulances, the crew and patients as these can affect the ability to treat patients during the journey.
- 6.7.15. EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.
- 6.7.16. EEAST would request the developer ensures cycle parking should allow for different types of cycles to be stored (eg trike), covered, secure and well lit.

6.8. Environment Agency

Initial Comments 22/03/2022

- 6.8.1. We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.
- 6.8.2. The site is situated in a vulnerable groundwater area within Source Protection Zone 2 and is adjacent to a historic landfill. These proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.

- 6.8.3. Where land contamination may be an issue for a prospective development we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.

Advice for LPA/Applicant

- 6.8.4. We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

- 6.8.5. In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- 6.8.6. The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.

4. Refer to the contaminated land pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;

- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
- Use MCERTS accredited methods for testing contaminated soils at the site;
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

- 6.8.7. A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent Person” e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>.
- 6.8.8. In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.
- 6.8.9. Further points to note in relation to DQRAs:
- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
 - Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.
 - For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.
- 6.8.10. Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching

behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

- 6.8.11. Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.
- 6.8.12. The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.
- 6.8.13. We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

Further Response 29/06/2022

- 6.8.14. Thank you for re-consulting us on the above application on 9 June 2022.
- 6.8.15. We have no comment to make in respect of the additional information submitted. Our position remains as set out in our previous response letter (Reference: NE/2022/134225/01-L01) dated 22 March 2022.

Final comments

- 6.8.16. Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.
- 6.9. HCC Children, Schools and Families – no response received
- 6.10. HCC Children Services – School Place Planning – no response received
- 6.11. HCC Growth and Infrastructure Unit

Initial Response 31/03/2022

- 6.11.1. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	00	02
2	14	06
3	29	10
4+	14	03
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	08
2	0	09
3	0	0
4+	0	0
Total	0	17

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

- 6.11.2. Primary Education towards the expansion of a Primary School in the area (TBC) £807,534 (index linked to BCIS 1Q2020)
- 6.11.3. Secondary Education towards the expansion of Marlborough School £882,451 (index linked to BCIS 1Q2020)
- 6.11.4. Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) £98,846 (index linked to BCIS 1Q2020)
- 6.11.5. Library Service towards increasing the capacity of St Albans Library or its future re-provision £9,052 (index linked to BCIS 1Q2020)
- 6.11.6. Youth Service towards future re-provision of St Albans Young People's Centre £16,408 (index linked to BCIS 1Q2020)
- 6.11.7. Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.
- 6.11.8. The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.
- 6.11.9. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.
- 6.11.10. 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

- 6.11.11. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#).
- 6.11.12. 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.
- 6.11.13. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.
- (ii) Directly related to the development.
- 6.11.14. 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.
- 6.11.15. 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).
- PLEASE NOTE THE FOLLOWING:
- 6.11.16. Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.
- 6.11.17. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Second Response 29/06/2022

6.11.18. Thank you for your re-consultation letter dated 09/06/2022. As this is an Outline application I would like to update my response to include a paragraph on the ability to re-calculate contributions if the development mix changes from that stated below. I have also picked up on some rounding errors (contributions have stayed the same or slightly reduced). This response is to supersede our previous response dated 31/03/2022.

6.11.19. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market	B) Affordable (Social Rent)
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

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

6.11.20. Primary Education towards the expansion of a Primary School serving the development £807,534 (index linked to BCIS 1Q2020)

6.11.21. Secondary Education towards the expansion of Marlborough School £882,451 (index linked to BCIS 1Q2020)

6.11.22. Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) £98,846 (index linked to BCIS 1Q2020)

6.11.23. Library Service towards increasing the capacity of St Albans Library or its future re-provision £9,044 (index linked to BCIS 1Q2020)

6.11.24. Youth Service towards the re-provision of St Albans Young People's Centre in a new facility £16,156 (index linked to BCIS 1Q2020)

6.11.25. Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

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

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

- 6.11.27. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.
- 6.11.28. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. 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.
- 6.11.29. 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

- 6.11.30. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)
- 6.11.31. 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.
- 6.11.32. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.
- (ii) Directly related to the development.
- 6.11.33. 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.

6.11.34. 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).

PLEASE NOTE THE FOLLOWING:

6.11.35. Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

6.11.36. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Third Response 29/12/2022

6.11.37. Thank you for re-consulting us on the amended and additional plans submitted. You will be aware that we updated our Guide to Developer Infrastructure Contributions on 31st October 2022. Applications which came in before that time, were given until the end of 2022 to be determined, otherwise HCC reserved the right to amend its financial contribution request. As this application remains undetermined I am taking this opportunity to update our contributions.

6.11.38. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

Trajectory	2022	2023	2024	2025	2026	2027
Units	0	0	25	25	25	20

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

Primary Education towards the expansion of a Primary School serving the development (£919,862 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Marlborough School (£1,012,378 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) (£114,074 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of St Albans Central Library or its future re-provision (£20,935 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility (£27,681 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 6.11.39. The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.
- 6.11.40. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".
- 6.11.41. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. 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.
- 6.11.42. 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

- 6.11.43. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link:

6.11.44. 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.

6.11.45. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

6.11.46. 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.

6.11.47. 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).

PLEASE NOTE THE FOLLOWING:

6.11.48. Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

6.11.49. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

Further Response 16/05/2023

6.11.50. You will be aware the we updated our Guide to Developer Infrastructure Contributions on 31st October 2022. Applications which came in before that time, were given until the end of 2022 to be determined, otherwise HCC reserved the right to amend its financial contribution request. As this application remains undetermined I am taking this opportunity to update our contributions.

6.11.51. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 95 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	2
2	14	6
3	29	10
4+	14	3
Total	57	21

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	8
2	0	9
3	0	0
4+	0	0
Total	0	17

Trajectory						
Year	2023	2024	2025	2026	2027	2028
Units	0	25	25	25	20	0

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

Primary Education towards the expansion of Killigrew Primary School and/or provision serving the development (£919,862 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Marlborough School and/or provision serving the development (£1,012,378 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£114,074 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of St Albans Central Library and/or provision serving the development (£20,935 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of St Albans Young People's Centre in a new facility and/or provision serving the development (£27,681 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

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

6.11.53. The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected

types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

6.11.54. Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. 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.

6.11.55. 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

6.11.56. The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#). In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

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

6.11.57. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

6.11.58. 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.

6.11.59. 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).

PLEASE NOTE THE FOLLOWING:

- 6.11.60. Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.
- 6.11.61. I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.
- 6.12. Herts Ecology

N.B. Due to the fact that several of these responses make references in respect of sensitive protected species (badgers), the full responses of Herts Ecology will be provided to Members within 'Part 2' of the agenda pack. Abridged versions of the responses received are nonetheless set out below for completeness.

Initial Response 24/05/2022

- 6.12.1. The application site has no biological records within the Environmental Records Centre. The caravan site to the west lies within an Ecosite for which there are records, but this implies no particular value. There are some local reptile records but these are likely to be from habitats to the east of Park Street associated with the Ver Valley and railway line.
- 6.12.2. A Preliminary Ecological Appraisal has been submitted in support of the application. Surveys were undertaken on 29 July 2021 which is in the optimal survey season. This records the overwhelming majority of the site as arable, with a small peripheral strip of broadleaved woodland, scattered trees and scrub and ruderal vegetation. These habitats are of limited to low intrinsic ecological value at the site level. No detailed bird or bat surveys have been undertaken although the site does not suggest any particular interest for these species. Opportunities for roosts were assessed. It is considered an assemblage of common bird species found commonly in open arable / urban fringe situations uses the site. There is limited opportunity for reptiles. On this basis, I consider that the ecology on the site does not represent a fundamental ecological constraint on the proposals.
- 6.12.3. The PEA outlines proposals for habitat retention and creation, and species considerations during development. This includes the creation of wildflower grassland areas, SUDS and gardens. Whilst these are welcomed, the extent of future habitats will be limited as will their ability to deliver the quality of habitats claimed, given their size and use as public open space, particularly over the next 30 years. However, in any event further details will be required to confirm the proposals.
- 6.12.4. A Biodiversity Impact Statement has been provided to demonstrate Biodiversity Net gain. Whilst the explanation is welcomed, the original Metric V3 should have been submitted to enable full scrutiny of the assessments. However, I cannot insist on this prior to determination as currently BNG is not planning law and there is no adopted local plan which requires it. The metric scores the site as supporting 10.05 Biodiversity Units, mainly made up from the arable land. To achieve a minimum of 10%BNG a final score of at least 11.1 BU would need to be achieved. Given the proposals for habitat creation, this score is 13.03 BU, which is a net gain of 29.72%.

- 6.12.5. Whilst I have no reason to object to the calculations, in my view these gains include proposals that are unlikely to be achieved in the longer term, whilst gardens are not controlled by planning. These limitations are recognised within the PEA. However, the metric enables gardens and other peripheral habitats to be scored, and the BNG process also includes monitoring and the need for remedial action, if necessary, over the 30-year period BNG is expected to be delivered. Consequently, the process as promoted by Government has to be considered accordingly.
- 6.12.6. On the basis of the above, I have no reason to object to the proposals on the grounds of ecology. Should the application be approved I advise that the following are needed to be addressed by submission of reserved matters applications: biodiversity net gain; construction and environment management plan; landscape and ecology management plan.

Second response 06/07/2022

- 6.12.7. The Full Biodiversity Net Gain (BNG) metric has now been provided and this demonstrates how the Biodiversity Unit scores (12.24 BU) have been derived. The bulk of the BU gain (9.67 BU) is based upon the creation and management of 1.164Ha of Other Neutral Grassland, half of which is considered to be in poorer condition given the effects of trampling. However, it is apparent that almost all of the open grasslands are to be Public Open Space and are shown as amenity grassland. Tiny areas of wildflower 'meadow' are shown which amount to no more than a few clumps of more species-rich and presumably taller grassland, although how these will be maintained as discrete clumps is rather fanciful. The SUDS feature will be a grassy depression, for the most part continuous with amenity grassland in both form and function, at least when it doesn't provide its SUDS role.
- 6.12.8. I cannot accept this assessment in respect of the contribution of this grassland to support BNG. As it is proposed, most if not all of the grassland use will be amenity and as such cannot reasonably be considered to equate to good or moderate quality Other Neutral Grassland (ONG), which by default would need to be of a higher quality and structure to benefit biodiversity as claimed. I consider its amenity use should be recognised as Modified grassland as this is what it will all be as currently proposed and will likely to result in given the pressure it will receive. If ONG is to be achieved, this should be as discrete larger blocks of clearly differently managed grassland to achieve any genuine ecological benefit as such. Currently the proposals do not show this and therefore I do not accept the claim that 29.72% BNG has been achieved. Scored as Modified grassland of 'moderate' quality, the BNG amounts to 8.44 BU, which clearly generates a net loss of biodiversity. If scored at 'good' quality this increases to 11.05 BU – which meets 10%BNG. Alternatively, larger ONG blocks could be designed and scored accordingly, but the practicalities of long-term delivery must be considered.
- 6.12.9. On this basis I consider the existing calculations based upon the revised layout plans and the proposed grassland habitats to be unrealistic. They will need to be revised if BNG is to be achieved realistically as part of the landscaping of this site. Alternatively, an offsite solution will be required to achieve a more meaningful BNG contribution. The LPA will need to take a view on the extent it wishes to pursue this given the current legal position in respect of BNG, as I outlined previously.
- 6.12.10. Whilst I remain sceptical of the long-term ability of such grassland areas to contribute the ecological value proposed, this process is supported by

Government and can only ultimately be considered for what is proposed at face value. It will still require to be informed by a LEMP as advised previously.

6.12.11. SADC have also listed all of the local ecological concerns raised regarding this proposal and asked Hertfordshire Ecology for a view on them, which is provided as follows:

- Loss of wildlife

Agreed. All development which involves loss of habitat or damaging changes to it, will result in a loss of or change to any wildlife using that land. Furthermore, any site's biodiversity will improve the longer or more wide-ranging ecological surveys are undertaken, so intensive studies, whilst valuable, present a rather biased view of any site, good or bad. Within reason its value can be assessed by appropriate surveys, even though such snapshot surveys are by default, limited. Consequently sites have to be assessed in respect of their relative importance, as reflected by recognised surveys, assessments and understanding and following best practice guidance. In this case, the development site is essentially a large, intensively farmed arable field. This is of limited interest and does not represent a Priority Habitat. Without any historic or recent evidence to demonstrate otherwise, it is not unreasonable to consider such a habitat will have a low, intrinsic ecological value. As such, this is insufficient to represent a fundamental constraint on development, despite any site-level losses or changes to biodiversity.

- A range of wildlife is present on site at present – including mammals, butterflies and birds. The development would deprive them of their habitat.

As above; whilst such species are likely to be using the site and its edges, the arable habitat quality is poor and would not represent a significant ecological resource locally for feeding, shelter or breeding, despite it supporting elements of an arable field ecology.

- Potential for rare/protected trees and wildlife at the site

All sites have potential. However, this can only be realised if the management was to maintain, enhance or create such interest. Large arable fields are unlikely to support such interest, and which has not been identified as part of the recent ecological surveys. I have raised the significance of what appears to be a veteran hedgerow tree along Watling Street.

- A Loss of trees

It is not evident that there will be a substantial loss of trees – if any, according to the layout proposals and aerial photos. Indeed, the proposals suggest additional tree planting along the boundary with Watling Street and internally.

- Loss of an agricultural habitat which is different to other habitats in the area

Agricultural habitat has a limited ecological value for the most part if it is intensively managed. It is not a rare habitat in Hertfordshire, and there is similar agricultural land to the north of the A414 and to the west of this site, so the habitat is not unique locally.

- Impact on biodiversity

Agreed. As outlined above, there will be an impact on biodiversity. The issue is whether this is acceptable given the relative importance of the existing ecology in

the first place. Such value judgements are the basis for all such development decisions in the country, for which guidance is provided. In this respect, NPPF is quite clear:

174. 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 and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

In practice sites are considered by their relative status of importance. This is usually recognised as the hierarchy of International, National, Regional, Local (County / District) or Site level value and can be reflected in various statutory or non-statutory designations (after ECIA Guidelines, CIEEM 2018). In this case, this site has no statutory or non-statutory ecological status and has not been identified for its ecological value in any local plan. Consequently, unless there is new evidence to the contrary, biodiversity would not reasonably represent a fundamental constraint.

- Impact from light pollution

Agreed. Light pollution is a significant ecological concern and should be avoided or minimised wherever possible. However, this location is already within an urban-fringe area subject to significant background lighting locally – Park Street to the east and south, Chiswell Green to the west and St Albans to the north. Whilst light pollution should be addressed in any event, it is in itself, unlikely to represent a fundamental constraint.

- Site provides an ecological space away from roads and pollution

Agreed. However, the same could be said of any site adjacent to a road which leads into open countryside beyond. This does not justify the development, but neither does it represent a reasonable constraint given that there must be many hundreds if not thousands of such sites throughout St Albans District alone.

- Green areas are needed to soak up pollution

The role of vegetation in ameliorating the effects of pollution are important, but an arable field, itself likely to be subject to chemical sprays despite producing a food crop, is unlikely to provide a substantial pollution sink in this respect.

- The predicted biodiversity of the proposed development is optimistic, and includes a grass verge, which is unlikely to have much biodiversity value in the future

Agreed. This was raised in my original comments, and again above.

- How can the destruction of the site result in a biodiversity net gain?

Because biodiversity is now calculated in terms of 'Biodiversity Units', which can be replaced or indeed increased within and / or offsite by careful habitat creation or enhancement, as demonstrated by the metric. Biodiversity has essentially become a tradable commodity which can be generated by appropriate offsetting schemes and delivered by a developing market in biodiversity units. By default, it will generate more biodiversity – as a properly populated metric will invariably demonstrate, one way or the other.

Whatever the views are on this new approach, it has been promoted by Government since at least 2012 when a series of pilot projects were commenced, and has recently been confirmed to be a mandatory requirement of the planning process within the Environment Act 2021. As such it will become planning law in (likely) autumn 2023 when the Town and Country Planning Act is changed. In other words, BNG is here to stay as part of nature recovery.

- Biodiversity net gain is inherently flawed, and many developers fail to meet pre-application promises.

The process has yet to become planning law. When it does, there will be (as there already are) strict legal agreements (S106 and Conservation Covenants) and associated procedures in place to secure BNG and in respect of monitoring and review, as part of the LPA's role, to ensure that all such BNG agreements are continuously assessed and delivered to ensure that the proposed gains are achieved.

- The UK is in an ecological recession

Agreed. This is why, for example, Government is following a nature recovery network to be informed by local strategies as outlined within the Environment Act 2021. BNG plays an important role in this to minimise biodiversity impacts from development and in result in biodiversity gains.

- Danger posed to wildlife from cats in domestic premises

Agreed. Cats (and dog walking) can indeed create additional pressure on biodiversity, principally from predation on birds, small mammals and reptiles as well as general disturbance and nutrient enrichment. However, the apparent wealth of wildlife on the adjacent site to the south does not appear to have suffered from the impacts of pets from adjacent development to the south and east. Such development is proposed across the District and throughout Hertfordshire, which has to find development opportunities for 100,000 new homes.

Where there is a special interest known to be present of high ecological status, (e.g. the potential impact on a Special Protection Area – a European site identified for its bird interest) – this would be a serious issue which would need to be addressed, otherwise any application or local plan would be refused. In this case, however, there is no such site directly affected and hopefully, the local ecology would not suffer too much and could be reduced by appropriate green infrastructure resources within the site – although this would conflict with higher ecological status of grasslands, as I have outlined. The alternative could be to ban cats or dogs, an approach which to my knowledge, has not been pursued nationally or locally.

- Lockdown has meant that wildlife can be observed and enjoyed locally

Agreed. However, it also created significantly increased pressure on some sites as communities increasingly visited local sites for health and wellbeing reasons. Nevertheless, this in itself is not a sound reason to justify an objection to a development proposal on ecological grounds alone. The impact of lockdown on visible wildlife has no relationship to the acceptability of development on any given site. Any site anywhere could potentially benefit from less disturbance if society is not accessing local areas of greenspace, with the result that sensitive wildlife will respond accordingly.

6.12.12. I also acknowledge St Stephen Parish Neighbourhood Plan which SADC has forwarded to Herts Ecology for consideration in respect of its Biodiversity Net Gain policy, which is particularly pertinent in the absence of an otherwise adopted local plan. In this respect, this states:

Policy S6 Minimising the environmental impact of development:

1. Development proposals should maintain and where practicable enhance the natural environment...Development proposals that would achieve a net gain in biodiversity will be particularly supported.

This clearly supports BNG, although does not represent a requirement for it.

Policy S7: Protection of Natural Habitats:

1. Major development proposals will be expected to include an assessment of local habitats and species. Proposals that would result in significant harm to Local Wildlife Sites²⁹ and/or the landscape features, as set out in Policy S5 (Minimising the Environmental Impact of Development) will not be supported unless the applicant can demonstrate the proposal cannot be located on an alternative, non-designated site with less harmful impacts and adequate mitigation or, failing that, appropriate compensatory measures are proposed.

This effectively encourages BNG where appropriate to minimise impacts and in the context of Local Wildlife Sites, which do not benefit from statutory protection.

2. Where, as a last resort, compensatory measures involving creation of off-site habitat and/or relocation of species are agreed by the Local Planning Authority, these should be implemented in partnership with an appropriate nature conservation body.

This implies offsite gains can be achieved elsewhere. It also considers this should be in partnership with a nature conservation body. This is laudable but as a planning policy may not be deliverable if there is no such body willing to partner all such agreements. It would mean in such cases it could not be met when alternative solutions to deliver BNG elsewhere may be acceptable elsewhere.

3. The use of an appropriate legal agreement (such as a Section 106 agreement) will be required to ensure proper management of open space over the lifetime of the development.

Some form of legal agreement – a S106 or Conservation Covenant - is already recognised by Govt as the means necessary to secure BNG.

Both S6 and S7 are consistent with the aims of NPPF which does not, in itself, require BNG to be provided as a result of planning approvals where appropriate. The requirement for mandatory BNG will come into force in around 15 months' time when, as outlined within the Environment Act 2021, the TCPA will be amended accordingly to make BNG planning law.

Consequently, the LPA, in determining this application, is still strongly encouraged to seek BNG consistent with NPPF and the St Stephen Neighbourhood Plan. However, on the basis of the above, I do not consider this is currently a planning requirement of the Neighbourhood Plan.

- 6.12.13. I have also been sent a copy of a report by Greenbelt which includes references to biodiversity interests in the area.
- 6.12.14. In respect of impacts to adjacent land, clearly a new development will change the nature of the existing nature of the habitats, replacing an arable field with housing and greenspace. This is unlikely to enhance the adjacent land, although in some respects it could provide local benefits in comparison to an arable field. However, the character of the biodiversity will change, and only careful future habitat creation and management will ensure negative impacts are minimised as far as possible.
- 6.12.15. The area of wildlife habitat to the south is locally valuable but not recorded within the Records Centre as being of any special importance. However, I suspect no records have been submitted, which is always disappointing in situations such as this. Nevertheless, absence of evidence is not evidence of absence.
- 6.12.16. It is clearly an area lacking in disturbance and appears to have been rather neglected - indeed, it appears almost inaccessible in places. It apparently supports smooth snake but this species is a nationally rare heathland species absent from Hertfordshire. Perhaps it is an error for grass snake or slow worm? Badgers and foxes may well use this area for foraging but presumably there is no knowledge of any setts from this land. In this respect the PEA stated:
- During the walkover survey conducted on 29th July 2021 any incidental signs of current badger Meles meles activity were recorded within the Site and within 30m of the Site where access could be obtained. The survey method was based on a standard approach as in 'The history, distribution, status and habitat requirements of the Badger in Britain, (Cresswell, P. 1990)'. The 30m distance is standard practice for potential development impacts on badger setts. Whilst there was some possible evidence of badger activity within the site, no setts were recorded in following the above survey methodology. It is not, therefore, unreasonable to assume that a badger sett is not present. However, a walkover prior to any works if approved, should take place and be outlined within a Construction and Environment Management Plan as a Condition of Approval.*
- 6.12.17. Furthermore, if this area supports a range of species despite adjacent recent and past development to the south and east (and all of the associated cats and lighting etc) the argument that additional similar development would have a highly damaging impact elsewhere would seem to carry less weight.
- 6.12.18. This strip is proposed to have seven houses against it with gardens next to it, in addition to open amenity grassland. This impact is not sufficient to represent a fundamental constraint on the proposals. The adjacent site was not included in any detail within the ecological appraisal of the proposals site because it is not directly affected by it. Measures would be expected to be put in place to ensure this was protected during the course of any development.
- 6.12.19. The approach to calculating biodiversity in terms of 'Habitat Units' is questioned. Whatever the merits of this approach are, or are considered to be, all relevant development in England will be assessed by this approach by law in 15 months' time to demonstrate measurable net gain has been achieved. Its application will not be open to discussion - unless, presumably, planning law is changed again.
- 6.12.20. Based on the above, in respect of the additional information submitted by the applicant, I acknowledge the Metric has been provided but I do not consider it to

be acceptable for the reasons outlined. This needs to be reviewed accordingly if the LPA wishes to pursue this approach, and BNG aspirations amended as necessary.

- 6.12.21. I have provided further comments on views raised locally; whilst they reflect genuine concerns regarding local biodiversity, all such decisions have to be informed and justified by expert judgement, evidence and best practice guidance. As such, my previous advice on the principle of the proposals has not changed.

Third Response 22/07/2022

- 6.12.22. In respect of general ecological impacts, the 'wildlife reserve' area is not directly affected by the current proposals and lies outside of the application site. Consequently, I would consider any ecological impacts resulting from changes to the context of the 'reserve' would represent indirect impacts to this area.

- 6.12.23. Whilst it is considered to be a 'wildlife reserve' and may function as such, I am not aware of its ownership, tenure or management for this purpose. It has no formal status in this respect to my knowledge; it is not identified in the Neighbourhood Plan on the Green Infrastructure map (Fig. 6.1), Local Green spaces map (Fig. 6.2) or the Policies Maps (p70,71) or otherwise referred to, although the term Wildlife Corridor is included within the Glossary. Its local value or role in policy terms has not been highlighted, despite the local value it represents. Without any form of policy support – or indeed in any event as policies do not influence otherwise legal site management activities - its retention may depend upon its continued neglect until the owner may choose to do otherwise. The roadside boundary of this area followed an old hedgerow present in the 1880s, so its development as an ecological feature is relatively recent. It had been 'abandoned' since before 2000 when it can be seen to support rough but not scrubby vegetation, but I don't know whether it was ever managed as part of the arable field. This places some context as to the weight the LPA can place on this feature in planning terms to protect or conserve this site in any event. As such, it is not reasonable to advise its presence represents a constraint significant enough to justify refusal of the proposals on ecological grounds, particularly if the 'wildlife reserve' itself cannot be controlled and it has no recognised form of protection otherwise.

- 6.12.24. The 'reserve' does support wildlife, despite half of its boundary being adjacent to relative recent development, which has itself intensified since the original housing here as gardens have been developed. There is no evidence that the Old Orchard area ever supported an old orchard from the historic maps available from the 1880s. Whilst additional development will remove the arable field, such intensively farmed habitat is, in itself, generally a low value habitat for biodiversity. Gardens and open space may produce a different ecology as its farmland edge is lost, but other proposed enhancements or management may compensate for this. Indeed, this is what Biodiversity Net Gain attempts to achieve. Narrow strips of extant habitat such as this 'wildlife reserve' should indeed be protected where possible, and are locally valuable, but in themselves are highly unlikely to be of sufficient intrinsic importance to represent a fundamental constraint on adjacent development. The corridor strip would still allow ecological permeability into and out of the urban area to the east, and to open land (scrub and woodland) to the west, so it would not become isolated by the current proposals and its function lost, both of which should be avoided.

- 6.12.25. Some of the wildlife it supports is certainly harmed by the activities of local cats as stated and confirmed by photographic evidence. However, it still appears

to support such wildlife, even when slow worms are predated from the site, and there are examples elsewhere across the county (South Oxhey, Hemel Hempstead, Berkhamsted) where such species can still survive despite the presence of adjacent development - which is the case already here. However, it is also true to state that such pressure is very likely to increase such impacts locally. This has been a serious issue for some major designated sites elsewhere in the country where additional disturbance and predation could harm any special interest present (usually birds), and so has influenced development proposals. However, this site carries no such designation.

- 6.12.26. If the site remained present between the existing and any future permitted development, I cannot see why its presence should not continue, notwithstanding the views / actions of the owner of the land in question. In this respect its future is sustainable, although it may be indirectly affected by the proposals. Presumably it has already been affected to some extent by the intensification of adjacent development. However, the principal issue is that the current proposals would not destroy the site. It could also be further protected by a suitable buffer as part of the proposed landscaping, although the 'reserve' already functions as a buffer between the arable and existing development. As such, whilst it hasn't been surveyed in detail, it is not reasonable to advise this should be a requirement of supporting information if the 'wildlife reserve' habitat itself is not directly affected by the proposals and lies outside of the application site.
- 6.12.27. Furthermore, the nature of the site is likely to change of its own accord due to changes in vegetation structure in the absence of management, as it has already done since before 2000. This would result in the development of further scrub and ultimately potentially secondary woodland, which would change its biodiversity and character in any event. Management may help to avoid this or enhance some aspects of the site, but this is entirely the responsibility of the owner or tenant of the land in question. I am not aware of any representation made to any such individual to achieve this. Whilst this would be supported, such management is wholly outside the control of the planning process unless this land was subject to BNG as an offsite receptor site. Given its existing value, additional ecological benefits would need to be demonstrated to enable this land to be used as such. Furthermore, any such legal agreement or Conservation Covenant to secure this is expected to last for 30 years. The potential for use of this land as a BNG option with such management commitments (whether related to this or any other development) is ultimately solely at the discretion of the landowner and / or tenant.
- 6.12.28. It has also been stated that Adder may have been reported from the site. Whilst this could always be possible, the county expert Amphibian and Reptile Group still consider this snake species to be extinct in Hertfordshire despite searches of potentially suitable sites. Unless firm evidence can be presented to confirm this, this is likely to be their continued view and as such I would defer to this position in respect of this 'wildlife reserve'.
- 6.12.29. It is clear from the above that the biodiversity of this local 'wildlife reserve' area is certainly important at the site level and is supported. Every effort should be made to ensure its interest is maintained if not enhanced, and that any adjacent development should seek to ensure impacts are reduced as far as possible with appropriate site design and landscaping. However, without any further evidence to indicate otherwise, it would appear that its long-term future could be somewhat vulnerable and may not necessarily be secure without the goodwill of the owner. Whilst this would be welcomed, I remain of the opinion that the presence of the 'wildlife reserve' in itself is still not sufficient to represent a fundamental constraint

on the development of the adjacent arable field, at least not one that could be reasonably justified on ecology terms alone.

Fourth Response 22/03/2023

6.12.30. I note that the Biodiversity Net Gain concerns raised previously have been recognised and new proposals to achieve more justifiable better grassland within the development have been presented. These are also supported. The net gain has been re-calculated as achieving 12.9% BNG, with some potential for more as part of detailed proposals to be submitted as Reserved Matters. The metric has been provided and I have no reasons to disagree with its completion. An illustrative Biodiversity Gain Plan has also now been provided and shows the buffering areas of Other Neutral Grassland and other habitats provided as part of the development. Consequently, I consider this approach in achieving BNG to be acceptable in respect of this Outline application.

6.12.31. On the basis of the above, I consider that the application can be determined accordingly.

6.13. Hertfordshire Highways

Initial comments 24/03/2022

6.13.1. Hertfordshire County Council (HCC) Highway Authority wishes to recommend refusal of the planning application until further information is provided. The additional details required are as follows:

- Further details are required for the accidents on Watling Street and the applicant should provide detailed accident outputs.

- Outputs from all the traffic survey data (ATC's, MTC's and Queue lengths) should be appended to the supporting transport assessment for review.

- Further details are required for the Travel Plan.

Proposal Description

6.13.2. The proposed development would comprise up to 95 residential dwellings, including 40% affordable dwellings and 5% self build and custom build dwellings. This would also include public open space, landscaping and associated infrastructure.

Site Description

6.13.3. The site is located within Park Street Village and approximately 4km south of St Albans and 4km north of Radlett. The proposed development site is located to the west of the A5183 Watling Street and currently consists of agricultural land. To the west the site is bounded by arable farmland and to the east and south residential dwellings. The development proposes a new access from Watling Street to the east.

History

6.13.4. A review of the Council's online record of planning applications has identified no significant planning applications of relevance to this application.

Analysis

6.13.5. The following documentation has been submitted in support of this application:

- Transport Assessment (TA)
- Framework Travel Plan (TP)
- Design and Access Statement (DAS)
- Planning Statement
- Illustrative Layout Plan

Policy Review

6.13.6. A review of the following policy documents has been undertaken as part of the Transport Assessment in support of this outline planning application:

- The National Planning Policy Framework (NPPF) (2019);
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Hertfordshire County Council Local Transport Plan 4 (2018);
- St Albans City and District Council Local Plan Review (1994);

Review of Transport Assessment

Accessibility

Walking and cycling

6.13.7. There are footways on either side of the carriageway on Watling Street. However the footway along the eastern border of the site is narrow and overgrown for pedestrians and cyclists. There are also no formal crossing facilities along Watling Street within the vicinity of the site. However to the north of the site there is a shared footway / cycleway which to the north leads to an underpass below the A414 providing links to St Albans.

6.13.8. There are a number of local facilities and services within the vicinity of the site including primary and secondary schools and convenience stores.

Public Transport

6.13.9. The nearest bus stops to the site are located on Watling Street, along the frontage of the site. These stops provide hourly services between Welwyn City Garden, Borehamwood, Hatfield and Watford.

6.13.10. The nearest train station to the site is Park Street Railway Station, approximately 450m to the south of the site. This station provides frequent services between St Albans and Watford Junction.

6.13.11. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Road Safety

- 6.13.12. The applicant has obtained Personal injury accident (PIA) data for the 5 year period between December 2014 and December 2019. This shows that within the study area 133 accidents occurred involving 266 vehicles and 174 casualties.
- 6.13.13. The TA summarises the patterns of the accident data as follows: -
- 86% were slight in severity;
 - 63% occurred at junctions;
 - 76% occurred during daylight conditions; and
 - 72% occurred during dry conditions.
- 6.13.14. However the accident analysis does not include details for the accidents which occurred along Watling Road. Figure 3-6 in the TA shows three accidents which have occurred within the vicinity of the site along Watling Road, two serious and one slight PIA's. Further details are therefore required for these accidents and the applicant should provide detailed accident outputs.
- 6.13.15. It is noted that more recent data up to December 2021 has not been reviewed. HCC have reviewed data for 2020 and 2021 on Crashmap, this shows a PIA occurred on June 2020 to the north of the proposed site access and the details for this accident should also be provided.

Vehicle Access

- 6.13.16. The proposed vehicular access to the site would be from Watling Street at the eastern boundary of the development via a new T-junction. Drawing PRKST-DR-C-000001 shows that the proposed access would provide a 6m wide access road, 6m radii and a visibility splay of 4.5m x 90m in both directions.
- 6.13.17. Although the required visibility can be achieved, there are concerns with maintaining the existing mature trees to ensure visibility would not be restricted. This requirement can be conditioned as part of this outline application.
- 6.13.18. Any works within the highway boundary (including alterations to the footway) will need to be secured and approved via a s278 Agreement with HCC.

Parking

- 6.13.19. The TA details that car parking provision will be in line with St Albans City and District Council parking standards. The development will also include the provision of electric vehicle charging. HCC would request that the applicant does not over provide parking to ensure a commitment to sustainable travel.
- 6.13.20. It is proposed that individual dwellings will provide bicycle parking within the curtilage of the unit and dedicated cycle parking facilities will be provided for flats.
- 6.13.21. Further details and plans clearly showing the location of vehicle and cycle parking would be required at detailed design stage. Swept path analysis for a large car would also be required.

Servicing, Refuse and Emergency Access

- 6.13.22. The applicant has provided swept path analysis for a 9.93m long refuse vehicle, which shows the vehicle entering and exiting the site at the proposed site access in forward gear. This is acceptable, however further swept path analysis

will be required at detailed design stage showing a refuse vehicle manoeuvring around the internal roads of the proposed development which must include turning areas.

6.13.23. The applicant should refer to the St Albans City and District Council 'Refuse Collection and Recycling Requirements for New Developments and Change of Use' document (updated April 2018).

6.13.24. Swept path analysis for a fire tender must also be provided for the proposed site layout demonstrating access for a pumping appliance within 45m of all dwellings and that the vehicle can enter and exit in forward gear.

Trip Generation

6.13.25. Trip generation has been calculated for people trips using the TRICS database (version 7.8.2), within those calculations vehicle trips have also been identified. The TRICS parameters applied are acceptable. The following total vehicle trips are identified for the development proposal:

- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements

- PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements

- Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements

6.13.26. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.

Trip Distribution

6.13.27. Trips Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (eg.leisure, shopping). This methodology is considered acceptable.

Highway Impact

6.13.28. As agreed with HCC Highways, the applicant has assessed the proposed site access junction with Watling Street. An ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site. Outputs from all the traffic survey data should be appended to the supporting transport assessment for review.

6.13.29. A five year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable.

- 6.13.30. The results of the junction capacity assessment show that the junction would operate well within capacity during both the AM and PM peak scenarios. However until the outputs from all the traffic surveys are provided the LHA cannot complete their review of this junction and the local highway network.
- 6.13.31. It is noted that the surveys were undertaken in November 2021, when 'working from home' was being enforced during the COVID 19 pandemic. As requested, the applicant must provide all survey data to allow the LHA to undertake a full review.
- 6.13.32. As suggested at pre-app stage, the proposed Strategic Rail Freight Interchange (to the east and south of Park Street) has been considered, however based on the proposed capacity assessment results the applicant has considered that this development would not have a major impact on the operation of Watling Street.

Travel Plan

- 6.13.33. A draft Travel Plan (TP) has been submitted as part of the planning application. The Travel Plan does not include the contact details for the Travel Plan Coordinator (TPC) and these should be provided. Secondary contact details to the interim or full travel plan TPC should also be provided. The time allocated to the TPC role (full time or part time) should also be provided.
- 6.13.34. The TP includes a good set of measures however a noticeboard in a communal area containing travel information is recommended.
- 6.13.35. As per HCC Travel Plan Guidance, residential travel pack contributions should be provided for residents. This is usually in the form of Transport or retail vouchers to encourage active and sustainable travel (£50 per flat, £100 per house).
- 6.13.36. A Statement from the developers to show that they are committed to implementing the travel plan is required.
- 6.13.37. Details on parking measures (vehicle and cycle) need to be provided in the Travel Plan, including the capacity of the secure cycle parking.
- 6.13.38. Actual baseline data should be collected within the first 3 months of occupation and multi modal counts should be carried out on site along with the annual survey.
- 6.13.39. A travel plan review should occur annually. The TPC should produce a review report which is to be submitted to HCC within three months of annual survey completion.
- 6.13.40. The management arrangement of the TP post 5 years monitoring with HCC should be outlined in the TP. An evaluation and support fee is required to be paid to HCC (£1,200 per annum for 5 years) to support Travel Plan monitoring and review and would be secured via a Section 106 Agreement. The TP should be drawn up in accordance with the County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' as set out at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6.

Construction

- 6.13.41. HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.
- 6.13.42. A Construction Traffic Management Plan would be required for all phases of construction. Measures would also be required to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGVs associated with the construction of the development.

Contributions

- 6.13.43. According to the St Albans New Local Plan Publication Draft (2018), St Albans City and District Council is considering the adoption of Community Infrastructure Levy (CIL) by Spring 2020. It is anticipated that any contributions could be sought via Section 106 Agreement for this development as CIL has not yet been adopted.

Conclusion

- 6.13.44. In summary, HCC as the highway authority recommend refusal of the planning application, subject to receipt of additional details as identified herein.

Second Response 03/02/2033 – updated on 22/03/2023 to clarify condition wording and s106 contributions.

- 6.13.45. 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, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) 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: 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.5153233-ATK-GEN-PRKST-DR-C-0001_P1.5). 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 3: 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 has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- A toucan or tiger parallel crossing to the north of the proposed site access junction;
- Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
- Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and
- Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) Prior to the first occupation of the development hereby permitted either:

- the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details; or
- the highways contribution has been paid in full by the developer.

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 4: Provision of two Active Travel Accesses

No works shall commence until detailed design drawings are submitted and approved in writing by the LPA that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

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 5: 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 6: Vehicle Swept Path Movement Plans

No development shall commence until vehicle swept path movements plans are provided for the following:

- a. a large car accessing all car parking spaces allotted both housing and visitor parking bays;
- b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 1); and
- c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

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 7: Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction 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 £6,000 and index-linked RPI May 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 Hertfordshire 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)

Travel Plan Evaluation & Support

6.13.46. 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 May 2014) Evaluation and Support Fee must be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance.

6.13.47. Further details of the Travel Plan review can be found under the subsection 'Travel Plan' of this statutory consultee response and informative AN7.

Sustainable Transport Contributions

6.13.48. The total developer contribution towards active travel is £648,470 and this will be used in the first instance to fund the Travel Plan (measures and monitoring) and off-site works identified in proposed condition 3 to be carried out by the developer, providing active travel betterment in the vicinity of the site for new and existing residents. Any unspent contribution will be payable to the Highway Authority who will distribute the contributions to the associated schemes identified in HCC's Local Transport Plan and its supporting documents, South Central Hertfordshire Growth & Transport Plan.

Section 278 (Highways Act 1980)

6.13.49. A Section 278 agreement will be required between the applicant and HCC. Details of the Section 278 process is stated above in Informative AN4. Further details of the offsite works have been detailed under the subsection 'Mitigation' of this statutory consultee response.

6.13.50. 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.

Comments / Analysis

Description of Proposal

6.13.51. The proposed development would comprise up to 95 residential dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings. This would also include public open space, landscaping and associated infrastructure.

Existing Site Description

6.13.52. The site is located within Park Street Village and approximately 4km south of St Albans and 4km north of Radlett. The proposed development site is located to

the west of the A5183 Watling Street and currently consists of agricultural land. To the west the site is bounded by arable farmland and to the east and south residential dwellings. The development proposes a new access from Watling Street to the east.

Planning Policy

6.13.53. Whilst the LHA has reviewed the planning policy included within the Transport Assessment (TA) within their first response to this planning application, we consider the local neighbourhood plan should be considered as part of the review of proposals. This is of particular importance in this location as St Albans currently does not have a recent local plan.

6.13.54. At this location the St Stephen Neighbourhood Plan (March 2022) covers this area of Park Street. It is noted the following policy sections are particularly relevant to highway matters for this planning application:

Policy s11: improvements to key local junctions and pinch points

Park Street Roundabout is identified as a strategic pinch point (Figure 7.1) and Policy s11 requests the cumulative transport impacts on road junctions and pinch points are assessed appropriately and in accordance with NPPF Paragraph 111.

No specific details are identified for Park Street Roundabout, however as a site of strategic importance we as LHA requested the roundabout was assessed for the cumulative impact. The results and conclusions of which are detailed later in this response.

Policy s12: off-street car parking

Relevant to this proposal is the application of bicycle parking facilities and the future proofing for electric vehicle charging. The development does not seek to remove any existing off-street parking and the development has been assessed against local parking standards for proposed off-street parking which has been met within the requirements of an outline planning application (i.e. confirmation the proposals are to standard) and found to be acceptable.

Policy s13: Bus service and community transport

This policy requires new major developments to seek S106 contributions towards public transport improvements. The LHA has made such requests through initially S278 proposals, however any remaining monies shall look to provide funding to wider improvement schemes as captured in the Growth & Transport Plan, which includes public transport projects.

Policy s14: Provision for walking, cycling and horse-riding

This policy looks to development proposals to help improve walking, cycling and horse-riding accessibility to major urban areas and ensure new developments provide safe and accessible access to existing facilities.

Furthermore, development proposals should seek to promote connections to the PRoW and the county's PRoW Improvement Plan.

The LHA has assessed the development within the context of this policy and the proposed pedestrian and cycle access is to design standards set out in Roads in Hertfordshire: Highway Design Guide.

Furthermore the LHA shall be seeking walking and cycling improvements through S278 agreements to improve the immediate connections, not only for the development but for existing residents on Watling Street, improving active travel access for wider community between Park Street and St Albans. Horse-riding is not an identified activity in this area, nor is it appropriate for the location and current 'A' Class road traffic.

Accessibility

Walking and cycling

- 6.13.55. There are footways on either side of the carriageway on Watling Street. However, the footway along the eastern border of the site is narrow and overgrown for pedestrians. There are also no formal crossing facilities along Watling Street within the vicinity of the site. However, to the north of the site there is a segregated footway / cycleway which to the north leads to an underpass below the A414 providing links to St Albans.
- 6.13.56. There are a number of local facilities and services within the vicinity of the site including primary and secondary schools and convenience stores.

Public Transport

- 6.13.57. The nearest bus stops to the site are located on Watling Street, along the frontage of the site. These stops provide hourly services between Welwyn Garden City, Borehamwood, Hatfield and Watford.
- 6.13.58. The nearest train station to the site is Park Street Railway Station, approximately 450m to the south of the site. This station provides frequent services between St Albans and Watford Junction.
- 6.13.59. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Road Safety

- 6.13.60. The applicant provided an analysis of the Personal Injury Accident (PIA) data for the 5 year period between December 2014 and December 2019 within the Transport Assessment dated January 2022. The LHA requested that the applicant provide further analysis for the collisions which occurred on Watling Street and to include more recent data up to December 2021.
- 6.13.61. The TA addendum note dated May 2022 includes this further analysis. It shows that between 2014 and 2021 there were 2 serious PIA's and 3 slight PIA's along Watling Street. Three of these collisions occurred to the north of the proposed site access at the junction with the BP Garage all at different times during the day (AM peak, during the afternoon and late at night) and during differing conditions.
- 6.13.62. None of the PIA's along Watling Street involved pedestrians, however one PIA involved a cyclist which occurred close to the junction of Burydell Lane where a cyclist collided with a parked car.
- 6.13.63. Having reviewed the additional collision data provided by the applicant, the Local Highway Authority (LHA) conclude that the proposals would not have a detrimental impact on existing highway safety.

Vehicle Access

- 6.13.64. The proposed vehicular access to the site would be from Watling Street at the eastern boundary of the development via a new T-junction. Drawing PRKST-DR-C-000001 shows that the proposed access would provide a 6m wide access road, 6m radii and a visibility splay of 4.5m x 90m in both directions.
- 6.13.65. Any works within the highway boundary (including alterations to the footway) will need to be secured and approved via a Section 278 Works Agreement with Hertfordshire CC.

Parking

- 6.13.66. The TA details that car parking provision will be in line with St Albans City & District Council parking standards. The development will also include the provision of electric vehicle charging. HCC would request that the applicant does not over provide parking to ensure a commitment to sustainable travel.
- 6.13.67. It is proposed that individual dwellings will provide bicycle parking within the curtilage of the unit and dedicated cycle parking facilities will be provided for flats.
- 6.13.68. Further details and plans clearly showing the location of vehicle and cycle parking would be required at detailed design stage. Swept path analysis for a large car would also be required.

Servicing, Refuse and Emergency Access

- 6.13.69. The applicant has provided swept path analysis for a 9.93m long refuse vehicle, which shows the vehicle entering and exiting the site at the proposed site access in forward gear. Latest refuse vehicle figures require a minimum of 10.875m x 2.5m is to be used, and therefore as conditioned, further swept path analysis will be required at detailed design stage showing a refuse vehicle manoeuvring around the internal roads of the proposed development which must include turning areas with these updated dimensions.
- 6.13.70. The applicant should refer to the St Albans City & District Council 'Refuse Collection and Recycling Requirements for New Developments and Change of Use' document.
- 6.13.71. Swept path analysis for a fire tender must also be provided for the proposed site layout demonstrating access for a pumping appliance within 45m of all dwellings and that the vehicle can enter and exit in forward gear.

Trip Generation

- 6.13.72. Trip generation has been calculated for people trips using the TRICS database (version 7.8.2) and within those calculations vehicle trips have also been identified. The TRICS parameters applied are acceptable. The following total vehicle trips are identified for the development proposal:
- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements
 - PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements

□ Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements

6.13.73. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.

Trip Distribution

6.13.74. Trip Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore, it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children.

6.13.75. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (eg.leisure, shopping). This methodology is considered acceptable.

Highway Impact

6.13.76. As agreed with HCC Highways, the applicant has assessed the proposed site access junction with Watling Street. An ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site.

6.13.77. A five-year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable.

6.13.78. The results of the junction capacity assessment at the site access show that the junction would operate well within capacity during both the AM and PM peak scenarios. The LHA consider these results acceptable.

6.13.79. In response to LHA concerns relating to observed queuing back from the Park Street Roundabout, the applicant has submitted a TA Addendum (dated 16th August 2022) which includes the results of a junction capacity assessment of Park Street Roundabout.

6.13.80. It shows that the A414 East and A5183 arms in the 2021 base year operate close to capacity in the evening peak period, with Ratio Flow Capacity (RFC) at 0.9 and 0.88 respectively. All remaining arms operate well within capacity. In the future year (2026) with development both the A414 East and A5183 arms operate closer to capacity than the baseline year, RFC at 0.94 and 0.96 respectively in the evening peak. This signifies a small increase in traffic from that of the existing. All remaining arms operate well within capacity in 2026.

6.13.81. It is acknowledged the model results have not replicated that which has been observed and this has been challenged by HCC Highways. The response to this was linking back to the limitations of the ARCADY model and the difficulties of replicating queue lengths and queue times. It is accepted that traffic modelling needs to replicate the actual traffic behaviour as much as possible and we do this through validation, therefore in this instance the model detailing queues along Watling Street did not validate and therefore we would normally ask the applicant to re-run the model to generate a more accurate assessment. However, the LHA has concluded in this instance if the applicant were to go back and review the

modelling, it would not necessarily change the outcome conclusion for this development because of the wider changes anticipated for the area of Park Street and the proposed active travel improvements (as detailed below) Watling Street shall benefit from as a result of this development.

6.13.82. Furthermore, the proposed Strategic Rail Freight Interchange (SRFI) to the east and south of Park Street has been considered, however based on the proposed capacity assessment results the applicant has considered that this development would not have a major impact on the operation of Watling Street and future mitigation works as a result of the SRFI would actually alleviate traffic issues along Watling Street, ultimately leading to the 'A' Class road being downgraded to a 'C' Class road. Therefore, the proposed active travel mitigation works would provide a good basis for the change in street scene at this location, when the larger context is taken into consideration.

6.13.83. In conclusion, the LHA does not formally accept the traffic modelling due to the validation issues identified in this response, however in consideration of the anticipated implications if this modelling was to successfully represent the observed queue along Watling Street, we are of the view this would not provide significant additional queuing directly relating to the proposed development. The development proposals do however provide the opportunity for new active travel trips through the proposed active travel mitigation measures. The location is to be further improved by the proposed Park Street Roundabout improvements, ultimately leading to Watling Street at this location being downgraded, creating a naturally more active travel and lower traffic environment for all existing and new residents.

Mitigation

6.13.84. 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 Section 278 Works agreement (Highways Act 1980). The major parts of the offsite works include:

- A toucan or tiger parallel crossing to the north of the proposed site access junction;
- Upgrade footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
- Upgrade footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing to as far south as possible, to link with Park Street Station; and
- Upgrade the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

6.13.85. The TA 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 north of the site to Watling Street (to link with proposed toucan or tiger parallel crossing); and
- A pedestrian and cycle access from the centre of the site to Watling Street.

Travel Plan

- 6.13.86. A draft Travel Plan (TP) has been submitted as part of the outline planning application. The Travel Plan does not include the contact details for the Travel Plan Coordinator (TPC). Secondary contact details to the interim or full travel plan TPC should also be provided. The time allocated to the TPC role (full time or part time) should also be provided.
- 6.13.87. The applicant has confirmed that contact details for the TPC will be provided once planning permission has been granted and once measures have been agreed, supporting details for the time allocated to the TPC role will be provided. The TP includes a good set of measures.
- 6.13.88. As per HCC Travel Plan Guidance, residential travel pack contributions should be provided for residents. This is usually in the form of Transport or retail vouchers to encourage active and sustainable travel (£50 per flat, £100 per house).
- 6.13.89. A Statement from the developers to show that they are committed to implementing the travel plan is required. The applicant has confirmed that this will be provided at detailed design stage.
- 6.13.90. Details on parking measures (vehicle and cycle) need to be provided in the Travel Plan, including the capacity of the secure cycle parking. At detailed design stage these will be included on the Full Travel Plan. This is acceptable.
- 6.13.91. The updated Travel Plan confirms that actual baseline data will be collected within the first 3 months of occupation and multi modal counts should be carried out on site along with the annual survey. A travel plan review will also occur annually and the TPC will produce an updated report which is to be submitted to HCC within three months of annual survey completion.
- 6.13.92. The management arrangement of the TP post 5 years monitoring with HCC will be discussed with HCC once the fifth year of monitoring has been passed.
- 6.13.93. An evaluation and support fee is required to be paid to HCC (£1,200 per annum for 5 years, index linked RPI May 2014) to support Travel Plan monitoring and review and would be secured via a Section 106 Agreement. The TP should be drawn up in accordance with the County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' as set out at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6.

Construction

- 6.13.94. HCC would require a full Construction Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A Condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.
- 6.13.95. A Construction Management Plan would be required for all phases of construction. Measures would also be required to protect users of the local road network from hazards arising from undue damage caused by large numbers of HGVs associated with the construction of the development.

Planning Obligations and Agreements

- 6.13.96. All offsite works are to be delivered via a Section 278 Works 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.
- 6.13.97. In the absence of CIL, sustainable transport contributions are sought. Hertfordshire County Council's 4th Local Transport Plan (LTP4) has developed strategies and plans for the county and the towns and areas within it which identifies the sustainable transport and accessibility measures for which contributions would be sought. Further supporting documents include, Growth & Transport Plans which consider current and future transport challenges and identifies interventions aligned to the LTP4 objectives, A414 Strategy, Neighbourhood Plans and Local Cycling & Walking Infrastructure Plans (LCWIPs).
- 6.13.98. For new residential developments, a contribution of £6,826 per dwelling is required. Therefore based on the proposed development of 95 dwellings the total developer contribution to active travel would be £648,470.
- 6.13.99. The Highway Authority will distribute the contributions to the associated schemes to mitigate the impact of the development, typically through schemes identified in HCC's Local Transport Plan (LTP) and its supporting documents, South Central Hertfordshire Growth & Transport Plan. Sustainable transport contributions can be used for, but not limited to, packages including:
- PK30 A414 Highways Improvements (South of St Albans) - To enhance the function of the A414 as a strategic east to west route in south central Hertfordshire through capacity and reliability upgrades;
 - PK35 Chiswell Green Corridor Active Travel Improvements - To improve connectivity between Chiswell Green, Park Street and St Albans, and reduce through traffic on the Watford Road corridor.
- 6.13.100. 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 May 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

- 6.13.101. 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.
- 6.13.102. 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 a Section 278 Works agreement prior to occupation.

6.14. HCC Landscape

First Response 28/04/2022:

- 6.14.1. Thank you for consulting the landscape planning advisory service on the above proposal. The following comments are given with regards to landscape matters in

line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

NATIONAL PLANNING POLICY FRAMEWORK

- 6.14.2. The National Planning Policy Framework confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.
- 6.14.3. Decisions should also ensure that new developments, are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 6.14.4. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

SUBMITTED INFORMATION

- 6.14.5. The following submitted documents and plans have been reviewed:

Design & Access Statement, January 2021

Landscape and Visual Impact Assessment, Version 3, 13/01/2022 and appendices

Winter Views Addendum, Version 1, 12/01/2021

LANDSCAPE & VISUAL IMPACT ASSESSMENT (LVIA)

6.14.6. LANDSCAPE ASSESSMENT

Landscape effects

LVIA SUMMARY OF LANDSCAPE EFFECTS		At completion
Use of the site as an arable field	adverse	moderate/minor
Mixed condition of boundaries	beneficial	minor
Mature trees along sections of site boundaries	beneficial	moderate/minor
Presence of settlement edge along southern and eastern boundary	adverse	minor
Overall character of the site	adverse	minor
Overall character of the setting of the site	adverse	minor

- 6.14.7. The findings of the landscape assessment are broadly supported, providing that adequate mitigation is delivered within the masterplan. (See comments under 'Mitigation Measures')
- 6.14.8. It is acknowledged that the proposed development will change the landscape character from an open arable field to residential housing. However the

significance of this is reduced due to the strong containment of the development within the field pattern, defined by existing vegetation that provides an opportunity to deliver mitigation and enhancements for the benefit of visual amenity and biodiversity.

- 6.14.9. In addition, the site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west.

VISUAL ASSESSMENT

Methodology / limitations

- 6.14.10. The visual baseline appears to describe representative viewpoints 1-22 during the summer months – and therefore does not represent worst case scenario.
- 6.14.11. Winter photographs have been provided for viewpoints 1-28 (to include the additional viewpoints requested by the local planning authority (LPA)), however viewpoints 23-28 have not been included in the description of the visual baseline.
- 6.14.12. The viewpoint numbers referenced within the LVIA ‘Assessment of Effects’ (Section 8) do not appear to correspond with the viewpoint location numbers shown on the ‘Viewpoint Location Map’ or ‘Winter Views Location Map.’
- 6.14.13. The assessment refers to the reduction of effects on establishment of the new hedgerow and tree planting. It should be noted that the effects on establishment are generally considered at post completion year 15.

Visual effects

LVIA SUMMARY OF VISUAL EFFECTS		At completion	Approx. 15 yrs
Residents along Watling Street	adverse	moderate/minor	minor
Residents along Mount Drive	adverse	moderate/minor	minor
Pedestrian users of Watling Street	adverse	moderate/minor	-
Road users of Watling Street	adverse	minor	-
Residents along Old Orchard	adverse	moderate	-
Residents along Tippendell Lane	adverse	minor	-

- 6.14.14. The visual assessment concludes that the site is relatively well contained from views to the north and west, and from a lesser extent from the east as a result of the screening effect of the intervening the existing settlement edge and vegetation.
- 6.14.15. This view is broadly supported, providing that adequate mitigation is delivered within the masterplan. (See comments under ‘Mitigation Measures’)
- 6.14.16. The submitted ‘Zone of Theoretical Visibility’ shows that the site is potentially most visible from an area broadly contained by the A414 to the north, the railway line to the east, the A405 to the west, and the Old Orchard housing estate to the south.
- 6.14.17. However verification on site, demonstrates that actual views are further limited due to the screening effect of the intervening sloping topography, settlement and infrastructure, and vegetation.

6.14.18. The most significant views are from Old Orchard to the south, and Watling Street immediately to the east. From here the new development will be highly visible, however the significance of this is reduced due to their less sensitive urban context, and the opportunity to deliver mitigation and enhancements along the site boundaries and throughout the development. (See comments under 'Mitigation Measures')

MITIGATION MEASURES

6.14.19. The LVIA is based on the delivery of mitigation measures including the retention and strengthening of boundary vegetation, and the incorporation of landscape planting between the built form of the proposed development, to soften views.

6.14.20. The LVIA states that the 'the site's western boundary ...could be enhanced with additional tree planting.'

6.14.21. It is strongly advised that there should be additional tree planting and that it should be more robust and continuous to deliver a strong defensible boundary with the open countryside, in line with the LPA's 'Design Advice Leaflet No. 1' that states that 'It is crucial that sufficient space is allowed for screen planting, which shall include large trees, where new development borders the edge of existing settlement...'

6.14.22. It is important that this mitigation is delivered on-site.

6.14.23. The retention and enhancement of the site's eastern boundary, and a new hedgerow the trees to the southern boundary are supported.

6.14.24. With regards to the provision of landscape planting between the built form of the proposed development, there is strong concern that this is not realised within the emerging scheme. Indeed the 'Landscape Design Strategy' shows all landscaping to the periphery of the site and nothing within the developable area.

6.14.25. On reviewing the 'Illustrative Layout – 01' this shows the majority of new tree planting within private residential gardens that will be subject to removal by future residents. It is strongly advised that there needs to be a greater balance of trees within the public realm and open spaces that should be generous enough to accommodate large scale mature tree canopies that will effectively soften views from the wider area.

6.14.26. There is some concern for the distribution of building heights as shown on the parameter plan in the Design and Access Statement. It would be beneficial to understand if options to locate the tallest elements (2.5 stories) at the lowest elevations along the western side of the site have been explored, balanced with an understanding of the sensitivity of this edge.

LANDSCAPE PROPOSALS

6.14.27. See comments under 'Mitigation Measures' above.

6.14.28. There is concern for the location of the Public Open Space (POS) predominantly at the edges of the site within the left-over space. The green infrastructure (GI) and POS network should be integrated and permeate throughout the development. Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

- 6.14.29. The location of the play area is not supported, disconnected from the development at the junction of the primary road, which raises issue of safety and accessibility, and is not positively fronted or overlooked.
- 6.14.30. Consideration should be given for public open space where recreation objectives may conflict with habitat creation/protection and biodiversity objectives.
- 6.14.31. There is concern that the proposed SuDS basin will not meet the stated objectives for biodiversity, and in reality, will need to be maintained as a large bare depression in the ground – steep slopes and security fencing should be avoided. It is not clear if any linear SuDS features will need to be accommodated within the development layout.
- 6.14.32. SUMMARY & CONCLUSION
- 6.14.33. The LVIA helps demonstrate that the proposed development could be acceptable in principle. However a more robust level of mitigation is required (as discussed in detail above). This should include the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape. It also requires an integrated GI/POS network and public realm that permeates throughout the development and is generous enough to accommodate large scale mature trees.
- 6.14.34. Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

Second Response 06/07/2022

- 6.14.35. Thank you for consulting the landscape planning advisory service on the above proposal. The following comments are given with regards to landscape matters in line with national and local policy requirements, British Standards, and industry accepted good practice guidance.

PREVIOUS LANDSCAPE ADVICE

5/2022/0267 OUTLINE – 28/04/2022

- 6.14.36. It was concluded that:
- The LVIA helps demonstrate that the proposed development could be acceptable in principle. However a more robust level of mitigation is required (as discussed in detail above). This should include the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape. It also requires an integrated GI/POS network and public realm that permeates throughout the development and is generous enough to accommodate large scale mature trees.
 - Open spaces should have a clear function and be considered as an integral part of the site layout from the inception of the design process.

SUBMITTED INFORMATION

- 6.14.37. The following submitted documents and plans have been reviewed:

Letter, Nicholson's Lockhart Garratt, dated 30th May 2022

Illustrative Layout – 01, thrive architects, SCOT210806 IL-01 Rev C

LANDSCAPE PROPOSALS

- 6.14.38. In response to the previous landscape advice requesting the delivery of more robust tree planting along the western site boundary to create a stronger defensible edge to the wider landscape, the provision of some additional tree planting where possible (taking into account onsite constraints) along here is welcomed.
- 6.14.39. The plans are currently illustrative, detailed planting plans will be required (via condition) and the approach to planting along here will be critical to maximise density of vegetation and effectiveness as mitigation. For example double staggered row hedgerows with a mix of standards and small copse groups etc.
- 6.14.40. The 'Illustrative Landscape Design Strategy' has now been updated to show the peripheral and all internal planting.
- 6.14.41. On comparing the site previous and current site layout plans it is apparent that some additional tree planting has been provided where possible within the public realm, predominantly to the front of plots 12-29.
- 6.14.42. The function of the row of garden trees to provide layered screening as a response to the topography of the site is understood, and they should be provided, however they do remain at potential risk of removal by residents in the future. It is noted that the mitigation is for the benefit of views from along Tippendell Road, this receptor is of lower sensitivity and will also benefit from mitigation along the western site boundary. On balance, if they were to be removed, it should not result in any unacceptable significant adverse effects.
- 6.14.43. The relocation of the play area is supported.

SUMMARY & CONCLUSION

- 6.14.44. Overall the submitted additional information has sought to address the landscape concerns at this stage.
- 6.14.45. One minor point that was not previously raised is the absence of any patios to the rear of the properties which are important for health and wellbeing, providing all weather access to the gardens.
- 6.15. HCC Minerals and Waste
- 6.15.1. I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

- 6.15.2. In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in part of the area of the application site.

- 6.15.3. Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 6.15.4. Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings.

Waste

- 6.15.5. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 6.15.6. The National Planning Policy for Waste (October 2014) sets out the following:
- 6.15.7. 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
 - new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
 - the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'
- 6.15.8. This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition.

6.15.9. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

6.15.10. A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

6.15.11. The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

6.15.12. We would request the following condition be attached to any approved planning permission:

6.15.13. Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

6.15.14. Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

6.15.15. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

6.15.16. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of

waste during enabling works (including demolition) and construction works should also be summarised.

6.15.17. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition, and provide comment to the District Council.

6.16. HCC Planning and Environment- no response received

6.17. HCC Spatial Planning and Economy Unit – no response received

6.18. Lead Local Flood Authority

6.18.1. The Lead Local Flood Authority responded in respect of this application on 05/01/2023 with the following:

Dear Planning Team

- *5/2022/0267 - Land between caravan site and Watling Street, Park Street, St Albans*

Hertfordshire County Council as Lead Local Flood Authority (LLFA) have reviewed the cases listed above and do not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.

As such we would recommend that the LPA requires the applicant to follow the standing advice, requirements and guidance available here <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>. In short, all sites should endeavour to follow the discharge and SuDS hierarchies, should discharge at greenfield runoff rates and should utilise a source control approach as far as possible.

If the LPA seeks further reassurance on the detail of the application, we would support the use of third-party consultant to review the proposals and provide case-specific advice regarding the surface water/SuDs design to ensure that the development complies with national and local requirements and best practice standards.

We would advise the LPA that with future discharge of condition applications where conditions have been provided by third-party consultants, we will need to utilise a flexible approach regarding their discharge. We intend to comment on the discharge of drainage conditions in the vast majority of cases, however resource constraints and the specific nature of the conditions may mean this is not possible in all cases. For example, we would not recommend the discharge of inappropriate conditions that do not meet national and local requirements.

6.18.2. Given the capacity issues currently faced by the LLFA, in this case the Council has engaged the services of RAB Consultants in the determination of this application. RAB's initial comments on 04/08/2022 on this application were:

This technical review has been carried out by RAB on behalf of St Albans District Council.

The application documents as submitted are insufficient for the Local Planning Authority to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- The approval in principle from Thames Water with regards to surface water discharge is set at a maximum flow of 2l/s into the public sewer located in Old Orchard. However, the Micro Drainage hydraulic modelling calculations submitted as part of the Drainage Strategy Report uses a vortex flow control on the outfall pipe (label 1.019 in the hydraulic model) set at 3.1l/s. The applicant should revise the hydraulic modelling and submit results in accordance with the Thames Water permissible discharge of 2l/s.*
- The Micro Drainage hydraulic modelling calculations submitted as part of the Drainage Strategy Report includes a vortex flow control upstream of pipe label 1.007, for control on Basin 1. However, there is no flow control chamber shown on Drainage Strategy Plan submitted for planning. The applicant should confirm the locations of all flow controls and ensure that the surface water drainage information submitted is consistent.*
- With regards to the proposed surface water drainage outfall pipe (label 1.019 in the hydraulic model), the invert level at the upstream end is lower than the invert in the Thames Water public surface water chamber in Old Orchard (chamber number 5152). Consequently, the outfall pipe is shown as having a backfall, which will likely mean Thames Water will not adopt it and as a result, if the outfall pipe is not adoptable then the overall development surface water drainage infrastructure may also not be adoptable. Furthermore, a backfall of this nature (especially on the outfall pipe upstream of the final flow control chamber) will have significant operation and maintenance implications at that location. The applicant should substantiate the whole-life strategy in relation to this inverted outfall pipe, which should include confirmation of further consultation with Thames Water on this issue if the intention is to have the proposed surface water drainage infrastructure adoptable. If not adoptable, confirm what the whole-life strategy maintenance will be and if Thames Water will still permit a connection into their chamber from an inverted pipe. This updated strategy should confirm the whole-life operation and maintenance of the inverted outfall pipe.*
- The Environment Agency has confirmed that the site lies in a vulnerable groundwater area with a Source Protection Zone 2 and a principal aquifer. The applicant should confirm the infiltration strategy for Basin 1 and any other sustainable drainage features that are intended to infiltrate and that the Agency's advice ('that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken') has been followed.*

Consequently, we advise that there is insufficient information to provide a detailed assessment of the proposals at this time. In order to satisfy the requirements of the Local Planning Authority, we advise that the applicant should ensure that the details above are submitted.

6.18.3. RAB's second response on this application, further to the receipt of additional information, was received on 08/12/2022, and set out the following:

This technical review has been carried out by RAB on behalf of St Albans District Council.

The proposed development would be considered acceptable to St Albans District Council as the Local Planning Authority if the following planning condition is attached to any permission granted.

1. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.

b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.

c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).

d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.

e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.

f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.

g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.

h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.

i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.

j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.

k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

6.19. HCC Water Officer

6.19.1. This will require a condition for the provision and installation of fire hydrants, at no cost to the County, or F&RS.

6.19.2. This is to ensure all proposed dwellings have sufficient and adequate water supplies available for use by the F&RS in the event of emergency

6.20. HSE Hazardous Substance Consent

6.20.1. HSE is a statutory consultee for certain developments within the consultation distance (CD) of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to HSEs Planning Advice WebApp <https://pa.hsl.gov.uk>.

6.20.2. I should therefore be grateful if you would arrange for HSEs Planning Advice WebApp to be used to consult HSE for advice on this application, which lies within very close proximity to the CD of Pipeline 7533 – Cadent Gas Ltd (Park Street/Link Road).

6.20.3. Should you or your colleagues need any additional help in using the new WebApp to obtain HSE's advice on a proposed development, a central support service is available at lupenquiries@hse.gov.uk or by telephoning on 0203 028 3708.

6.20.4. NB - On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

6.20.5. A relevant building is defined in the planning guidance at gov.uk as:

6.20.6. - containing two or more dwellings or educational accommodation and

- 6.20.7. - meeting the height condition of 18m or more in height, or 7 or more storeys
- 6.20.8. There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021>.
- 6.20.9. HSE's team can be contacted by email via PlanningGatewayOne@hse.gov.uk.

N.B. The Local Planning Authority used the web app tool noted above, and retrieved the following response:

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

6.21. Community Services

- 6.21.1. Community Services forwarded the following response from the Parish Council:

"We had pre-empted your request so agreed at a committee meeting to submit the following

Play Areas: Park Street Recreation Ground

Parks & Open Spaces: Park Street Recreation Ground

Leisure & Cultural Centre: Park Street Pavilion"

6.22. Environmental Compliance

- 6.22.1. Advises that any permission which the Planning Authority may give shall include the following conditions. Informatives also recommended:

- 6.22.2. Noise issues:

- 6.22.3. 1. 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, aircraft, railways, industry, construction, wind farms] 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

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

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

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,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.

6.22.4. 2. Noise Monitoring Post Construction - Residential Dwellings

Condition:

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

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

Reason:

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

6.22.5. 7. Hours of Opening

Condition:

The use hereby permitted shall not be open to customers outside the following times:

Odour control:

6.22.6. INFORMATIVES

6.22.7. Hours of Demolition/Construction Works

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

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

6.22.8. Noise Insulation - Conversion

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

6.22.9. Internal ambient noise levels for dwellings

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

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

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,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.

6.22.10. Dust

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

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

6.22.12. 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.

6.22.13. Lighting details

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

6.22.14. Contaminated Land

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

6.22.15. Informative for the Redevelopment of Agricultural Land and Buildings

An acceptable Desktop study would comprise a fully detailed statement of the previous uses and current activities on site by the landowner or operator at the time that potentially contaminative activities took place. The Desktop study must include a site walkover documented with photographs.

This should include consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal, asbestos disposal and hydrocarbons from farm machinery. Additionally, the study should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

It should be noted that an internet search report or land condition report is not, in isolation, sufficient information to discharge the requirement for a Desktop study involving agricultural 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.

6.22.16. Asbestos

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

6.22.17. SUGGESTED MINIMUM CONDITIONS FOR A3 EXTRACTION AND FILTRATION SYSTEMS

1. INTRODUCTION

The type of filter, fan and ductwork all depend on the nature of the food to be cooked.

2. FILTERS

It is the grease content of the food that influences the type of filter that needs to be installed. Most premises, for example, European, Chinese or Indian restaurants, all give rise to cooking odours. Most of these can be controlled by the installation of either carbon filters, masking agents, electrostatic precipitation or a high flue.

Carbon filters - These are also known as biological filters and work as the flue gases are neutralised as they pass over activated carbon. In order for carbon filters to be effective the flue gases must be free from grease and below 400c. It is therefore necessary for the flue gases to pass through prefilters in order to take out grease particles and allow the flue gas temperature to drop. The carbon filters have to be replaced periodically and prefilters have to be changed very regularly. The length of time between changes depends on the amount of use, however, once monthly for prefilters and every 8-12 months for carbon filters would seem reasonable.

Masking Agents - This process involves the injection of a chemical masking agent into the ducting as the flue gases pass by. Essentially, as the name suggests, the cooking odour is neutralised by the chemical. This method is not successful on its own when the flue gases are primarily smoke or greased based. The masking agent needs to be topped up every four weeks.

Electrostatic Precipitation - This is the best method for neutralising odours associated with cooking processes that involve smoke or grease, e.g., fish and chip shops. It is most effective when combined with a masking agent as described above. Essentially, particles become electrically charged and become attached to a metal plate as they pass through the unit. Unlike carbon filters and prefilters there unit does not become less effective over time provided that the metal plates are cleaned regularly.

Height of Flue - The presence of a canopy and a flue high enough to discharge odours away from neighbouring premises may be sufficient to prevent odour nuisance to neighbouring properties. This method should be treated with caution however, as weather conditions can cause flue gases to be blown back down to ground level. If a premises is relatively isolated, there are no tall buildings, hills or other obstructions close by, than the installation of a flue may be sufficient. In cases where an alternative method is to be employed, e.g. carbon filters; it is still worthwhile having the flue termination one metre above the eaves level of the nearest highest building.

3. FANS

For both carbon filters and electrostatic precipitators (ESP), the fan should be installed after the unit. The fan should have sufficient power to draw air through the units. There will be a degree of resistance associated with the ESP and the fan will have to be powerful enough to overcome this. With the carbon filter, there needs to be sufficient contact time between the filter and the flue gases and the fan should be selected to allow this.

4. DUCTWORK

The internal surface of ductwork should be smooth so that grease cannot build up. The presence of grease in ducting is not only a fire risk, but increases resistance and thus the velocity of flue gases. There should not be any sharp bends in the ducting as this will also reduce the velocity of gases. An ideal efflux velocity is 15 metres per second.

6.23. NHS GP Premises / NHS Herts Valley Clinical Commissioning Group

6.23.1. Herts Valley Clinical Commissioning Group has considered this planning application. Should this development of 95 dwellings go ahead, based on an

average occupancy of 2.4 occupants per dwelling, it will create circa 228 new patient registrations.

- 6.23.2. Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Herts Valley Clinical Commissioning Group. We expect applications for closed lists to increase as new developments in the area go live. Even when surgeries are significantly constrained Herts Valley CCG and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. It is therefore important that new housing contributes financially towards healthcare infrastructure. Patient lists are only closed in exceptional circumstances.
- 6.23.3. When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. by re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Developers' contributions under these circumstances is considered fair, reasonable and necessary.
- 6.23.4. Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary and the CCG nor NHS England can prescribe which surgery patients should attend. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.
- 6.23.5. For several years, Herts Valley CCG, in accordance with national direction, has commissioned a number of additional services from general practice. 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) effective from 1 July 2019. NHS England agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the ensuing 5 years.
- 6.23.6. In Herts Valley CCG there are 17 PCNs across the 4 localities; each covering a population of between circa 27,000 and 68,000 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. The PCN that covers St Albans and under which this development falls has a combined patient registration list of 141,130 and growing.
- 6.23.7. For the above reasons a S.106 contribution is requested to make this scheme favourable to NHS England and Herts Valley Clinical Commissioning Group.
- 6.23.8. Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and does not take into account other development proposals in the area.
- 6.23.9. Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS GP provision:

228 new patient registrations/2000 = 0.114 of a GP *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"

0.114 x 199 m² = 22.686 m² of additional space required

22.686 m² x £5,410* per m² = £122,731.26 (*Build cost; includes fit out and fees)

£122,731.26 / 95 dwellings = £1,291.91 per dwelling (rounded up to £1,292 per dwelling)

Total GMS monies requested: 95 dwellings x £1,292.00 = £122,740.00

- 6.23.10. This may involve expansion, reconfiguration and digitisation of patient records. All of these and possibly other options are with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.
- 6.23.11. To achieve this S106 monies are required as being ultimately the only source of funding. A trigger point of on occupancy of the 25th and 50th dwelling is requested. An advantage to an extension for example in reflecting on the operational impact of the pandemic is that in line with the direction of travel, areas need to be identified that can be isolated from the main practice area for obvious reasons.
- 6.23.12. NHS England and the Herts Valley Clinical Commissioning Group reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.
- 6.23.13. As well as the importance of a S.106 contribution for GMS, it is also vital to consider the impact of developments and additional residents on community and mental healthcare as occupiers of the development will access a variety of healthcare. Based on recent cost impact forecasting calculations, the potential cost impact of these developments going ahead on community and mental healthcare would be as follows:
- 6.23.14. The CCG is keen to continue to work with St Albans City & District Council as well as the developer to ensure that patients access to healthcare isn't compromised by this development, or indeed, other developments.
- 6.23.15. In terms of identifying a project in full at this stage the following points must be considered:
- All projects are subject to Full Business Case approval by the CCG and NHS England.
 - A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.
 - All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is vital.

- A project identified and costed in response to the planning application may not meet the objectives of the current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

6.23.16. At the time of responding to planning applications it is unclear when the development may be delivered, even if the site is listed in the Local plan and features on the housing trajectory for the local authority or indeed if permission will be granted. But should this development, as with any other, materialise, it will have an impact on healthcare provision in the area and must be mitigated by legally securing developers contributions.

6.23.17. Subject to certainty that healthcare will be the beneficiary of the aforementioned Section 106 contributions in relation to this development. Herts Valley does not raise an objection to the proposed development.

Further Response 03/01/2023

6.23.18. Our response doesn't change as the number of Dwellings haven't changed.

6.24. Herts and Middlesex Wildlife Trust

First Response 15/03/2022

6.24.1. The full NE biodiversity metric in its original form must be supplied to enable verification. A summary is not acceptable.

6.24.2. Once this has been supplied and approved the following condition should be applied to translate the outputs of the ecological report and the metric assessment into the development.

6.24.3. Condition

'Development shall not commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units as a minimum (13.04) to achieve the stated net gain in biodiversity and include the following.

a) Description and evaluation of features to be managed.

b) Aims and objectives of management.

c) Appropriate management options for achieving target condition for habitats as described in the approved metric.

d) Prescriptions for management actions, only definitive measures are acceptable.

e) Preparation of a 30 year work schedule, in a series of 5 year plans, with outputs clearly marked on plans.

f) Details of the body or organisation responsible for implementation of the plan.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

i) Details (make, model and location) of 30 integrated bat boxes and 40 integrated swift boxes to be included in the proposal

j) Details of hedgehog highways between the gardens of the development, clearly marked on plans

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure a measurable net gain to biodiversity and to conserve and enhance biodiversity, in accordance with NPPF.

6.24.4. If you wish to discuss any of the above please get in touch.

Second Response 08/12/2022

6.24.5. The biodiversity metric that has been supplied is acceptable. The following condition should be applied to secure its outputs.

Condition

6.24.6. 'Development shall not commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units as a minimum (11.35) to achieve the stated net gain in biodiversity and include the following.

a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.

b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.

c) Appropriate management options for achieving target condition for habitats as described in the approved metric.

d) Preparation of a 30 year work schedule, in a series of 5 year plans, with outputs clearly marked on plans.

e) Details of the body or organisation responsible for implementation of the plan.

f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

i) Details (make, model and location) of 30 integrated bat boxes and 40 integrated swift boxes to be included in the proposal

j) Details of hedgehog highways between the gardens of the development, clearly marked on plans

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure a measurable net gain to biodiversity and to conserve and enhance biodiversity, in accordance with NPPF.

6.25. Hertfordshire Fire and Rescue Service (see comments under 'HCC Water Officer')

6.26. Housing

6.26.1. *First Response 31/03/2022:*

With regards to the above planning application, the Strategic Housing department supports the provision of a policy compliant 40% amount of affordable housing in the district.

I await further details as to the proposed tenure split, however the preference would be that the larger accommodation, specifically the 3 and 4-bedroom houses are provided for rent. Not only does this reflect housing need in the district but it also ensures that the smaller properties are available for intermediate housing and are more affordable and suitable for first time home owners.

The mix should be 2:1 rental to intermediate housing.

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

Second Response 10/06/2022

6.26.2. With regards to the above planning application, the Strategic Housing department supports the provision of a policy compliant 40% amount of affordable housing in the district.

6.26.3. The housing mix detailed in Appendix I broadly reflects local need in the district however I await further details as to the proposed tenure split. The preference would be that the larger accommodation, specifically the 3 and 4-bedroom houses are provided for rent. Not only does this reflect housing need in the district but it also ensures that the smaller properties are available for intermediate housing and are more affordable and suitable for first time home owners.

6.26.4. The mix should be 2:1 rental to intermediate housing.

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

Third Response 29/11/2022

- 6.26.6. In response to the further information provided, I await further details as to the proposed tenure split of the affordable housing provision.

6.27. Legal – no response received

6.28. Natural England

First Response 09/03/2022

- 6.28.1. Natural England has no comments to make on this outline application.
- 6.28.2. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 6.28.3. Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.
- 6.28.4. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 6.28.5. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Second Response 16/06/2022

- 6.28.6. Natural England has previously commented on this proposal and made comments to the authority in our letter dated 09 March 2022 NE reference number 385205.
- 6.28.7. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- 6.28.8. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.28.9. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

6.29. Parking – no response received

6.30. Planning Enforcement

6.30.1. We have no comments at this stage

6.31. Spatial Planning

Initial Response 04/07/2022

6.31.1. Recommendation – Neutral

ADVICE/ COMMENTS

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

Principle of Development

Relevant Policy

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

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

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

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

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

6.31.5. NPPF states:

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

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

6.31.6. PPG Paragraph: 001 Reference ID: 64-001-20190722:

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

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

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

Evidence Base and previous Local Plan work

SKM Green Belt Review

6.31.7. The SKM Green Belt Review comprises:

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

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

6.31.8. The site is identified as part of GB28 in the Green Belt Review.

GB 28:

"Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes."

6.31.9. The assessment set out next steps for GB28:

"Land north of How Wood is recommended for further assessment as a small scale sub-area (SA-SS6). The subarea is enclosed by Tippendell Lane to north and settlement edge to south, east and west. Assessed in isolation this very small area of makes a limited or no contribution towards checking sprawl, preventing

merging, safeguarding the countryside, preserving setting or maintaining local gaps.”

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

Strategic Housing Land Availability Assessment

- 6.31.11. The site was identified in the SHLAA 2016 (references 46) and SHLAA 2018 (also reference 46) as a subset of OS-624.

- 6.31.12. SHLAA 2018 Strategic Site Selection Evaluation Outcomes - Appendix 1 - Schedule of strategic sites, assesses Land West of Park Street PS -624 (combines 14, 46, 255, 543, 560 and 587) and does not find it suitable.

SHLAA 2009 Comments

“The site is part of the Upper Colne Valley, where leisure uses compatible with the nature conservation and ecological interest of the area are promoted.

Development would affect land that is presently rural rather than urban in nature, would cause demonstrable harm to the character and amenity of adjoining land, would be visually intrusive and result in encroachment into surrounding open countryside. Development would also result in increased coalescence between How Wood and St Albans and could prevent the land from making a positive contribution to the Watling Chase Community Forest.”

Strategic Site Selection Evaluation Outcomes – 2018

- 6.31.13. The site was considered through the Strategic Site Selection Evaluation Outcome on page 87. Below sets out the evaluation:

‘An independent Green Belt Review was carried out in 2013. The site falls in parcel GB28. The Review concludes

“The overall contribution of GB28 towards Green Belt purposes is:

- To check the unrestricted sprawl of large built-up areas – limited or no
- To prevent neighbouring towns from merging – partial
- To assist in safeguarding the countryside from encroachment – partial
- To preserve the setting and special character of historic towns – limited or no
- To maintain existing settlement pattern – significant”

“The parcel does not fully separate neighbouring 1st tier settlements however it contributes (with GB26, 27, 29 &) to the strategic gap between St Albans and Watford (Abbots Langley) to the south of the study area. This gap is 4.8km and contains the settlements of Chiswell Green, How Wood, Bricket Wood, Park Street / Frogmore and Radlett Road. Therefore any reduction in the gap would have a limited impact on the overall separation of 1st tier settlements in physical or visual terms but would have a significant impact on the separation between 1st and 2nd tier settlements and local levels of visual openness.”

“The parcel displays some typical rural and countryside characteristics to the north in a mixture of arable fields bound by hedgerows and occasional hedgerow trees

interspersed with some small blocks of woodland, whereas to the south pasture fields are enclosed with fencing. In spite of this, urban influences are strong through the proximity of settlement edges and A414 and A405 which run through the parcel. These are concealed by the general landscape and tree / hedgerow cover in some areas but are audibly intrusive. Settlement boundaries enclose the majority of the parcel reinforcing urban fringe characteristics. Levels of visual openness are variable and generally contained.”

“The parcel provides primary local gaps between St Albans and Park Street / Frogmore (2nd) and How Wood (2nd). Gaps are 0.4km and 1.1km respectively. Both gaps are narrow, especially to Park Street / Frogmore. In spite of containing the A414/A405 these major roads are well integrated into the landscape and are concealed to provide a limited perception of the gap or settlements from the routes. The gaps are well-maintained and any reduction would be likely to compromise the separation of settlements in physical and visual terms, and overall visual openness.”

In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is red. There is no reason to take a different view from that set out in the Green Belt Review 2013.

RED

Call for Sites - 2021

- 6.31.14. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 in the HELAA and the site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. It should be noted that the HELAA process has not taken into account Green Belt constraints.

Housing

- 6.31.15. The proposed development is for up to 95 dwellings.

Housing Land Supply

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

Housing and Affordable Housing Need

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

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

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

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

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

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

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

Source: Census/CoRe/Projection Modelling and affordability analysis

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

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

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

Source: Range of data sources as described

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

6.31.18. The proposal is for 40% affordable units and sets out a mix of 11% 1-bed, 31% 2-bed, 59% 3 and 4 bed units.

Self-Build

- 6.31.19. The proposal includes 5% self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2021 the figure was 658. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.
- 6.31.20. The 2021 Authority Monitoring Report shows a total of 92 applications for self-build / custom build have been approved.

Housing Summary

- 6.31.21. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and self-build plots and substantial weight, should be given to delivery of affordable housing and self-build plots.

Other Relevant Case Law

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


Overall Conclusion

- 6.31.23. It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A recent appeal decision in the District allowing permission for residential development in the Green Belt is also significant. The SKM Green Belt Review considered that overall parcel GB 28 does significantly contribute maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). It also partially contributes towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.
- 6.31.24. It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing.
- 6.31.25. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality this recommendation is neutral.

Appendix 1

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

Green Belt Review Purposes Assessment – Parcel Assessment Sheets for St Albans City and District Council

GB28 – Green Belt Land to North of How Wood	
<p>Description The Parcel is located to the north of How Wood and south of St Albans. The boundary to the west follows the A405 and the east aligns with the railway line to the north of Park Street. The parcel is small at 83 ha in size and comprises an undulating chalk plateau which is flat to the south and rises gently to the northeast.</p>	
<p>Land use Predominantly arable farmland.</p>	

Narrow gap between Park Street / Frogmore and How Wood



Non-Green Belt land at Tippindel Lane represents an anomaly in the boundary



Principal Function / Summary

Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.

GB28 – Green Belt Purposes Assessment		Contribution
To check the unrestricted sprawl of large built-up areas		LIMITED OR NO
The parcel is located away from large built-up areas of London, Luton and Dunstable and Stevenage. It does not form a connection with a wider network of parcels to restrict sprawl.		
To prevent neighbouring towns from merging		PARTIAL
The parcel does not fully separate neighbouring 1 st tier settlements however it contributes (with GB26, 27, 29 &) to the strategic gap between St Albans and Watford (Abbots Langley) to the south of the study area. This gap is 4.8km and contains the settlements of Chiswell Green, How Wood, Bricket Wood, Park Street / Frogmore and Radlett Road. Therefore any reduction in the gap would have a limited impact on the overall separation of 1 st tier settlements in physical or visual terms but would have a significant impact on the separation between 1 st and 2 nd tier settlements and local levels of visual openness.		
To assist in safeguarding the countryside from encroachment		PARTIAL
The parcel displays some typical rural and countryside characteristics to the north in a mixture of arable fields bound by hedgerows and occasional hedgerow trees interspersed with some small blocks of woodland, whereas to the south pasture fields are enclosed with fencing. In spite of this, urban influences are strong through the proximity of settlement edges and A414 and A405 which run through the parcel. These are concealed by the general landscape and tree / hedgerow cover in some areas but are audibly intrusive. Settlement boundaries enclose the majority of the parcel reinforcing urban fringe characteristics. Levels of visual openness are variable and generally contained		
To preserve the setting and special character of historic towns		LIMITED OR NO
The parcel does not provide setting for any historic places.		
To maintain existing settlement pattern		SIGNIFICANT
The parcel provides primary local gaps between St Albans and Park Street / Frogmore (2 nd) and How Wood (2 nd). Gaps are 0.4km and 1.1km respectively. Both gaps are narrow, especially to Park Street / Frogmore. In spite of containing the A414/A405 these major roads are well integrated into the landscape and are concealed to provide a limited perception of the gap or settlements from the routes. The gaps are well-maintained and any reduction would be likely to compromise the separation of settlements in physical and visual terms, and overall visual openness.		

Level of openness and countryside character

Existence of built development The level of built development is very low at 0.1%. The A414 and A405 dissect the parcel and an electricity substation and travellers site are also present.

Visual Openness Views are relatively contained by hedgerows both from outside and within the parcel.

Countryside Character The parcel is bounded by settlement, divided by the A414 and A405 and has areas of horse paddocks and an electricity substation which all add semi urban influences.

GB28 – Next Steps

Land north of How Wood is recommended for further assessment as a small scale sub-area (SA-SS6). The sub-area is enclosed by Tippendell Lane to north and settlement edge to south, east and west. Assessed in isolation this very small area of makes a limited or no contribution towards checking sprawl, preventing merging, safeguarding the countryside, preserving setting or maintaining local gaps.

Appendix 2

Roundhouse Farm, Land Off Bullen Green Lane, Colney Heath – Appeal - 2021

6.31.26. Paragraph 12 -13:

“The parties agree that the site is not a valued landscape under the Framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimmshall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban-edge rather than rural character.

13. The A1 and railway line do not have any visual impact on the appeal site.

6.31.27. From what I saw on the site visits, the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible, the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible. These range in scale and form from bungalows fronting Fellowes Lane, glimpsed views of the 3 storey dwellings within Admiral Close and Hall Gardens and the rear elevations and gardens of properties along Roestock Gardens. Bullens Green Lane and Fellowes Lane serve to enclose the appeal site and provide a degree of containment from the wider countryside and beyond. My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.

6.31.28. 14. Turning to consider the area beyond the appeal site itself, the sense of countryside prevails via the public footpath network and road network. These public footpaths continue within Bullens Green Wood and further beyond the appeal site at Tollgate Farm. Contrary to the views expressed by the Council, my experience of the views to the appeal site within Bullens Green Wood are of glimpse views of the appeal site. From the south and in the wider landscape context, the appeal site appears against the backdrop of the existing dwellings as a relatively self contained parcel of land on the edge of the settlement. These longer distance views of the appeal site reinforce the urban edge definition.”

Safeguarding the countryside from encroachment:

6.31.29. “24. It was generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share. In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment, my attention has been drawn to a number of background evidence documents including Green Belt studies. These include a report prepared by SKM Consultants in 2013 which included an assessment of Green Belt in both WHBC, SADC and Dacorum Borough Council. Here, the appeal site is assessed as part of parcel 34, a 419ha parcel of land. Reflective of the size and scale of the parcel of land, the report sets out a number of key characteristics of the land. With reference to the gap between Hatfield and London Colney, preventing the merger of St Albans and Hatfield, and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park, the report states that the parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. These characteristics bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.

6.31.30. 25. The most recent Green Belt Assessment which was prepared in relation to the WHBC Local Plan review is noted as a Stage 3 review and was prepared by LUC in March 2019. Only the part of the appeal site which falls within Welwyn Hatfield forms part of the assessment, and is included within the much wider site area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel as a whole makes a significant contribution to the safeguarding of the countryside from encroachment. The report notes that the impact of the release of the parcel as a whole from the Green Belt would be moderate-high, however the impact on the integrity of the wider Green Belt would be limited. Again, I place only limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 as a whole which includes a much wider area and excludes part of the appeal site in any event.

6.31.31. 26. I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.”

Compton Parish Council v Guildford Borough Council – 2020

6.31.32. “70. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances."

Peel Investments V SoS [September 2020] (Appeal)

Paragraph 65:

6.31.33. “I agree with Sir Duncan Ouseley's observations in Paul Newman New Homes that a policy is not out-of-date simply because it is in a time-expired plan and that, if the Framework had intended to treat as out-of-date all saved but time-expired policies, it would not have used the phrase "out-of-date" but rather the language of time-expired policies or policies in a time-expired plan.”

Paragraph 68:

6.31.34. “With regard to the second ground of appeal, I do not accept the appellant's submission that a plan without strategic housing policies is automatically out-of-date for the purposes of paragraph 11d so as to engage the tilted balance.”

Paragraph 11 & the Tilted Balance: Monkhill Ltd v SoSCLG [2019] EWHC 1993 (Admin)

“1) The presumption in favour of sustainable development in paragraph 11 does not displace s.38(6) of the 2004 Act. A planning application or appeal should be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise;

- 2) Subject to s.38(6), where a proposal accords with an up-to-date development plan, taken as a whole, then, unless other material considerations indicate otherwise planning permission should be granted without delay (paragraph 11(c));
- 3) Where a proposal does not accord with an up-to-date development plan, taken as a whole, planning permission should be refused unless material considerations indicate otherwise (see also paragraph 12);
- 4) Where there are no relevant development plan policies, planning permission should be granted unless either limb (i) or limb (ii) is satisfied;
- 5) Where there are relevant development plan policies, but the most important or determining the application are out-of-date, planning permission should be granted (subject to section 38(6)) unless either limb (i) or limb (ii) is satisfied;
- 6) Because paragraph 11(d) states that planning permission should be granted unless the requirements of either alternative is met, it follows that if either limb (i) or limb (ii) is satisfied, the presumption in favour of sustainable development ceases to apply. The application of each limb is essentially a matter of planning judgment for the decision-maker;
- 7) Where more than one "Footnote 6" policy is engaged, limb (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal;
- 8) The object of expressing limbs (i) and (ii) as two alternative means by which the presumption in favour of granting permission is overcome (or disapplied) is that the tilted balance in limb (ii) may not be relied upon to support the grant of permission where a proposal should be refused permission by the application of one or more "Footnote 6" policies. In this way paragraph 11(d) prioritises the application of "Footnote 6" policies for the protection of the relevant "areas or assets of particular importance";
- 9) It follows that where limb (i) is engaged, it should generally be applied first before going on to consider whether limb (ii) should be applied;
- 10) Under limb (i) the test is whether the application of one or more "Footnote 6" policies "provides a clear reason for refusing planning permission. The mere fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant "Footnote 6" policies (addressing the issue on paragraph 14 of NPPF 2012 which was left open in *R (Watermead Parish Council) v Aylesbury District Council* [2018] PTSR 43 at [45] and subsequently resolved in *East Staffordshire* at [22(2)]);
- 11) Limb (i) is applied by taking into account only those factors which fall within the ambit of the relevant "Footnote 6" policy. Development plan policies and other policies of the NPPF are not to be taken into account in the application of limb (i) (see Footnote 6). (I note that this is a narrower approach than under the corresponding limb in paragraph 14 of the NPPF 2012 - see eg. Lord Gill in *Hopkins* at [85]);
- 12) The application of some "Footnote 6" policies (e.g. Green Belt) requires all relevant planning considerations to be weighed in the balance. In those cases because the outcome of that assessment determines whether planning should be granted or refused, there is no justification for applying limb (ii) in addition to limb (i). The same applies where the application of a legal code for the protection of a

particular area or asset determines the outcome of a planning application (see, for example, the Habitats Regulations in relation to European protected sites);

13) In other cases under limb (ii), the relevant "Footnote 6 policy" may not require all relevant considerations to be taken into account. For example, paragraph 196 of the NPPF requires the decision-maker to weigh only "the less than substantial harm" to a heritage asset against the "public benefits" of the proposal. Where the application of such a policy provides a clear reason for refusing planning permission, it is still necessary for the decision-maker to have regard to all other relevant considerations before determining the application or appeal (s. 70(2) of the 1990 Act and s. 38(6) of the 2004 Act). But that exercise must be carried out without applying the tilted balance in limb (ii), because the presumption in favour of granting permission has already been disapplied by the outcome of applying limb (i). That is the consequence of the decision-making structure laid down in paragraph 11(d) of the NPPF;

14) There remains the situation where the application of limb (i) to a policy of the kind referred to in (13) does not provide a clear reason for refusal. The presumption in favour of sustainable development will not so far have been disapplied under limb (i) and it remains necessary to strike an overall planning balance (applying also s.38(6)). Because the presumption in favour of granting planning permission still remains in play, it is relevant, indeed necessary, to apply the alternative means of overcoming that presumption, namely limb (ii). This is one situation where the applicant for permission is entitled to rely upon the "tilted balance";

15) The other situation where the applicant has the benefit of the "tilted" balance is where no "Footnote 6" policies are engaged and therefore the decision-maker proceeds directly to limb (ii).

40. Applicants for planning permission may object that under this analysis of paragraph 11(d), the availability of the tilted balance is asymmetric. Where a proposal fails the test in limb (i), the tilted balance in limb (ii) is not applied at all. In other words, the tilted balance in limb (ii) may only be applied where the proposal either passes the test in limb (i) (and there still remain other considerations to be taken into account), or where limb (i) is not engaged at all. This analysis is wholly unobjectionable as a matter of law. It is simply the ineluctable consequence of the Secretary of State's policy expressed through the language and structure of paragraph 11(d).

...

43. Any suggestion that because limb (ii) falls to be applied where a development passes limb (i), it follows that limb (ii) should also be applied where a proposal fails limb (i) involves false logic. It has nothing to do with the way in which paragraph 11(d) of the NPPF 2018 has been structured and drafted"

Wavedon Properties Ltd v SoS [June 2019]

Paragraph 56:

6.31.35. "...It needs to be remembered, in accordance with the principles of interpretation set out above, that this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged.

In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose."

Paul Newman v SoS CLG [2019] (Admin)

"32. I start by construing paragraph 11d in its context in the Framework, as a document on its own. The phrase "where there are no relevant development plan policies" is quite clear. Where one or more relevant development plan policies exist, that trigger for the application of the "tilted balance" cannot be applied. One relevant development plan policy is sufficient to prevent it. Although that policy may exist in a time-expired plan as a saved policy, it is a development plan policy. This trigger contains no requirement that the policy be up to date rather than out of date. "Relevant" can only mean relevant to determining the application. There is, however, no adjective qualifying the degree of relevance it should have for that purpose, for example that it should be decisive or of high importance. "Relevance" connotes no more than some real role in the determination of the application. A fanciful connection would not suffice, and a policy of wholly tangential significance may be "irrelevant". There is also no requirement in this first trigger that the one or more relevant development plan policies should comprise one or more development plan policies important for determining the application, let alone that they should constitute a body of policy or policies sufficient for determining the acceptability of the application in principle."

"34. In my judgment, the key part of the second trigger, the phrase "where the policies which are most important for determining the application are out-of-date", is reasonably clear. A policy is not out of date simply because it is in a time-expired plan; that is the point which the Inspector appears to have been addressing in DL27, though it appears not to have been an issue before her. I agree with what Dove J said in Wavendon Properties in this respect. It is the correct interpretation. If the 2018 Framework had intended to treat as out of date all saved but time-expired policies, it would not have used the phrase "out-of-date", which has different or wider connotations, and would have used instead the language of time-expired policies or policies in a time-expired plan. The Inspector's comment in DL27 is apposite in that context. Although the earlier jurisprudence in Bloor Homes and Hopkins Homes related to that same phrase in the 2012 Framework, I see no reason to discount it here where its role is not materially different."

35. I also agree with the analysis of the phraseology of the second trigger as a whole in Wavendon Properties. The first task is to identify the basket of policies from the development plan which constitute those most important for determining

the application. The second task is to decide whether that basket, viewed overall, is out of date; the fact that one or more of the policies in the basket might themselves be out of date would be relevant to but not necessarily determinative of whether the basket of most important policies was itself overall out of date. This second trigger contains no requirement that the up to date basket of the most important policies in the development plan for determining the application should itself also constitute a body of policies sufficient for the determination of the acceptability of the application in principle.

36. I do not consider that the plural "policies" means that a single up to date policy, even if plainly by itself the most important for determining the application, cannot suffice to block the second trigger; the plural encompasses the singular, as is a commonplace construction. Otherwise even an up to date, self-contained, site and development specific policy, the crucial policy, the sole survivor, could lead to the application of the "tilted balance" and to the grant of permission unless the provisos in (i) and (ii) applied. The alternative construction focuses unduly on what is mere linguistic awkwardness, accepted for convenience. The plural "policies" avoids the somewhat legalistic "policy or policies", with "is or are" to follow, at the price of the slightly awkward language seen in DL 26, last sentence. On the basis of her interpretation of GP.35, and on that interpretation of the second trigger, the Inspector's conclusion that the "tilted balance" did not apply is correct."

Very special circumstances (VSC)

Suffolk Coastal DC v Hopkins Homes Ltd: 2017 UKSC 37

6.31.36. "61. There is nothing in the statute which enables the Secretary of State to create such a fiction, nor to distort what would otherwise be the ordinary consideration of the policies in the statutory development plan; nor is there anything in the NPPF which suggests an intention to do so. Such an approach seems particularly inappropriate as applied to fundamental policies like those in relation to the Green Belt or Areas of Outstanding Natural Beauty. No-one would naturally describe a recently approved Green Belt policy in a local plan as "out of date", merely because the housing policies in another part of the plan fail to meet the NPPF objectives. Nor does it serve any purpose to do so, given that it is to be brought back into paragraph 14 as a specific policy under footnote 9. It is not "out of date", but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles."

SoS Decision – At Land Off Glebelands, Thundersley, Essex (June 2013)

6.31.37. In the decision the SoS concluded:

"30. The Secretary of State concludes that the appeal proposals are inappropriate development in the Green Belt. Additionally he has identified harm to the GB's openness and harm to the GB's purposes of preventing urban sprawl, preventing encroachment on the countryside and preventing the merging of neighbouring settlements and, furthermore, harm to GB's character and appearance. He considers that, together, this represents considerable harm, to which he attributes substantial weight. The Secretary of State has found that there are factors in favour of the appeal including a severe lack of a forward housing land supply and that, setting aside GB considerations, development of the appeal site would not cause demonstrable harm. He also wishes to emphasise that national policy is very clear that GB reviews should be undertaken as part of the Local Plan process. In light of all material considerations in this case the Secretary of State is

concerned that a decision to allow this appeal for housing in the GB risks setting an undesirable precedent for similar developments which would seriously undermine national GB policy.

31. Having weighed up all material considerations, he is satisfied that the factors which weigh in favour of the proposal do not clearly outweigh the harm to the Green Belt that would arise from the proposal. The Secretary of State therefore concludes that the appeal should be dismissed.”

Further Response 06/12/2022

6.31.38. Thanks for sending. The additional or amended information will not affect Spatial Planning’s response to this application and we will therefore not provide further comments.

Further Response 28/06/2023

6.31.39. Recommendation – Neutral

6.31.40. The following advice and comments relate to principle of development, very special circumstances, and housing land supply / proposed housing mix.

Principle of Development

Relevant Policy

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

6.31.42. Local Plan (Saved 2007) Policy 1 ‘Metropolitan Green Belt’ states:

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

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

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

6.31.43. The NPPF (2021) states:

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

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

6.31.44. PPG Paragraph: 001 Reference ID: 64-001-20190722:

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

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

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

Evidence Base and previous Local Plan work

SKM Green Belt Review

6.31.45. The SKM Green Belt Review comprises:

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

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

Note: the SKM Green Belt Review Part 2 is entirely replaced by the Arup St Albans Stage 2 Green Belt Review June 2023.

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

6.31.46. The site is identified as part of GB28 (Green Belt Land to North of How Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

"Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes."

Strategic Housing Land Availability Assessment

6.31.47. The site was identified in the SHLAA 2016 (reference 46) and SHLAA 2018 (also reference 46) as a subset of OS-624. The SHLAA did not determine whether a site should be allocated for housing development. Such decisions were to be taken by the Council as part of its site selection process.

6.31.48. The SHLAA 2018 Strategic Site Selection Evaluation Outcomes assesses Land West of Park Street PS-624 (combines 14, 46, 255, 543, 560 and 587) and does not find it suitable. It concludes:

“In reviewing the boundary for this site and the reasonably likely form and layout of development it is considered that the overall rating is red. There is no reason to take a different view from that set out in the Green Belt Review 2013.”

Call for Sites - 2021

6.31.49. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 under the Housing and Economic Land Availability Assessment (HELAA) process. The site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. However, it should be noted that the HELAA process has not taken into account Green Belt constraints.

Arup St Albans Stage 2 Green Belt Review June 2023

6.31.50. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area's Categorisation and Recommendation reads:

“The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41.”

6.31.51. In relation to the report finding that the new Green Belt boundary would require strengthening in order for it to be readily recognisable and likely to be permanent; this should be delivered in any approved development at this site.

Housing

6.31.52. The proposed development is for up to 95 dwellings.

Housing Land Supply

6.31.53. SADC currently has a housing land supply of 2.0 years from a base date 1 April 2022. It is acknowledged that 2.0 years is substantially below the required 5 years.

Housing and Affordable Housing Need

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

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

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

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

6.31.55.

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

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

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

Source: Census/CoRe/Projection Modelling and affordability analysis

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

6.31.57.

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

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

Source: Range of data sources as described

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

6.31.58.

6.31.59. The proposal is for 40% affordable units and sets out a mix of 11% 1-bed, 31% 2-bed, 59% 3 and 4 bed units.

Self-Build

6.31.60. The proposal includes 5% self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2022 the figure was 748. The 2022 Authority Monitoring Report shows a total of 152 self-build / custom build plots have been approved. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.

Housing Summary

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

Overall Conclusion

6.31.62. It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A 2021 appeal decision in the District allowing permission for residential development in the Green Belt is also significant (Ref: 5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath). The SKM Green Belt Review 2013 considered that overall parcel GB 28 does significantly contribute maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). It also partially contributes towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.

6.31.63. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area's Categorisation and Recommendation reads: *"The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41."*

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

6.31.65. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality this recommendation is Neutral.

6.32. St Stephens Parish Council

6.32.1. Strong Objection: inappropriate development in an unsustainable location within the Green Belt without proven justification that the benefits outweigh the

¹ Paragraph: 011 Reference ID: 57-011-20160401 Revision date: 01 04 2016

detrimental impacts. Extreme concern over coalescence between Park Street and St Albans. Access to the development being sited on the brow of a hill is unsafe

6.33. Thames Water

First Response 07/03/2022

Waste Comments

- 6.33.1. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.33.2. Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All surface water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

- 6.33.3. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 6.33.4. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eu-west-1.protection.sophos.com?d=www.gov.uk&u=aHR0cHM6Ly93d3cuZ292LnVrL2dvd mVybmlbnQvcHVibGljYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9zaXRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0ZxYz0=&h=e642ab6c95cb476ab07b7eec5ad9c47>) and may wish to discuss the

implication for their development with a suitably qualified environmental consultant.

Second Response 17/06/2022

Waste Comments

- 6.33.5. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.33.6. Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.33.7. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhnbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXl0c2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXltZGV2ZWxvcG1lbnQvd29ya2luZy1uZWZyZW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlx bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUUtUcXRQZkVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32>
- 6.33.8. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

Supplementary Comments

- 6.33.9. SURFACE WATER: The assessment used a maximum of 2l/s discharge of surface water to the public network.

Third Response 30/11/2022

- 6.33.10. Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.
- 6.33.11. Should the details of the application change, we would welcome the opportunity to be re-consulted.
- 6.34. Trees and Woodlands
- 6.34.1. The proposed site is a field under agricultural management, therefore any treed vegetation is around the boundaries of the site.

6.34.2. The arboricultural report presents the proposed master plan in context of the existing treed boundaries. The proposed layout seeks to respect the Root Protection Areas to minimise any direct impact on the retained trees during development, and also future post development pressure once dwelling are occupied.

6.34.3. No objection to the trees identified for removal to facilitate access or on the grounds of condition. Tree protection measures to be in situ prior to any development on site

6.34.4. No Objection

6.35. UK Power Networks – no response received

6.36. Waste Management

First Response 15/03/2022

6.36.1. Thank you for forwarding these plans for our consideration.

6.36.2. The proposed layout has lots of dead ends and short drives. Navigating this layout would be extremely time consuming and impractical.

6.36.3. Although there are bin collection points, they are far too vague- there do not appear to be specific areas for bins to be presented- on recycling week, each property would present 1-2 x 240lt bins, 55lt box & a food waste caddy.

6.36.4. I would like to see more defined collection areas, nearer to the main roads and all bins presented on the boundary with the dark grey roads.

6.36.5. I do not feel the proposed layout is satisfactory for the collection of waste.

Second Response 10/06/2022

6.36.6. Regarding the social housing to the north, I assume the freighters will drive along the road and turn at the hammerhead? This will work as long as there are no vehicles parked so I would like the hammerhead to be a no parking area.

6.36.7. Flats 36-41 – there appears to be a footpath through to the properties on the west side so the vehicles will need to travel back on itself which is wasteful- could the access be made accessible for vehicles?

6.36.8. Re the bin areas; Please note that on recycling collection day, each property will be presenting 2x 240lt bins, at least 1x 55lt bin for paper and card so the bin collection space must be large enough to accommodate these containers for the number of properties it serves.

Third Response 07/12/2022

6.36.9. Thank you for passing these plans for our consideration.

6.36.10. The revised layout is a great improvement and it does look like there is good access to most properties.

6.36.11. The maximum trundle distance is 10 metres so if there are properties further than 10 metres from the end of a road, a bin collection point should be created.

6.36.12. There should be adequate parking to avoid parking on the road/ in undesignated areas which will narrow the road and could prevent our vehicles navigating the site.

7. Relevant Planning Policy

7.1. National Planning Policy Framework

7.2. St Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 8	Affordable Housing in the Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management
POLICY 84A	Drainage Infrastructure
POLICY 97	Existing Footpaths, Bridleways and Cycleways
POLICY 102	Loss of Agricultural Land
POLICY 106	Nature Conservation
POLICY 143A	Watling Chase Community Forest
POLICY 143B	Implementation

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. St Stephen Parish Neighbourhood Plan 2022:

POLICY S1	Location of development
POLICY S2	Housing Mix
POLICY S3	Character of Development
POLICY S4	Non-designated Heritage Assets
POLICY S5	Design of Development
POLICY S6	Minimising the Environmental Impact of Development
POLICY S7	Protecting Natural Habitats and Species
POLICY S10	Green Infrastructure and Development
POLICY S11	Improvements to Key Local Junctions And Pinch Points
POLICY S12	Off-street Car Parking
POLICY S13	Bus services and Community Transport
POLICY S14	Provision for Walking, Cycling and Horse-Riding
POLICY S17	Leisure Facilities for Children and Teenagers
POLICY S24	Broadband Communications

7.5. Planning Policy Context

7.5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

- 7.5.2. The development plan is the St Albans District Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2022 (SSPNP).
- 7.5.3. The NPPF 2021 is also a material consideration.
- 7.5.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

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

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

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

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

8. Discussion

- 8.1. The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character
- Provision of Housing including Affordable and Self-Build Housing
- Provision of Open Space and Children's Play Space
- Minerals
- Loss of Agricultural Land
- Ecology
- Highways and Sustainable Transport
- Economic Impacts
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance

- Other Matters including Matters Raised by Objectors / in Consultation Responses
- Planning Balance

8.2. Principle

8.2.1. The statutory development plan is the St Albans Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2019-2036 (SSPNP). The National Planning Policy Framework 2021 (NPPF) is an important material consideration.

8.2.2. The land is in the Metropolitan Green Belt where local and national policy only allows for certain forms of development, unless there are very special circumstances. The Local Plan policy differs in the detail of what may be classed as not-inappropriate development in the Green Belt when compared with the more recent NPPF, but the proposed development does not fall within any Local Plan or NPPF exception to inappropriate development, and the fundamental policy test of 'very special circumstances' is consistent in the Local Plan Policy (Policy 1) and in the NPPF.

8.2.3. 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 according to:

"a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

8.2.4. It clarifies in relation to prematurity, in paragraph 49, as follows (note both a and b need to be satisfied for an application to be considered to be premature):

"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."

8.2.5. Whilst a new Local Plan is being prepared, as noted in the following section of the report, only limited weight at most can be attached to it in decision making.

8.2.6. It noted that the policies of the new SSPNP, which was formally 'made' in July 2022, do not materially conflict with those of the NPPF and Local Plan in relation to the main planning issues for this application; it shows the site as within the Green Belt on the Policies Map, without any site-specific proposals for it. Policy S1 of the SSPNP requires 'very special circumstances' to exist for approval of inappropriate development in the Green Belt in the same way as the NPPF and Local Plan; and other policies relating to main planning issues are generally not materially at odds with the applicable NPPF and Local Plan policies.

- 8.2.7. It is further considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no draft Local Plan (which would be the plan to allocate significant sites of strategic scale) 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.
- 8.2.8. 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.
- 8.2.9. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.
- 8.2.10. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:

“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.”

- 8.2.11. The Council cannot demonstrate a 5 year supply of land for housing as required by the NPPF. 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.
- 8.2.12. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.2.13. Paragraphs 147 and 148 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case. These paragraphs set out clearly the relevant policy test:

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

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

- 8.2.14. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that 'very special circumstances' would exist, and in this eventuality planning permission should be granted.
- 8.2.15. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.
- 8.2.16. 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 above test in paragraph 148 of the NPPF, in order to determine whether very special circumstances exist in this case.
- 8.2.17. Assessment of other 'in-principle' matters such as loss of agricultural land, potential constraining of future use of the site for mineral working are considered in the relevant sections below. Assessment of these matters is in the context of '...any other harm resulting from the proposal' in the aforementioned NPPF para 148 test, noting that it is fundamentally this test within which the proposal falls to be considered.

8.3. Green Belt Harm

- 8.3.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (para 148 NPPF).
- 8.3.2. Paragraph 137 NPPF confirms that:
"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
- 8.3.3. The national Planning Practice Guidance (PPG) 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)
- 8.3.4. It is clear that the loss of Green Belt land here would be permanent. The circa 4.6 hectare site is currently in an arable agricultural use.
- 8.3.5. Whilst this application is made in outline form with all matters reserved except for access, the submitted illustrative masterplan and parameter plan indicate the majority of the site would be redeveloped for housing. Areas of open space and land reserved for ecological purposes would also be provided within the site, with the aforementioned plans showing these spaces being provided mainly adjacent to

the application site boundaries. The exact layout of the development would however only be formally defined at reserved matters stage.

- 8.3.6. The parameter plan indicates that building heights across the development would be mainly up to 2 storeys, with a section located centrally within the southern part of the site potentially accommodating up to 2.5 storeys.
- 8.3.7. The redevelopment of this site for up to 95 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the PPG quoted above.
- 8.3.8. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, HCC Landscape officers consider the submitted LVIA to provide an adequate level of assessment at this outline stage.
- 8.3.9. Whilst a more detailed analysis of the landscape impacts of the proposal are set out later in this report; Officers are of the view that the submitted LVIA demonstrates that in relation to the effects the proposal would have in terms of its landscape and visual impact, the proposed development would result in some harm. However, 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.
- 8.3.10. Harm to the openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant. Visually the proposed development when completed would be significantly different to the existing field, and there would clearly be a significant increase in built form at the site compared to the current situation where there is no built form. The proposed development would have a permanent impact on the application site which could not be easily reversed, and when compared to the application site presently there would be an increase in the amount of activity generated. Accordingly, it is considered there would be significant harm to the openness of the Green Belt.
- 8.3.11. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 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.”*
- 8.3.12. During the course of the application, a new Green Belt Review has been published to support the preparation of a new local plan for the District. The Arup St Albans Stage 2 Green Belt Review June 2023 entirely replaces Part 2 of the previous SKM Green Belt Review for the District. However, Part 1 of the SKM Green Belt Review identified the site as part of GB28 (Green Belt Land to North of How Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

“Significant contribution towards maintaining the existing settlement pattern (providing gaps between St Albans and Park Street / Frogmore and How Wood). Partial contribution towards preventing merging and safeguarding the countryside. Overall the parcel contributes significantly to 1 of the 5 purposes.”

8.3.13. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 under the Housing and Economic Land Availability Assessment (HELAA) process. The site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. However, it should be noted that the HELAA process did not take into account Green Belt constraints.

8.3.14. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-108. The sub-area’s Categorisation and Recommendation reads:

“The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would not meet the NPPF definition for readily recognisable and likely to be permanent boundaries. The new boundary would require strengthening. Recommended for further consideration as RA-41.”

8.3.15. In relation to the report finding that the new Green Belt boundary would require strengthening in order for it to be readily recognisable and likely to be permanent; this should be delivered in any approved development at this site.

8.3.16. Whilst it is noted that this site is included within the Regulation 18 Consultation Draft of the new Local Plan for the District, with particular reference to Paragraph 48 of the NPPF, it is considered that only limited weight at most could be afforded to the draft allocation at this time. However, Officers consider that significant weight can be afforded to the evidence base underpinning the preparation of the new Local Plan, including the new Green Belt Review considered above. It is considered that significant weight can be afforded to the new evidence base as it represents the most recent and comprehensive assessment of the Green Belt carried out by an independent consultancy under a recognised methodology. Moreover, Officers would note that the same conclusions would have been reached regardless of the weight to be attached to the new Green Belt Review, as the findings reached in that report reflect those that Officers would have reached.

8.3.17. Taking the above points into account, a planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:

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

The site is directly adjacent to the existing settlement of Park Street, being in close proximity to existing built development to the east and south of the site. To the west of the site is noticeable area of vegetation, which in particular features a number of trees, which separates the application site from the arable fields adjacent to the North Orbital Road. It is noted that there is an electricity substation and a caravan park between Watling Street and the North Orbital Road, and in this context there is considered to be some development in the immediate vicinity of the application site to the west. Given the application site

boundaries, development would not extend further northward towards St Albans than other built development along Watling Street, and would not extend further westward than the built form along Old Orchard to the south or the farthest reach of the Caravan Park. In this context, Officers consider that the site could be seen as a ‘rounding-off’ of the settlement at Park Street. As set out later in the report, an enhanced landscape buffer can be provided along the western boundary of the site. The proposal is therefore not considered to represent unrestricted sprawl and there is not considered to be any harm to this Green Belt purpose. It is noted that the Arup Green Belt Review 2023 Annex Proforma Report indicates that the sub-area does not meet this purpose (with the application site being located within this sub-area).

b) to prevent neighbouring towns merging into one another;

As noted above, the development of this site would essentially ‘round-off’ the settlement of Park Street, and is not considered to result in new development being closer to St Albans or Chiswell Green than existing forms of development. It is not considered therefore that the development of this site would result in coalescence, and there is not considered to be any harm to this Green Belt purpose. Indeed, against this criterion, it is noted that the Arup Green Belt Review 2023 Annex Proforma Report states:

“The sub-area forms a less essential part of the gap between St Albans and Park Street/Frogmore; St Albans and How Wood; and Park Street/ Frogmore and How Wood. It is judged that the gap is of sufficient scale that the removal of the sub-area would not result in physical or perceptual merging between neighbouring built-up areas.”

c) to assist in safeguarding the countryside from encroachment;

Against this criterion, it is noted that the Arup Green Belt Review 2023 Annex Proforma Report states:

“The sub-area is not covered by any built form. The sub-area comprises open agricultural fields with limited views to the wider countryside through the tree line along the west sub-area boundary. There are limited urbanising influences, including occasional views to dwellings along Old Orchard. Overall the sub-area has a strongly unspoilt rural character.”

The development would result in the loss of an existing arable field, and in this context there would be some encroachment into the countryside. However, as noted above and elsewhere in this report, a strong defensible boundary can be provided to the western site boundary; and, moreover, the development would not extend beyond existing built development limits nearby. Officers consider therefore that the development of this site would only have a localised effect on the Green Belt, albeit nonetheless there would be a moderate to high level of conflict with this purpose.

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. No harm is identified in relation to this purpose. Indeed, the Arup Green Belt Review 2023 Annex Proforma Report explains the sub-area does not abut an identified

historic place or provide views to a historic place and does not meet this purpose.

- 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 a new Local Plan, this process cannot be afforded any significant weight in decision making at this time. No harm is identified by Officers in relation to this purpose.

- 8.3.18. To conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is harm to the Green Belt by inappropriateness, with additional substantial harm identified to Green Belt openness and harm to the purposes of the Green Belt relating to the encroachment to the countryside. Substantial weight is given to this Green Belt harm in accordance with paragraph 148 of the NPPF. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.
- 8.3.19. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.

8.4. Design, Amenity and Heritage

- 8.4.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by the application submission including the parameter plans and Illustrative Masterplan.
- 8.4.2. The NPPF advises that planning should ensure development is 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (Paragraph 130), that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' (Paragraph 126) and advising that 'development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes' (Paragraph 134). The National Design Guide 'Planning practice guidance for beautiful, enduring and successful places' 2021 provides additional guidance is a material planning consideration.
- 8.4.3. The Local Plan and the SSPNP are broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity. Policy S3 (Character of Development) of the SSPNP sets out that the design of new development should demonstrate how

it has taken account of the local context and has reflected the character and vernacular of the area, and that where development sites abut open countryside, development on the rural boundary edge should mitigate any detrimental visual impacts on the countryside; and Policy S5 (Design of Development) contains a number of detailed design criteria.

- 8.4.4. The application is accompanied by a Parameter Plan and an Illustrative Layout that has been revised during the application process. Both plans essentially show three parcels of development across the site, namely in the northern part of the site, the central part of the site, and the southern part of the site. The southern part of the site would see the greatest amount of development, with parameter plan indicating that the middle section of this parcel could see heights of up to 2.5 storeys, with the remainder of the parcel seeing heights of up to 2 storeys. Both other parcels would, in accordance with the parameter plan, see heights of up to 2 storeys. Whilst noting that layout is a reserved matter, the aforementioned plans suggest that each parcel would be linked onto an internal spine road that leads to the principal vehicular access into the site. A secondary pedestrian access is also shown, which leads onto Watling Street just to the north of the junction between Watling Street and Mount Drive.
- 8.4.5. The Design and Conservation Officer has noted that there are no above-ground heritage constraints, and there is unlikely to be an impact on the Park Street Conservation Area (which is around 75m away from the application site at their closest points and separated by existing built form). No detailed comments were made on the submitted plans, which appeared to the Design and Conservation Officer to be acceptable. Officers would comment that that the submitted plans appear to respond appropriately to the site and surrounding area, albeit there is some harm identified in relation to the landscape and visual impact of the proposed development which is considered in more detail in the following section of this report.
- 8.4.6. A condition can be imposed requiring slab levels details to be provided as part of a relevant reserved matters application, so as to ensure that the development is acceptable in terms of height and visual impact more generally in principle. Whilst the heights set out on the parameter plan are not considered to be unacceptable in principle, such a condition is considered appropriate in this case, as the slab levels of the dwellings could be imperative in ensuring an acceptable development comes forward at this site.
- 8.4.7. The amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers and retaining space for significant landscaping. The Illustrative Masterplan satisfactorily demonstrates that the site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking. It is considered that the relevant separation distances / amenity space / defensible space / open space requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this site.
- 8.4.8. There would not appear to be any obvious amenity issues that could not be overcome by way of good design including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties. However, such matters would be further assessed with detailed plans at reserved matters stage.

- 8.4.9. Noting the separation distances to existing neighbouring properties, there would not be direct harmful impacts to existing properties in terms of loss of light, loss of outlook, overbearing visual impacts or overlooking from the housing proposed as indicatively shown in the Illustrative Masterplan.
- 8.4.10. Taking the above discussion into account, it is not considered that there would be harm caused in relation to design and amenity that could not be mitigated through good detailed design and through the appropriate use of planning conditions. Likewise, in respect of above-ground heritage assets, it is not considered that the proposed development would cause any adverse impacts. As such, this matter is considered to weigh neutrally in the planning balance, with no positive or negative weight given in these regards. It is recommended that the parameter plans are conditioned to ensure that reserved matters submission(s) are in scope with the parameters set at outline stage.
- 8.4.11. In respect of archaeology, the application was submitted with an archaeological desk based assessment, which indicated a low potential for archaeological deposits from all periods. No form of evaluation or on-site assessment apart from a walkover survey has been undertaken. The location, abutting the Roman Road of Watling Street, which was laid out in the first century AD and has been in use ever since. There is the potential for a roadside settlement of Roman and medieval date being identified. The desk-based assessment identified that a Roman kiln was identified to the southwest of the site.
- 8.4.12. The application site does not appear to be listed within Policies 110 or 111 of the Local Plan, however, Paragraph 205 of the NPPF reads:
- “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*
- 8.4.13. In light of the information supplied with the application, alongside the archaeology comments received on this application, it is considered that a proportionate response to the potential for archaeological interest at this site would be to impose conditions requiring an archaeological investigation, and publication/dissemination. Subject to the imposition of such conditions, the proposal would be acceptable in terms of its archaeological impact, which would overall weigh neutrally in the planning balance on this application in the view of Officers.

8.5. Landscape Character

- 8.5.1. The NPPF in para 174 sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It sets out in para 130 and 92 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually

attractive as a result of good architecture, layout, and appropriate and effective landscaping.

- 8.5.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.5.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that “New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”
- 8.5.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:
- “a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;*
- b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”*
- 8.5.5. The site lies within Landscape Area 010 – St Stephens Plateau, as defined under Hertfordshire's landscape character assessment (LCA), and the Watling Chase Community Forest. The Strategy and Guidelines for Managing Change' in the LCA are: Improve and Reinforce; which includes improvements to the network of woodlands, hedgerow restoration, public access and recreation opportunities, and to support the Watling Chase Community Forest in the realisation of its objectives for the area. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:
- “Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy 1) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.”*
- 8.5.6. As noted earlier in this report, the application is supported by a LVIA which considers the effects of the proposed development on landscape elements, character and visual amenity within the site and the surrounding area. The LVIA has been updated during the application process, and a Landscape Technical Note/Letter dated 30th May 2022 was also submitted.
- 8.5.7. The submitted documents have been reviewed by HCC Landscape, and their views are shared by Officers. Their full responses are set out in Section 6 of this report.

- 8.5.8. In respect of landscape effects, HCC Landscape comment that they are broadly supportive of the findings of the landscape assessment. It is acknowledged that the proposed development will change the landscape character from an open arable field to residential housing. However the significance of this is reduced due to the strong containment of the development within the field pattern, defined by existing vegetation that provides an opportunity to deliver mitigation and enhancements for the benefit of visual amenity and biodiversity. In addition, the site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west. Nonetheless, it is considered that overall in relation to landscape character impact, there would be some moderate to minor harm in respect of landscape character, noting the findings of the submitted LVIA and comments from HCC Landscape.
- 8.5.9. In respect of visual effects, the visual assessment concludes that the site is relatively well contained from views to the north and west, and from a lesser extent from the east as a result of the screening effect of the intervening the existing settlement edge and vegetation. The submitted 'Zone of Theoretical Visibility' shows that the site is potentially most visible from an area broadly contained by the A414 to the north, the railway line to the east, the A405 to the west, and the Old Orchard housing estate to the south. However verification on site, demonstrates that actual views are further limited due to the screening effect of the intervening sloping topography, settlement and infrastructure, and vegetation.
- 8.5.10. The most significant views are from Old Orchard to the south, and Watling Street immediately to the east. From here the new development will be highly visible, however the significance of this is reduced due to their less sensitive urban context, and the opportunity to deliver mitigation and enhancements along the site boundaries and throughout the development. Having had regard to the submitted LVIA and comments from HCC Landscape, Officers are of the view that overall in terms of visual effects, the proposed development would result in an adverse impact, which would be moderate/minor in nature at completion.
- 8.5.11. The LVIA helps demonstrate that the proposed development could be acceptable in principle. However, in their initial response on the application, HCC Landscape did raise some concern in relation to the mitigation proposed. In response to this, the landscape information supporting this application was revised in May 2022.
- 8.5.12. The revised information allows for additional and more robust tree planting, which should allow for a stronger defensible edge to be created, as well as allow for additional tree planting within the site itself. Although the plans are currently illustrative, detailed planting plans will be required (via condition) and the approach to planting along here will be critical to maximise density of vegetation and effectiveness as mitigation. It is considered important that the mitigation is delivered on-site.
- 8.5.13. In their initial response, HCC Landscape queried whether it would have been beneficial to locate the tallest (2.5 storey) elements of the scheme at the lowest parts of the site along the western edge. The submitted Landscape Technical Note/Letter dated 30th May 2022, in response to this point states:

"In terms of the distribution of building heights, we have examined this and whilst the western edge of the scheme is the lowest topographically, it is also the most

exposed to the surrounding landscape and therefore the proposed locations of the slightly taller structures is considered to present a balanced approach.”

- 8.5.14. Given the broad and in-principle support for the scheme expressed by HCC Landscape, and the comments above from the applicant’s landscape consultant, it is considered that the approach of 2.5 storey dwellings centrally within the southernmost development parcel at the site (as set out on the submitted parameter plan) would be acceptable in principle. The precise layout and appearance of the scheme would be for detailed consideration at reserved matters stage, whereby heights can also be further understood pursuant to the slab levels condition discussed earlier in this report. The precise interaction between the taller dwellings and landscaping provision can also be considered in further detail at reserved matters stage.
- 8.5.15. HCC Landscape did raise some concerns in connection with the location of the proposed play space and in relation to biodiversity. The amended information however appears to have satisfied these concerns, albeit it should be noted that all matters except for access are reserved at this stage. Biodiversity is also considered in further detail below. The comments of HCC Landscape in respect of patios are noted, albeit this is something that can potentially be considered in further detail at reserved matters stage, and for the purposes of this application can be dealt with by way of an informative.
- 8.5.16. An Arboricultural Impact Assessment was submitted with the application, which sets out:

“the removal of an individual tree and the partial removal of two groups. The completion of associated access facilitation pruning works will also be required. The individual tree and one of the groups to be completely or partially removed were considered to be of low arboricultural quality. The removal of these specimens is not expected to represent a significant impact to visual amenity of the local area.

Whilst the remaining group to be partially removed was of moderate arboricultural quality, it should be noted that provision has been made within landscaping proposals for new tree planting within the site. It is considered that this will actively boost the overall tree stock of the site and mitigate for any potential impacts to visual amenity that may arise.

All retained trees within, or directly adjacent to, the site will be protected through a combination of tree protective measures. This will predominantly consist of tree protective fencing, but permanent ground protection will also be required. These measures will ensure that retained trees remain free from significant harm throughout the development phases.

No ancient or veteran trees are present on or adjacent to the site so there is no conflict with national planning policy or guidance. Furthermore, those trees of important landscape, historic, cultural, green infrastructure and ecological benefit will be retained and protected in accordance with BS5837:2012 recommendations. Therefore, the scheme also complies with local planning policy.”

- 8.5.17. The Council’s Tree Officer has reviewed the application, and comments that the proposed layout seeks to respect the Root Protection Areas to minimise any direct impact on the retained trees during development, and also future post development pressure once dwelling are occupied. No objection was raised in

respect of the removal of trees to facilitate access or on the grounds of their condition.

8.5.18. It is recommended that tree protection measures are in situ prior to any development taking place at the site, and this can be adequately controlled by way of planning condition.

8.5.19. In light of the above discussion, the landscape and visual impact of the proposed development is considered acceptable, subject to the imposition of conditions. Nevertheless, it is considered that the introduction of built form across the existing fields would cause some harm in respect of both landscape and visual effects, to which limited to moderate weight is given.

8.6. Provision of Housing including Affordable and Self-Build Housing

8.6.1. The Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 95 new homes and would provide 40% affordable housing (comprising a mix of social rent, affordable rent, intermediate homes and First Homes). It is proposed that 5% of the dwellings would be made available as plots of self-build housing.

8.6.2. SADC currently has a housing land supply of 2 years from a base date 1 April 2021. It is acknowledged that 2 years is substantially below the required 5 years. There is also a clear and pressing need for affordable housing within the District, whilst the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing.

8.6.3. The provision of housing therefore weighs heavily in favour of the proposals.

8.6.4. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers a very similar housing and affordable housing position in the District as applies to the application considered in this report.

8.6.5. The Inspector concluded:

“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.”

8.6.6. There is no material reason for officers to apply a different weighting to the proposals subject of this officer’s report. The housing situation (in that there is a significant shortfall when considered against the five year housing land requirement) and the emerging plan situation are materially the same. There is no reason to think that the site cannot come forward immediately following the submission of reserved matters application(s) after the grant of outline planning permission and significantly boost local housing 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.

8.7. Provision of Open Space and Children’s Play Space

8.7.1. Policy 70(xi) of the Local Plan sets out requirements in respect of open space provision. The policy requires public open space to be provided on sites providing more than 100 dwellings, albeit it is noted this development is for up to 95 dwellings. On developments of 30 or more dwellings each with two or more bedrooms, toddler play areas on the basis of 3sqm for every 5 such dwellings should be provided. Whilst the unit mix at this stage is not fixed, based on the mix set out within the submission, a requirement of 51sqm would be needed in accordance with Policy 70.

8.7.2. It should be borne in mind that the application is made in outline form, with all matters except access reserved. However, the illustrative layout shows approx. 1380sqm of public open space adjacent to the site access, and a further (approx.) 1070sqm of amenity grass towards the site’s southwestern corner. In total therefore, around 2,450sqm of open space/amenity areas would be provided at the site. The submitted planning statement explains that a LEAP (Locally Equipped Area for Play) would be located along the western boundary of the site, and that the s106 agreement will make provision for the delivery and maintenance arrangements of the open space and play space.

8.7.3. There is no policy requirement for anything other than toddler play areas within the Local Plan, albeit Policy S17 of the SSPNP is noted which expects provision to be made for the likely needs of the under-18 population. Given the above, it is considered that adequate provision of open space and play space could be provided at the application site. This can be adequately secured within the s106 agreement, which can also include management responsibilities. Subject to the inclusion of such planning obligations, it is considered that some limited positive weight can be afforded to this provision within the overall planning balance for this application.

8.8. Minerals and Waste

8.8.1. Section 17 of the NPPF “Facilitating the sustainable use of minerals” sets out in para 209:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

8.8.2. In para 211 it states *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”*; and in para 212: *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*

- 8.8.3. Hertfordshire County Council as Minerals Planning Authority note that the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. They note that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area. They note that their adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 8.8.4. It should be noted that the Minerals Local Plan forms part of the development plan and it broadly aligns with the aims of Section 17 of the NPPF, and weight is given to it accordingly.
- 8.8.5. Specifically, the Mineral Planning Authority stated the following in their consultation response in respect of this application:
- "Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings."*
- 8.8.6. Officers note that the response above from the Minerals Planning Authority is different to that received on other major applications in Chiswell Green (e.g. 5/2022/0927). However, it is the case that each application needs to be determined on its own merits, and each application site would be unique in terms of its siting, size etc. In this case, it would appear unlikely that there is significant material present at the application site, and on this basis it is not considered that the tests for imposing a condition or requiring a legal obligation in relation to mineral extraction would be met. There may however be some chance of opportunistic use of any deposits found at the site, and on this basis it is considered that this matter can be dealt with by way of informative. If it transpires that the extraction of such deposits would constitute development in its own right, then the applicant would need further planning permission, which again can be dealt with in a suitably worded informative.
- 8.8.7. In respect of waste, Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 8.8.8. The National Planning Policy for Waste (October 2014) sets out the following:
- 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

• the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

• new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

• the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

8.8.9. Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 form part of the Development Plan. Of relevance are:

• Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

• Policy 2: Waste Prevention and Reduction; &

• Policy 12: Sustainable Design, Construction and Demolition.

8.8.10. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

8.8.11. A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

8.8.12. With regard to construction related waste, it is considered that a Site Waste Management Plan can be required by way of planning condition. This would be to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

8.8.13. In terms of internal layout, as set out previously, this is a reserved matter. However, it is noted that the Council's Recycling and Waste Officer has commented that there is good access to most properties. Bin collection points may be needed if trundle distances are greater than 10 metres, and there should be good parking facilities within the scheme to avoid collection lorries being hindered by parked vehicles. These comments are noted, and would be for more detailed consideration at reserved matters stage. However, in the interests of proper planning, it is considered that the comments of the Council's Recycling and Waste Officer can be included as an additional informative.

8.8.14. Noting the above, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive nor negative weight.

8.9. Loss of Agricultural Land

8.9.1. The site's lawful use is as agricultural land. Local Plan Policy 102 states that development involving the loss of high quality agricultural land will normally be refused, unless an overriding need case can be made. The NPPF in para 174 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

“b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land,. And of trees and woodland.”

8.9.2. It also sets out in footnote 58 that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

8.9.3. A submitted Agricultural Land Classification report identifies that 15% of the site is Grade 3A (0.67ha) and 85% is within Grade 3B (3.68ha). Grade 3A land falls within the aforementioned Local Plan Policy 102 definition of ‘high quality agricultural land’ and NPPF definition of ‘Best and most versatile agricultural land’ (BMV).

8.9.4. The loss of agricultural land has been an issue for several major development proposals in the SADC area in the recent past. The loss of 10.9ha of Grade 3A and 2.8ha of Grade 3B in the recent St Stephens Farm application (5/2021/3194) was considered to result in some harm to which some limited weight was given, and was similarly an issue in application 5/2022/0927 at Land South of Chiswell Green Lane. The committee report for the Bullens Green Lane application (5/2020/1992) noted that a reason for refusal for the loss of 5.1ha of Grade 3A agricultural land at the site was not considered sustainable at appeal. The committee report for the recent planning permission for up to 150 dwellings at Land to Rear of 112 to 156b Harpenden Road (5/2021/0423) stated that the loss of 5.136ha of former agricultural land was not considered to be significant, however it should be noted that the land had not been farmed for more than 20 years.

8.9.5. It is the Council's view that the consideration of loss of agricultural land on this scale should form part of the Local Plan process, as opposed to being decided through ad hoc applications. Nevertheless, taking the approach in the applications listed above into account, and noting that it would conflict with the aforementioned national and local policy, some additional harm is identified in this regard, to which some limited weight is given.

8.10. Ecology

8.10.1. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 174 of the NPPF states:

“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 and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

- 8.10.2. Policy 106 of the Local Plan explains that the Council will take account of ecological factors when considering planning applications. The objectives set out within the SSNP include protecting and increasing wildlife habitats and promoting biodiversity, and it is noted that Policy S7 of the SSNP requires major developments to assess local habitats and species. Policy S6 of the SSNP also requires proposals to maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the Neighbourhood area, for instance woodland and chalk streams. Development proposals that would achieve a net gain in biodiversity will be particularly supported. It is considered that the Local Plan and SSNP broadly align with the NPPF and that weight should therefore be afforded to them in decision making.
- 8.10.3. Herts Ecology has reviewed the application, and provided several consultation responses. It is noted that the application site has no biological records within the Environmental Records Centre. The caravan site to the west lies within an Ecosite for which there are records, but this implies no particular value. There are some local reptile records but these are likely to be from habitats to the east of Park Street associated with the Ver Valley and railway line.
- 8.10.4. The impact of the proposed development on protected species has been considered by Herts Ecology, and it is not considered that any protected species would be directly affected by the proposed development.
- 8.10.5. Herts Ecology has not objected to the proposed development, having taken into account the information submitted with the application. In the event that the application is approved, Herts Ecology recommend that a Construction and Environment Management Plan and a Landscape and Ecology Management Plan are secured by way of condition. These should be informed by a site walkover survey, which can again be the secured by way of a suitably worded condition.
- 8.10.6. Additional/amended information was provided during the course of the development in respect of Biodiversity Net Gain (BNG). In light of this, Herts Ecology now advise that the proposed development should achieve 12.9% BNG, with the potential for more to be submitted as part of a reserved matters application. An illustrative biodiversity gain plan was also provided and shows the buffering areas of Other Neutral Grassland and other habitats provided as part of the development. This approach is considered to be acceptable in achieving BNG on this outline application.
- 8.10.7. In terms of securing the BNG, it is noted that elsewhere in the District this has been achieved by way of using a suitably worded planning obligation within a legal agreement (e.g. application 5/2021/0423 at Land r/o Harpenden Road, St Albans). Whilst the BNG is being delivered on-site in this case, given the requirements for

long-term monitoring, it is considered that the use of suitably worded planning obligations would likewise be appropriate in this case.

- 8.10.8. Subject to the above, and provided that suitably worded conditions are included with any grant of planning permission, alongside appropriate planning obligations, it is considered that the ecological impact of the proposed development would be acceptable. Moreover, the proposed development would achieve an acceptable BNG in this case, which is considered to be a benefit of the development. The proposal would be in compliance with Policy 106 of the Local Plan, the SSNP and the NPPF.
- 8.10.9. The NPPF does not require a particular percentage of BNG and there is no statutory basis for requiring net gain at this time. However, the mandatory 10% BNG requirement will come into effect in November 2023 under the Environment Act 2021. As such, if the application was being determined in 3 months' time, the provision of 10% BNG would be an automatic condition on any the grant of planning permission. Reflecting this and the modest net gain proposed, limited positive weight is given to the provision of at least 10% BNG.
- 8.11. Highways and Sustainable Transport
- 8.11.1. The NPPF in Section 9 "Promoting sustainable transport" advises (para 104) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.11.2. When assessing development proposals, NPPF para 110 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.11.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.
- 8.11.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 'Transport User Hierarchy' that to support the creation of built

environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

- 8.11.5. The NPPF has similar goals where it states in para 112 that 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; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; 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.
- 8.11.6. Policy S11 of the SSPNP sets out that Transport Assessments for larger sites - as required by para 111 of the NPPF - should address to the satisfaction of the Highway Authority the cumulative transport impact on various road junctions and pinch points, including local pinch points in Park Street.
- 8.11.7. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA. During the course of the application, the applicant provided additional/revised information, which has been used in the assessment of this application.
- 8.11.8. In terms of accessibility, the HA note that the site has a sustainable location given the site's proximity to local facilities, services and public transport links. Officers agree with this assessment, and are satisfied that the application site benefits from a sustainable location, particularly noting the proximity of local bus stops and Park Street Railway Station to the application site.
- 8.11.9. With regard to road safety, the HA requested the applicant provide the most up-to-date Personal Injury Accident (PIA) data during the course of the application. It is noted that between 2014 and 2021 there were two serious and three slight PIAs along Watling Street. Three of these accidents occurred to the north of the proposed site access at the junction with the BP Garage at different times of the day and during different conditions. None of the PIA's along Watling Street involved pedestrians, however one PIA involved a cyclist which occurred close to the junction of Burydell Lane where a cyclist collided with a parked car. In light of the additional data provided the HA has concluded that the proposals would not have a detrimental impact on existing highway safety, and there is no reason currently before Officers to disagree with this assessment.
- 8.11.10. Vehicular access to the site would be via a new T-junction at the eastern boundary of the site with Watling Street. Adequate visibility splays can be provided and works within the highway boundary can be secured by the HA via a Section 278 agreement with the County Council. In light of this, officers are content that vehicular access to the site would be acceptable.
- 8.11.11. The HA comment on car and cycle parking within their response. However, noting that this application is an outline planning application with all matters reserved except access, it is considered that these matters can be appropriately

dealt with at reserved matters stage. Swept path analysis for large cars and vehicles (e.g. refuse and fire vehicles) using the development can be dealt with by way of planning condition.

- 8.11.12. In terms of trip generation, the following total vehicle trip are identified for the development proposal:
- AM Peak (08:00-09:00): 14 arrivals, 37 departures resulting in 51 two-way movements
 - PM Peak (17:00-18:00): 35 arrivals, 14 departures resulting in 49 two-way movements
 - Daily (07:00-19:00): 218 arrivals, 220 departures resulting in 438 two-way movements
- 8.11.13. The HA comment that trip generation has been calculated using the TRICS database, and the parameters applied are acceptable to the HA. The applicant has derived mode shares for the proposed development from 2011 Journey to Work Census data for the St Albans 019MSOA area and applied the TRICS data to show predicted trips by mode. This methodology is acceptable and shows the majority of trips (69%) would be undertaken by privately owned vehicles.
- 8.11.14. Trip Distribution has been determined through the use of travel to work census data and National Travel Survey data for trip by purpose. Furthermore, it also takes into consideration the location of nursery, primary and secondary schools and census data on the distribution of school age children. Trips have been assigned to the local highway network based on commuting trips, educational trips and other (e.g. leisure, shopping). This methodology is considered acceptable to the HA, and there is no reason currently before Officers to disagree with this assessment.
- 8.11.15. In respect of impact upon the highway, the HA response details the data submitted with the application, which includes an ATC survey was undertaken in November 2021 along Watling Street, adjacent to the proposed site access. In addition to this Manual Classified Turning Counts (MCTCs) and queue length surveys were also undertaken at key locations within the vicinity of the site. A five-year post application has been assessed and the growth factors derived from TEMPRO. These factors are considered acceptable. The results of the junction capacity assessment at the site access show that the junction would operate well within capacity during both the AM and PM peak scenarios. The HA consider these results acceptable.
- 8.11.16. In response to HA concerns relating to observed queuing back from the Park Street Roundabout, the applicant has submitted a TA Addendum (dated 16th August 2022) which includes the results of a junction capacity assessment of Park Street Roundabout. It shows that the A414 East and A5183 arms in the 2021 base year operate close to capacity in the evening peak period, with Ratio Flow Capacity (RFC) at 0.9 and 0.88 respectively. All remaining arms operate well within capacity. In the future year (2026) with development both the A414 East and A5183 arms operate closer to capacity than the baseline year, RFC at 0.94 and 0.96 respectively in the evening peak. This signifies a small increase in traffic from that of the existing. All remaining arms operate well within capacity in 2026, and given this, Officers do not consider that the development is likely to result in an adverse impact on the safety of, or queuing on, these remaining arms.
- 8.11.17. The HA note that the results from the modelling have not replicated what has been observed on the highway network close to the application site. This is seemingly due to limitations of the ARCADY model and the difficulties in replicating queue lengths and queue times. The HA accept that traffic modelling

needs to replicate the actual traffic behaviour as much as possible, and this is normally achieved through validation. As the modelling of the queues along Watling Street did not validate in this case, normally the HA would require the modelling to be re-run to generate a more accurate assessment.

8.11.18. However, in this case, the HA has not required remodelling, as in their view it would not have changed their conclusions on the acceptability of the scheme. The HA indicate that the SRFI-related highway mitigation works would actually alleviate traffic issues along Watling Street. These measures would ultimately lead to Watling Street being downgraded from an A-road to a C-road. This, coupled with the proposed active travel mitigation works, in the view of the HA would provide a good basis for the change in street scene at this location, when the larger context is taken into consideration.

8.11.19. In respect of the overall highway impact, the HA advise that they do not formally accept the traffic modelling due to the validation issues identified. Were the modelling however to successfully represent the observed queue along Watling Street, then the HA are of the view that the development would not provide additional queuing directly relating to the proposed development. The HA advise that the development proposals do however provide the opportunity for new active travel trips through the proposed active travel mitigation measures. The location is to be further improved by the proposed Park Street Roundabout improvements, ultimately leading to Watling Street at this location being downgraded, creating a naturally more active travel and lower traffic environment for all existing and new residents.

8.11.20. Officers consider that, when taking into account the above, the proposal would be acceptable in terms of its highway impact. It is accepted that there are some issues with the modelling, and it is acknowledged that the surveys underpinning the modelling was undertaken during a coronavirus restrictions period. However, the HA has considered existing observed flows when reaching a judgement on acceptability, and these existing flows can be considered to be representative. Officers are mindful of Paragraph 111 of the NPPF which states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

8.11.21. In this case, Officers do not consider that the proposed development would result in an unacceptable impact on highway safety.

8.11.22. Likewise, on the basis of the information before Officers, there is no basis to conclude that the residual impact of the proposed development on the road network would be severe. The HA response notes that the development would provide new opportunities for active travel, something which compared to yesteryear is now a real focus of both town and local transport planning. The HA response indicates the following off-site mitigation works would be secured by way of a S278 agreement under the Highways Act 1980:

- A toucan or tiger parallel crossing to the north of the proposed site access junction;
- Upgrade footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;
- Upgrade footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing to as far south as possible, to link with Park Street Station; and

□ Upgrade the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

- 8.11.23. It is also noted that a pedestrian and cycle access into the site will be provided at its northern and central parts to Watling Street. The application is also supported by a Travel Plan which sets out pedestrian and cycle improvement measures, travel information packs, provision of travel information to encourage use of transport modes other than private vehicles, measures to facilitate sustainable car travel, an action plan, and monitoring/review measures.
- 8.11.24. The mitigation measures above would be required irrespective of whether the SFRI scheme nearby comes forward or not, whilst the requirement for a travel plan to be in place from first occupation until 5 years post full occupation would be secured in the S106 agreement. Contributions towards the deliverance of active travel measures would also be required in the S106 agreement.
- 8.11.25. Accordingly, it is considered by Officers that a robust series of measures are in place which would suitably promote and encourage future residents of the application site to travel by means other than by private car. The application site enjoys a sustainable location close to good public transport links, which gives further weight to the fact that future residents at this site would not need to travel by car.
- 8.11.26. It is acknowledged that there can be queues of traffic along Watling Street to the Park Street Roundabout. However, the existing levels of queueing and delay are not considered to be “severe” either in the baseline position, or with the development. That is the case regardless of whether or not the SFRI scheme comes forward. It is noted, however, that this scheme is expected to result in significant changes to the operation of this Roundabout and the surrounding road network.
- 8.11.27. The HA in their response recommended a Construction Management Plan (CMP) to be secured by way of condition. The CMP would be required for all phases of construction. Conditions were also recommended by the HA in respect of the need to provide full details of on-site highway arrangements, drainage measures, off-site works, active travel accesses, and cycle parking provision. These conditions are considered to meet the necessary tests as per Paragraph 56 of the NPPF, and should be included with the grant of planning permission.
- 8.11.28. Given the above, the proposed development is considered to be acceptable in terms of its highways impacts, subject to conditions, informatives and planning obligations akin to those set out within the HA response being included with a grant of permission or secured in a legal agreement. The proposal is in accordance with Policies 34 and 35 of the Local Plan, the relevant policies of the SSPNP and the National Planning Policy Framework.

8.12. Economic Impacts

- 8.12.1. Section 16 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 81 states:
- 8.12.2. *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

8.12.3. The planning statement submitted with this application explains that a number of economic benefits would arise from the proposed development, which are:

- The injection of £18 million of private sector investment into Park Street (figure provided by Scott Properties);
- Supporting the employment of 294 people, including 3 apprentices, graduates or trainees (figures taken from the HBF Housing Calculator);
- Helping to deliver a significant boost to the local economy and wider area by generating a first occupation expenditure on goods and services;
- Increased local spending from new residents once the proposed development is fully constructed and occupied, some of which will be retained by businesses within the local area, supporting further local employment;
- The delivery of Council Tax receipts to once the development is occupied; and,
- Support for the vitality and viability of Park Street generally.

8.12.4. Whilst Officers cannot fully corroborate some of the figures quoted above, it is accepted that some economic benefits would arise from the proposed development. The economic benefits associated with the construction phase of the proposed development would be temporary. Additional household spending would be benefits in perpetuity. Based on the information provided in this case, it is considered that moderate weight should be applied to the economic benefits of the proposed development within the planning balance.

8.13. Impacts on Infrastructure

8.13.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities, open space and play space, sports facilities, and community facilities. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development. A number of SSPNP Policies set out Neighbourhood Plan level policy requirements in relation to provision / mitigation of: Bus services and community transport (S13); Provision for walking, cycling and horse-riding (S14), Improving the bridleway network (S15), Community facilities (S16), and Leisure Facilities for Children and Teenagers (S17); that are relevant in this regard.

8.13.2. The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, which are routinely sought to mitigate the impact of development on physical and social infrastructure, as well as to secure affordable and other forms of specialist housing.

8.13.3. Para 57 of the NPPF states that planning obligations should only be sought where they meet all of the following tests, also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs); that they are:

- i. Necessary to make the development acceptable in planning terms
- ii. Directly related to the development; and
- iii. Fairly and reasonably related in scale and kind to the development.

8.13.4. The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a s106 that is compliant with the requirements of the aforementioned CIL Regulations.

8.13.5. The Heads of Terms for the s106 have been agreed with the applicant and a draft s106 is currently being prepared. These Heads of Terms reflect contribution/obligation requests made by consultees to mitigate the impacts of the development on social infrastructure and are as follows:

- **Affordable Housing**

- 40% of the Dwellings shall be constructed for Affordable Housing.
- A ratio of 2:1 Affordable Rented Housing to Shared Ownership Housing (or such other tenure mix as may be agreed with the Council).

- **Self-Build and Custom Housebuilding**

- 5% of the Dwellings shall be made available as Self-Build and Custom Housebuilding Plots.

- **Primary Education**

- Towards the expansion of Killigrew Primary School and/or provision serving the development.

- **Secondary Education**

- Towards the expansion of Marlborough School and/or provision serving the development.

- **Special Educational Needs and Disabilities**

- Towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development.

- **Youth Service**

- Towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development.

- **Library Service**

- Towards increasing the capacity of St Albans Central Library and/or provision serving the development.

- **Sustainable Transport Contribution**

- The sum of £6,826 per dwelling towards the off-site works / mitigation (s278) identified in the planning conditions, funding of the Travel Plan (measures and monitoring), and associated schemes for active travel betterment identified in the County Council's Local Transport Plan.
- The monies will in the first instance be used to fund Travel Plan (measures and monitoring) and off-site works identified in the planning conditions, providing active travel betterment in the vicinity of the site for new and existing residents.
- Any unspent contribution will be payable to the Highway Authority who will distribute the monies to the associated schemes identified in the County Council's Local Transport Plan and its supporting documents, South Central Hertfordshire Growth & Transport Plan.

- **County Council Monitoring Fee**
 - The sum of £340 (adjusted for inflation against RPI from July 2021) per relevant trigger.
- **Open Space Provision**
 - To deliver the on-site Open Space in accordance with the approved Open Space Scheme, Open Space Programme, and Open Space Management Scheme.
- **National Health Service Contributions**
 - The sum of £122,740 for primary care, with the focus of the money to be on Midway Surgery's extension and improvement. This developer contribution figure is however a calculation only. The final payment will be based on the actual dwelling unit mix and the inclusion of indexation.
 - The sum of £25,009 for additional ambulance services to support the population arising from the development. As with the bullet point above, the final figure may need to be updated to reflect the actual dwelling unit mix and the inclusion of indexation.
- **Biodiversity Net Gain**
 - Not to commence the Development until the Biodiversity Onsite Compensation Scheme (to deliver an on-site Biodiversity Net Gain of not less than 10%) and Biodiversity Monitoring Schedule has been submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed).

8.13.6. There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures can be justified against the relevant tests found in the Regulations and NPPF as follows:

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

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The National Planning Practice Guidance (NPPG) states: "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities, mitigation of ecological impacts and promotion of sustainable modes of transport are matters that are relevant to planning. The contributions and measures sought will ensure that additional needs brought on by the development are met, and other matters suitably mitigated. To secure the affordable housing in perpetuity and to secure the provision of the biodiversity, self-build and open space related measures would be necessary to make the development acceptable, were the planning balance such that it was found that the resultant benefits would clearly outweigh the harms (in relation to the NPPF para 148 planning balance).

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought 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. The securing of the proposed affordable and self-build housing is related to the development, noting that this is what the development proposes. The on-site provision of open space, and the ecological and highways and sustainable transport related mitigation is directly required as a result of the proposed development, forms part of the development proposed, and is directly related to the development. The affordable housing provision reflects the development proposed here. The off-site contributions sought in this case are directly related to the development in this case to ensure that sufficient capacity within community infrastructure can be provided to serve the future development.

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

The requested financial contributions were calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield), using appropriate toolkits / formulae as appropriate, and are therefore considered to be fairly and reasonably related in scale and kind to the development. The measures to mitigate impacts in terms of sustainable transport improvements, other highway-related measures, provision of additional social infrastructure and ecological enhancements; are not excessive in scale and are primarily required to mitigate impacts of the development; and are considered to be fairly and reasonably related in scale and kind to the development. The affordable housing and self-build obligations are in line with what has been applied for in this case.

- 8.13.7. Noting the above discussion, it is considered that the contributions and other measures listed above meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), referenced in para 57 of the NPPF, and the applicable Local Plan and SSPNP policies.
- 8.13.8. Officers are aware of the judgement in *R (University Hospitals of Leicester NHS Trusts) v Harborough District Council [2023] EWHC 263 (Admin)*. In the light of the issues raised in the legal judgement Officers have been in discussions with the NHS regarding this case and the contributions they are seeking. The NHS Hertfordshire and West Essex Integrated Care Board explained that the majority of NHS funding set by Government through the Spending Review process is allocated for the NHS' day to day running costs, education and training of current and future health staff and local government health services. Therefore, the NHS will seek s106 funding from new developments to allow for capital investment to assist in mitigating the impact such developments will have on NHS services. Additional correspondence was also received from the NHS explaining in more detail why the contributions being sought for primary healthcare and the ambulance service are required. On this basis, Officers are content that the requested NHS contributions meet the aforementioned relevant legislative and policy tests.
- 8.13.9. During the course of the application, a request for contributions from St Stephen Parish Council through the District Council's Community Services team was received. This request sought contributions for play areas (for Park Street Recreation Ground), parks and open spaces (for Park Street Recreation Ground) and leisure and cultural centres (for Park Street Pavillion). However, the response failed to detail why the contributions sought were necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related in scale and kind to the development. Officers have

chased this up several times, but without an adequate justification, the contributions would not meet the requirements within the relevant Regulations, and cannot therefore be sought in this case.

8.13.10. The applicants have advised that they would be open in-principle to enter into a s106 agreement containing planning obligations to secure the contributions / measures as set out above, and discussions / negotiations are regarding the draft agreement are ongoing in this regard with the relevant parties.

8.13.11. It is recommended that a period of six months from the date of the committee resolution is allowed for to complete this s106 agreement. It is noted that there have been some resourcing issues that have led to delays in the finalisation of s106 agreements – should such a situation occur in this case, it is recommended that it be resolved for the Development Manager to agree in consultation with the Chair of the Planning Development Management Committee an extended period of time to allow for the completion of the legal agreement and for the decision to be issued.

8.14. Recent Planning Decisions of Relevance

8.14.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. The applicant has drawn the Councils attention to recent decisions where housing has been approved in the Green Belt, and these are referenced in the 'Relevant Planning History' section above. Previous decisions can be material considerations, and it is noted that the context for assessing housing applications in the Green Belt changed with the approval at appeal of the 'Bullens Green Lane' application (5/2020/1992) in 2021, such that applications at Land to the Rear of 112 to 156b Harpenden Road, and at Orchard Drive (Refs 5/2021/0423 and 5/2021/2730 respectively) were subsequently recommended by officers for approval. Weight has been applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here. Whilst the applications to the north and south of Chiswell Green Lane were refused by the Council, these applications are the subject of appeals which have been 'called in' by the Secretary of State and remain undetermined at the time of writing.

8.15. Other Matters

Consultation Responses

8.15.1. Many of the consultation responses received on this application have been considered in the above discussion. However, the remaining responses are considered in this section of the report.

8.15.2. The comments of Affinity Water are noted, in particular that the application site is located in a Groundwater Source Protection Zone corresponding to a public water supply pumping station, and that the site is located above historic landfill. To this end, it is recommended that the conditions suggested by Affinity Water are included with a grant of planning permission in this case. Other comments made by Affinity Water can also be dealt with by way of informative.

8.15.3. Related to this, the Council's Land Contamination Officer has commented on the application that there is the potential for on-site and off-site contamination which could adversely impact future site users and the wider environment. Conditions are therefore recommended in this case in the interests of protecting human health and the quality of groundwater.

8.15.4. The comments of the Environment Agency can be dealt with by way of informative.

- 8.15.5. RAB acting for the Council instead of the LLFA, following receipt of additional information, advises that the development would be acceptable provided a drainage condition is included with a grant of permission. As such, it is recommended their recommended condition is included in this case.
- 8.15.6. Noting the comments of the HCC Water Officer, it is recommended that a condition securing fire hydrants is included in this case.
- 8.15.7. The noise conditions relating to dwellings and the informatives recommended by Environmental Compliance are considered to be appropriate in this case, and should be included with a grant of planning permission.
- 8.15.8. The comments of the Herts and Middlesex Wildlife Trust are noted, albeit it is considered that ecological matters are fully considered in the report above.
- 8.15.9. Thames Water's comments are noted, albeit following the submission of additional information, it would appear that Thames Water are no longer requiring a foul water related condition. Other comments made by Thames Water can be included as informatives.
- 8.15.10. The comments received from waste management are noted, albeit layout matters would be considered in full detail at reserved matters stage.
- 8.15.11. The comments of Herts Police, British Pipeline Agency, HSE, Natural England, and Planning Enforcement are noted in this case. Given their comments however, it is not considered any conditions or informatives are required in this case.

Neighbourhood Plan

- 8.15.12. Many of the relevant policies within the SSPNP are considered in the above discussion, particularly in relation to landscape and ecological impacts.
- 8.15.13. In relation to Policy S2, the final dwelling mix of the development would be for consideration at reserved matters stage and can be required by way of condition. Detailed design considerations would also be assessed at reserved matters stage.
- 8.15.14. The submitted Planning Statement Addendum specifically addresses Policy S4 alongside other policies. The addendum explains that the nearest listed building to the application site is at 52 Park Street, located around 350m south of the application site. The application site is not within a Conservation Area. The Historic Environment Record shows two records located in the area (being a now demolished sewage works used as a caravan, and faint cropmarks near Tippendell Lane). Given this, it is considered that the proposed development would be in accordance with Policy S4. As noted above, archaeological conditions are recommended to be included with a grant of planning permission.
- 8.15.15. Arguably, given the nature of the proposed development, Policy S12 is not overly relevant in this case. Nevertheless, the highways section above considers active travel measures, and in this regard it is considered that the relevant aims of this policy are met.
- 8.15.16. In respect of Policy S13, the HA comments on this policy are noted:
"This policy requires new major developments to seek S106 contributions towards public transport improvements. The LHA has made such requests through initially S278 proposals, however any remaining monies shall look to provide funding to wider improvement schemes as captured in the Growth & Transport Plan, which includes public transport projects."
- 8.15.17. Contributions can only be sought where the relevant statutory tests are met as noted above. Given the HA's comments, as improvements are being sought

through the S106 and S278 processes for a range of sustainable transport and highway mitigation measures, Officers are content that the proposed development would be acceptable in highways terms. There would be improvements to highways and transport infrastructure associated with the development. To this end, it is considered that in a broad sense Policy S13 is complied with, as there is the potential for improvements to be made to bus services and community transport.

- 8.15.18. In response to Policy S24 of the SSPNP, the applicant advises that there is an intention for superfast broadband to be provided on-site and will be discussed with utility providers at detailed design stage. Otherwise, suitable ducting will be provided. Officers consider this is sufficient given the requirements of the policy, and can be appropriately secured by way of condition.

Matters raised in representations

- 8.15.19. Many of the points raised in representations received from the public on this application have been considered in the discussion above. Whilst the majority of comments object to the proposed development, it is noted that some comments in support of the application have also been received. A number of representations were received raised concerns which are not considered to be material planning considerations e.g. impact on house prices and developer profitability, and have therefore not been taken into account in the determination of the application.
- 8.15.20. In respect of the comments made in relation to the principle of development, it is accepted that the proposal represents an inappropriate form of development in the Metropolitan Green Belt, albeit the following planning balance section of this report considers whether any very special circumstances exist in this case which would outweigh the harm caused by the development. Conflict with the development plan is also considered in the planning balance section of this report.
- 8.15.21. Various comments have been made that other sites exist for development that would be preferential to this one. However, such assertions are made without convincing supporting evidence and in any event each application falls to be determined on its own merits.
- 8.15.22. In respect of highways and transport concerns, the main concerns received relate to the increase in traffic caused by the development on a road which is already experiencing queues and congestion (particularly on the approach to Park Street Roundabout). However, these matters are addressed in detail above, and particularly given the active travel measures proposed/sought in this case, it is considered that the proposed development would be acceptable. It is not considered that the proposed development would lead to unacceptable highway safety issues, and in particular it is noted that the Highway Authority did not raise specific concerns in respect of emergency vehicle access.
- 8.15.23. Officers furthermore consider that the application site is in close proximity to good public transport links, including bus services along Watling Street and railway services from Park Street Railway Station. It is acknowledged that whilst the services provided may not be the most frequent, they nevertheless represent good alternatives to the necessary use of private vehicles. Officers would also argue that a way to improve public transport frequency is to increase patronage of the services, which the new future residents of this site may assist in achieving if the application is allowed.
- 8.15.24. In respect of landscape and visual impacts, it is accepted that the visual appearance of the application site would change as a result of the proposed development. However, it is considered that the site could be developed in a way where the appearance of the scheme would nonetheless be acceptable, with the reserved matters process providing an opportunity to further consider any such

impacts. The density of the scheme is considered to be acceptable in this case, and as noted above the landscape impact of the scheme is also considered to be broadly acceptable.

- 8.15.25. The ecological and drainage concerns raised are noted, but have considered in the above report, and the impact of the development is considered to be acceptable subject to the imposition of suitably worded conditions. Biodiversity Net Gain measures can be required in the S106 agreement.
- 8.15.26. It is accepted that the proposed development would result in some impact upon the local social and community infrastructure, and as such a number of planning contributions/obligations are sought as set out above. Comments were made in respect of the cumulative impact of development, however, it is not clear which other developments these concerns are specifically made in relation to. In any event each application falls to be determined on its own merits. Whilst the nearby petrol station shop may not fulfil all the needs of future residents, it is nonetheless considered that it could be used to obtain day-to-day goods if needed.
- 8.15.27. Amenity concerns are noted, albeit as noted above many of these can be considered in more detail at reserved matters stage. A comment was made that the proposal would impact upon security, and officers would note that the fear of crime can sometimes constitute a material planning consideration. However, to be given weight, there usually needs to be a sound basis underpinning such concerns. It is not clear that such a basis would exist in this case, particularly noting the responses received from the Crime Prevention Design Advisor at Hertfordshire Constabulary.
- 8.15.28. Concerns were raised that the proposed development would impact upon the adjacent Gypsy and Traveller community, and if granted would adversely impact their Human Rights. However, it is not clear how their Human Rights would be adversely impacted in this case, as the Gypsy and Traveller site falls outside the application site red line boundary, and would not result in the adjacent site having to close or be relocated. Amenity impacts on the adjacent Gypsy and Traveller site can be further considered at reserved matters stage as appropriate in the event of an approval.
- 8.15.29. Comments were raised that if the application is granted, future residents will be able to use their permitted development rights to further impact the amenities enjoyed by existing residents.
- 8.15.30. It is not considered that the determination of this application would set a precedent in itself, as every application falls to be determined on its own merits. The planning history of the site is noted, albeit the 2014 application (5/2014/0316) was not for the same application site and proposed a difference scheme in any event.
- 8.15.31. Comments were received concerned about the loss of agricultural land and resultant food security concerns. Loss of agricultural land is considered above and some harm has been identified by Officers. However, it is not considered that the impact the proposed development would have on food security would be harmful. The findings of the Inspector in appeal APP/G2713/W/23/3315877 are noted, where it was found that there is no food security problem in the country and the level of food production is good.
- 8.15.32. It is acknowledged the Council has agreed there is a climate change emergency. However, until the adoption of a new local plan, the Council is reliant on determining planning applications in line with the current development plan and national planning policy. The conformity of the proposal with these matters is considered in the planning balance section of this report.

8.15.33. Comments have been received arguing that the Council's consultation process is flawed and leaves the Council open to legal challenge. However, in this case, the Council has consulted on the application in line with its Statement of Community Involvement. Officers have also reviewed every comment received on the application, and taken into account all of those which raise material planning considerations in the determination of the application. Officers consider this report deals with the main issues raised in the representations received. Members are reminded that all of the representations received on the application can be provided by Officers, and the majority of the comments received can be viewed on the Council's website, should they wish to review the representations received in more detail.

Other Matters

8.15.34. The Council undertook a Screening Opinion for the application in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) on 24/06/2022. It was concluded that an Environmental Statement was not required for the development proposed.

8.16. Planning Balance

8.16.1. An assessment of the planning balance, in the context of paragraphs 11 and 148 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the 'Principle' section above, paragraphs 147 and 148 provide the fundamental policy test within which this application falls to be assessed; as follows:

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

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

8.16.2. This means that the proposed development should not be approved 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.

8.16.3. This balancing exercise is set out below, and is informed by the previous sections of this report above:

- Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 148.

8.16.4. There is additional harm identified to which, cumulatively, very substantial weight is given, due to:

- The harm the proposal would cause to the openness of the Green Belt is afforded very substantial weight.
- Harm to the purposes of including land within the Green Belt, noting the discussion at 8.3.17 above, is afforded moderate weight.
- The introduction of built form across the existing fields would cause some harm in respect of both landscape and visual effects, to which limited to moderate weight is given.
- The loss of agricultural land, which includes round 0.67ha of Grade 3a land. Some limited weight is given to this harm.

8.16.5. The 'other considerations' weighing in favour of the development consist of:

- The provision of up to 95 homes, is afforded very substantial weight, particularly in light of the housing land supply shortfall present in the District.
- The provision of 40% affordable housing is afforded very substantial weight.
- The provision of self-build plots is afforded substantial weight.
- Provision of public open space and children's play space. Some limited positive weight is given to this provision.
- The provision of at least 10% biodiversity net gain. Limited weight is given to this provision.
- The economic benefits of the proposed development, as set out at section 8.12 of this report. Moderate weight is given to these benefits.

8.16.6. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is clearly outweighed by other considerations.

8.16.7. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions or obligations in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

8.17. Conclusions

8.17.1. Each application for planning permission is unique and must be treated on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the "other considerations" set out above clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 148 of the NPPF, it follows that very special circumstances exist. As such, and in light of the above discussion, the proposal would accord with the St Albans and District Local Plan Review 1994, the St Stephen Neighbourhood Plan and the National Planning Policy Framework 2021 and planning permission should be granted.

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

9.1.1. In respect of the call-in by former Councillor Richard Curthoys and response of St Stephens Parish Council, as set out above very special circumstances are considered to exist in this case which outweigh harm to the Green Belt and any other harm, such that in the view of Officers planning permission should be granted. It is not considered that the proposal would result in coalescence with St Albans and the proposal is considered to be acceptable in terms of highway safety.

10. **Reasons for Grant**

10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (Paragraph 148 of the National Planning Policy Framework 2021). In this case, the harm relates to harm to the Green Belt openness and conflict with the purposes of including land within the Green Belt. The harm also relates to landscape character and the loss of agricultural land. The benefits include the provision of housing, affordable housing and self-build housing, the provision of open space and play space, the commitment to 10% BNG and economic benefits. 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.

EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

RECOMMENDATION: Conditional Permission **Decision Code:** A1

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 of the Town and Country Planning Act 1990.

3. 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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 82-01 C, PP-01 F, 5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 (located within the Transport Assessment dated 14 January 2022).

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

5. Details shall be submitted as part of an application seeking approval of scale at reserved matters stage showing existing land levels and proposed slab levels for each proposed dwelling/building.

REASON So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 69 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

6. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994 and Policy S2 of the St Stephen Parish Neighbourhood Plan.

7. 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 a programme of initial trial trenching followed if required by open area excavation, followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. 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 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 the National Planning Policy Framework paragraph 205. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

8. Following the completion of the fieldwork and if needed the post-excavation assessment in Condition 7, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 7. 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 paragraph 205. To ensure the appropriate publication of archaeological and historic remains affected by the development.

9. As part of applications seeking approval of landscaping and layout at reserved matters stage, detailed planting plans shall be submitted in relation to additional tree planting along the western site boundary.

REASON So that the landscape and visual impact of the development is acceptable. To ensure that adequate tree planting can be provided on the application site, which can effectively mitigate the visual harm arising from the development, and create a stronger defensible edge to the application site. So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 74 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

10. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which have been shown to be retained. These trees shall be protected during the implementation of the development in accordance with the recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

REASON To protect existing trees during the course of 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.

11. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

REASON This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

12. A Construction and Environment Management Plan (CEMP) shall be submitted as part of application(s) for reserved matters approval, as required by Condition 1. The CEMP will need to formalise the proposals set out within the Preliminary Ecological Appraisal in respect of the practicalities of undertaking any works in the context of safeguarding biodiversity. A site walkover survey should also be provided as part of the CEMP.

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

13. A Landscape and Ecological Management Plan (LEMP) shall 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) Details of habitats retained and created;
- c) Maintenance of habitat/feature creation measures in the long term (30 years) and those responsible for implementation, delivery and management;

- d) Lighting strategy (detailing how the ecological impact of light pollution will be minimised);
- e) Details of monitoring and potential mechanism for remedial measures to ensure habitat expectations are met.
- f) Details (type and location) of integrated bat boxes and bird (swift) boxes to be included in the proposal;
- g) Details of hedgehog highways between gardens;
- h) Details of reptile hibernacula or other ecological features proposed within the site;
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured;

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens, unless specifically required in any of the criteria listed above.

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

14. 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, foot/cycleways; ii) foul and surface water drainage; iii) visibility splays; iv) access arrangements; v) parking provision in accordance with adopted standard; vi) loading areas; vii) turning areas.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

15. 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.5153233-ATK-GEN-PRKST-DR-C-000001_P1.5 - located within the Transport Assessment dated 14 January 2022). 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 34 of the St Albans District Local Plan Review 1994.

16. (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 has been submitted to and approved in writing by the Local Planning Authority. This should include the provision of a Road Safety Audit. For the avoidance of doubt the obligations to provide all offsite works are to be contained within highways land only and include, but are not limited to: -

- o A toucan or tiger parallel crossing to the north of the proposed site access junction;

o Upgrading of footway on the eastern side of Watling Street from the proposed toucan or tiger parallel crossing to connect with the existing segregated footway / cycleway at Park Street Roundabout leading to St Albans;

o Upgrading of the footway along the frontage of the site to a segregated footway / cycleway on the western side of Watling Street between the proposed toucan or tiger parallel crossing and using reasonable endeavours to upgrade the surface of the footway that links with Park Street Station; and

o Upgrading of the bus stops located on both sides of Watling Street to the north of the site to provide shelter, seating, real time passenger information and kassel kerbs.

(Part B) No dwellings within the scheme hereby permitted shall be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details; unless an alternative timeframe has been otherwise agreed in writing with the Local Planning Authority.

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 Policies 34 and 35 of the St Albans District Local Plan Review 1994.

17. No works shall commence until detailed design drawings and a scheme outlining timescales for delivery are submitted and approved in writing by the Local Planning Authority that show the provision of the two active travel accesses, being:

a) North of the Site to Watling Street: -

This access point will provide a direct link from the site to the proposed toucan or tiger parallel crossing on Watling Street;

b) Centre of the site to Watling Street:

This access point will provide a direct link from the site to the cycleway beside Watling Street towards Park Street Station

The accesses stated above must be completed and available for use in accordance with the approved design details and the scheme outlining timescales for delivery.

REASON To ensure construction of a satisfactory development and to promote sustainable development in accordance Policies 34 and 35 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

18. 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 scheme shall also outline a timescale for delivery of the aforementioned requirements. Development shall thereafter proceed in accordance with the approved scheme, and the cycle parking provision shall be retained in perpetuity 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

34 and 39 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

19. No development shall commence until vehicle swept path movements plans are provided for the following:

- a. a large car accessing all car parking spaces allotted to both housing and visitor parking bays;
- b. a fire tender vehicle accessing the site in a forward gear to all properties within the boundary of the internal road layout (once detailed under Condition 14); and
- c. a refuse vehicle accessing all properties and being able to safely and within a legal distance of residents bin collection points for a vehicle of dimensions L:10.875m x W:2.5m.

REASON To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

20. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction 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 Policy 34 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

21. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

REASON Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. To meet the aims of the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply or health from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water. To meet the aims of the National Planning Policy Framework.

23. Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water.

REASON To provide confirmation that direct infiltration via soakaways will not be used due to the presence of contaminated land (historic landfill) and the risk for contaminants to remobilise, potentially impacting public water supply. To meet the aims of the National Planning Policy Framework.

24. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and ground gas 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.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

25. The results of the site investigation and the detailed risk assessment referred to in Condition 24, shall be used to prepare an options appraisal and remediation

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

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

26. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 25 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON To ensure that adequate protection of human health is maintained for the lifetime of the development. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

27. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

- a. A fully detailed surface water drainage scheme has been submitted. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Watling Street, Park Street Drainage Strategy' by Hydrock and dated 13th October 2022.
- b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme should be submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including the correct allowance for climate change.
- c. The maximum permissible flow controlled discharge rate shall no more than 2l/s for all events up to and including the 1 in 100 year return period event plus the correct allowance for climate change, as currently agreed in principle with Thames Water. This 'in principle' discharge agreement must be formally confirmed in writing with Thames Water and submitted in support of this condition, which shall also include full details of the point of connection, including cover and invert level(s).
- d. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- e. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.

- f. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- g. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site. The inclusion of suitable proprietary surface water treatment devices on the proposed drainage infrastructure as part of the treatment train is acceptable.
- h. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.
- i. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.
- j. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to a proposed sewer chamber location.
- k. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

REASON To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

28. 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 District Local Plan Review 1994 and the NPPF.

29. 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, aircraft, railways, industry, construction etc. on the proposed development. The noise assessment shall be submitted to and approved in writing prior to the first occupation of the dwellings hereby permitted.

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

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 In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

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

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

REASON In the interests of residential amenity, in accordance with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

31. No development shall take place, other than works relating to access, until a submission has been made to the Local Planning Authority and is approved in writing, which demonstrates that either:

- a) the development hereby permitted can be served by a superfast broadband (fibre-optic) connection alongside confirmation that such a connection will be provided; or,
- b) such a connection would not be either possible, practical or economically viable.

In the event of b) being demonstrated, sufficient and suitable ducting should be provided within the site and to the properties hereby permitted to facilitate ease of installation at a future date on an open access basis. Confirmation that such ducting will be provided within the scheme should be given when discharging this condition.

REASON So as to meet the requirements of Policy S24 of the St Stephen Parish Neighbourhood Plan 2022.

12. Informatives:

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information: 82-01 C received 18/02/2022; BBS-BB-EGL-SU-01 received 02/02/2022; BBS-BB-EGL-SU-02 received 02/02/2022; BBS-BB-EGL-SU-03 received 02/02/2022; BBS-BB-EGL-SU-04 received 02/02/2022; BBS-BB-EGL-SU-05 received 02/02/2022; BBS-BB-EGL-SU-00 received 02/02/2022; PP-01 F received 09/06/2023; 4064/12/22-0160 v6 received 20/10/2022; IL-01 F received 20/10/2022; 20880-HYD-XX-XX-DR-D-2200 P03 received 01/06/2022; 4064/12/21-1600 v5 received 20/10/2022; Arboricultural Impact Assessment Ref: 21-0688 v2 dated January 2022; Transport Assessment dated 14 January 2022 received 02/02/2022; Letter from Nicholsons Lockhart Garratt dated 30 May 2022 ref: 22-0196 LET J OWEN ST ALBANS V2 AB160522 received 01/06/2022; Transport Assessment Appendix A - ATC received 01/06/2022; Transport Assessment Appendix A - J2 (Tuesday) received 01/06/2022; Biodiversity Metric received 20/10/2022; Agricultural Land Classification Report dated May 2022 received 01/06/2022; Planning Statement Addendum dated May 2022 received 01/06/2022; Transport Assessment Appendix A - J1 (Tuesday) received 01/06/2022; Transport Assessment Addendum dated 5 May 2022 received 01/06/2022; Transport Assessment Appendix A - J3 (Tuesday) received 01/06/2022; Preliminary Ecological Appraisal ref: 21-0662 v2 dated December 2021; Draft Heads of Terms received 24/05/2023; Nicholsons Lockhart Garratt Letter - Response to Ecology Comments / Land West of Watling Street ref: 22-0260 dated 24 November 2022 received 24/11/2022; Nicholsons Lockhart Garratt Letter - Response to spatial planning comments ref: 22-0458 dated 25 July 2022 received 20/10/2022; Thames Water E-mail Correspondence received 01/06/2022; Drainage Design Technical Note ref: 20880-HYD-XX-XX-TN-DS-001 rev P01 dated 23 August 2022 received 20/10/2022; Transport Assessment Addendum 2 dated 18 October 2022 received 20/10/2022; Archaeological Desk Based Assessment November 2021 received 02/02/2022; Additional Information Covering Letter dated 1 June 2022 received 01/06/2022; Design and Access Statement dated January 2022; Flood Risk

Assessment dated 4 January 2022 ref: 20880-HYD-XX-XX-FP-FR-0001-P02; Planning Statement dated January 2022; Utilities Statement dated 5 January 2022 ref: 20880-HYD-XX-XX-RP-Y-3000; Green Belt Appraisal dated 20 December 2021 ref: 16-0603 V3; Biodiversity Impact Assessment dated January 2022 ref: 21-1590 V2; Phase 1 Desk Study dated 20 October 2021 ref: 20880-HYD-XX-XX-RP-GE-1000; Framework Travel Plan dated 5 May 2022 received 01/06/2022; Landscape and Visual Impact Assessment dated 24 May 2022 ref: 21-0781 V4 received 01/06/2022; Drainage Strategy dated 13 October 2022 ref: 20880-HYD-XX-XX-RP-D-5001-P05 received 20/10/2022.

3. The applicant is encouraged to consider providing patios to the dwellinghouses hereby approved in the interests of well-being and to permit year round use of garden areas.

4. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any mineral deposits within the development, should they be found when creating the foundations/footings. Please however note that if such extraction constitutes a form of development in their own right, then separate planning permission may be required.

5. Please note the following comments from the Council's Recycling and Waste Officer:

The maximum trundle distance is 10 metres so if there are properties further than 10 metres from the end of a road, a bin collection point should be created.

There should be adequate parking to avoid parking on the road/ in undesignated areas which will narrow the road and could prevent our vehicles navigating the site.

Please note that on recycling collection day, each property will be presenting 2x 240lt bins, at least 1x 55lt bin for paper and card so the bin collection space must be large enough to accommodate these containers for the number of properties it serves.

6. 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-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx)

[ormation/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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>

12. 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 £6,000 and index-linked RPI May 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

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

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

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

16. Please note the following advice from the Environment Agency:

In order to protect groundwater quality from further deterioration:

- o No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- o Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
 3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
 4. Refer to the contaminated land pages on Gov.uk for more information.
 5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
 - o BS5930:2015 Code of practice for site investigations;
 - o BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;
 - o BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
 - o BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
 - o BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
 - o BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
 - o Use MCERTS accredited methods for testing contaminated soils at the site;
 - o Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.
- A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be

prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- o oGP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

- o oWhere groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- o For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- o o Up-flow percolation column test, run to LS 2 - to derive kappa values;

- o o pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;

- o o LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM. The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

17. Please note the following comments of Thames Water:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://eu-](https://eu-west1.protection.sophos.com/d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWZyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlxbkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32)

[west1.protection.sophos.com/d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWZyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlxbkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32](https://eu-west1.protection.sophos.com/d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWZyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhISDIRWnlxbkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=c0a57b5e27904c4f81b094e8a9f55d32)

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

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

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

20. Internal ambient noise levels for dwellings

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

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

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,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.

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

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

22. 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.

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

24. An acceptable Desktop study would comprise a fully detailed statement of the previous uses and current activities on site by the landowner or operator at the time that potentially contaminative activities took place. The Desktop study must include a site walkover documented with photographs.

This should include consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal, asbestos disposal and hydrocarbons from farm machinery. Additionally, the study should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

It should be noted that an internet search report or land condition report is not, in isolation, sufficient information to discharge the requirement for a Desktop study involving agricultural 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.

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

26. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

27. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

28. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

29. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

30. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction.

31. The applicant is informed that the Local Planning Authority would encourage the use of sustainable energy efficient building materials and alternative energy sources in construction and would encourage the consideration of alternative forms of heating, for example solar power.

32. This permission has been issued following completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).

33. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. St Albans City and District Council controls the naming and numbering of streets and buildings. You must apply to Street Naming and Numbering before any street name or property name/number is used. For further information, please see <https://www.stalbans.gov.uk/street-signs-names-and-numbers>.

34. In relation to Condition 17, the applicant is advised that the 'Scheme outlining timescales for delivery' should detail when the proposed active travel accesses will be provided, with reference to the delivery of housing across the application site as a whole. Where one part of the application site may be delivered prior to another, the closest active travel access to that part being delivered should be fully provided and made available prior to first occupation, and these matters will need to be fully set out within the aforementioned Scheme.

35. In relation to Condition 18, the Scheme required by this condition will need to include timescales for delivery. The applicant is advised that cycle parking provision should be provided prior to the first occupation of any dwelling within the scheme, and this should be reflected within timescales provided within the submitted Scheme.

Officer

Lee Stannard

Section 65 Parties

Mill Dam Cottage, Wem, Shropshire, SY4 5HF
13 Kings Close, Wavendon, Buckinghamshire, MK17 8RP
111 Harrowden, Bradville, Milton Keynes, MK13 7BY
42 Wyness Avenue, Little Brickhill, Milton Keynes, MK17 9NG
2 Wilkins Green Farm, Wilkins Green Lane, St Albans, AL4 0HG
Hertfordshire County Council, Pegs Ln, Hertford, SG13 8DN

Plans on website

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