

<b>REGISTERED NUMBER:</b>	5/2022/2557/SSM
<b>APPLICANT:</b>	Anderson Design & Build Ltd
<b>PROPOSAL:</b>	Outline application (access sought) - Construction of up to 40 dwellings (including 3 self-build homes) with car and cycle parking, landscaping and associated works
<b>SITE:</b>	Land North of Boissy Close Colney Heath Lane St Albans Hertfordshire AL4 0UE
<b>APPLICATION VALID DATE:</b>	20/10/2022
<b>HISTORIC BUILDING GRADE:</b>	N/A
<b>CONSERVATION AREA:</b>	N/A
<b>DISTRICT PLAN REVIEW:</b>	Metropolitan Green Belt
<b>WARD</b>	Colney Heath

<b>RECOMMENDATION</b>	<p><b>A. That the applicant, within six months of the date of this committee meeting, enter into a legal agreement, pursuant to s106 of the act in relation to the provision of:</b></p> <p><b>35% affordable housing provision, provision of 3 self-build custom plots, 10% biodiversity net gain; leisure and cultural centres contribution, health contributions towards ambulance services and GP provision, education contributions, library service contributions, youth service contributions and provision of highways improvements.</b></p> <p><b>B. That planning permission be GRANTED subject to conditions.</b></p> <p><b>And in the event that the s106 agreement is not completed within six month of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason:</b></p> <p><b>“In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of 35% affordable housing provision, provision of 3 self-build custom plots, 10% biodiversity net gain; leisure and cultural centres contribution, health contributions towards ambulance services and GP provision, education contributions, library service contributions, youth service contributions and provision of highways improvements would not be met and the</b></p>
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	<p><b>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.</b></p> <p><b>C. 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.</b></p>
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## **1. Reasons for Call in to Committee**

- 1.1. The application has been called-in by Cllr Brazier, Cllr Needham and Cllr Hollingsworth for the following reasons:

*“Large impact on the Green Belt and harmful effect on the street scene, adjacent to the park. Loss of a Green Space used by many residents living close by. Scale, mass of the proposed development. Harmful effect on the Alban Way a Cycle and Walkway in constant use”.*

## **2. Relevant Planning History**

- 2.1. 5/1978/0770 – Use as a public recreational area to be developed and operated by Colney Heath Parish Council. Conditional Permission 10/08/1978.

Other relevant planning history referenced in the report:

- 2.2. 5/2020/1992 – Roundhouse Farm, Bullens Gree Lane, AL4 0FU – outline application (access sought) – construction of up to 100 dwellings together with ancillary works. Planning Permission was refused. Appeal allowed 14<sup>th</sup> June 2021.
- 2.3. 5/2021/0423 – Land to rear of 112-156b Harpenden Road, St Albans – outline application (access sought) – residential developmet of up to 150 dwellings together with associated works. Conditional Permission Greanted 12/01/2022.
- 2.4. 5/2011/1184 – 107 Colney Heath Lane, AL4 0TN – outline application (access and layout) for the erection of thirteen houses following demolition of existing dwelling. Planning Permission was refused and the appeal was dismissed 6<sup>th</sup> June 2012.

## **3. Site Description**

- 3.1. The site is located north of Boissy Close. It currently consists of grassland with informal footpaths that connect to Alban Way along the north boundary of the site. Residential development is present to the south and west, Alban Park Industrial Estate to the north and open space to the east. The site is accessed via Boissy Close off Colney Heath Lane.

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

- 4.1. The planning application is an outline with all matters reserved except for access. As such, it is the principle of the development that is under consideration, plus the details of 'access'. Details relating to the other reserved matters of 'appearance', 'landscaping', 'layout' and 'scale' would be provided under future application(s) for approval of reserved matters, if this outline application were to be approved. As such, the application is accompanied by a parameter plans which indicate the land use and buildings heights and detailed plan showing the proposed access arrangements.
- 4.2. The proposal includes the provision of up to 40 dwellings with a minimum of 35% affordable homes.
- 4.3. Notwithstanding that all matters except access are reserved, the application has submitted parameter plans which seek to guide the scope of reserved matters submission(s), these parameter plans deal with extent of built development, landscaping and building heights. An indicative layout has also been provided to demonstrate how the proposed development would be accommodated within the site.
- 4.4. Any grant of planning permission for this application can be conditional upon future reserved matters application(s) according with the approved parameter plans and this is an approach that is widely used for outline application of significant scale.

#### **5. Representations**

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

Site and Press Notice Displayed: 15/11/2022  
Expiry Date: 08/12/2022

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

5.2.1. CPRE Hertfordshire, Afb House, Alban Point, Nicholas Breakspeare Rc School, The School House, Unit 1 – Alban Park, Croft Cottage, No's. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 Boissy Close, No's. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 Swans Close, No's. 1 Little Acre, No's. 6, 28, 32, 41, 55, 57, 59, 61, 63, 65, 65a, 65b, 67, 71, 73, 93, 95, 97, 99, 101, 107, 113, 115, 121, 123, 127, 129, 145, 153 Colney Heath Lane, No. 11 Smallford Lane, No. 14 White Hart Road, No. 15 Nicholas Close, No. 21 Bronte Close, No. 22 Mercer's Road, No. 22a Gresford Close, No. 2a Roestock Lane, No. 3 Grimthorpe Close, No. 3 Hobbs Close, No's. 36, 65, 69, 72 Firwood Avenue, No. 45 Russett Drive, No. 5 Roestock Gardens, No. 50 Marconi Way, No. 500 Hatfield Road, No. 55 Hansell Gardens, No. 9 Deans Gardens

5.2.2. Objections have been received from the following properties within the district:

- No's. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 Boissy Close;
- No's. 45, 47 Russet Drive;
- No's. 5, 6, 28, 32, 41, 55, 65, 65a, 73, 93, 95, 97, 121, 123, 127, 129, 145, 153 Colney Heath Lane;
- No's. 3, 7 Hobbs Close;
- No. 32 Wallingford Walk;

- No's. 7, 8, 11, 13 Swans Close;
- No. 500 Hatfield Road;
- No's. 20a, 50 Marconi Way;
- No. 142a Victoria Street;
- No. 16a High Street;
- No. 22 Mercer's Row;
- No. 172 Riverside Road;
- No. 31 Bullen Green Lane;
- No. 17 Wilstone Drive;
- No's. 36, 65 Firwood Avenue;
- No. 170 Ashley Road;
- No. 22a Gresford Close;
- No. 15 Nicholas Close;
- No. 3 Grimthorpe Close;
- No's. 65, 69, 72 Firwood Avenue;
- No. 9 Deans Gardens;
- No. 1 Little Acre;
- No. 55 Hansell Gardens;
- No. 5 Roestock Gardens;
- No. 2a Roestock Lane;
- No. 45 Cranbrook Drive;
- No. 22 Marten Gate;
- No. 21 Bronte Close;
- No. 11 Smallford Lane;
- St Davids;
- Boissy Park Action Group;

5.2.3. Objections have been received from the following properties outside of the district:

- Croft Cottage;
- No. 14 White Hart Road;
- No. 8 Peace Grove;
- No. 20 Raffin Close;

5.2.4. A summary of public representations in objection, grouped by topic area is set out below.

5.2.5. Objections in principle/relating to Green Belt

- Green Belt land should be preserved;
- Loss of openness;
- Inappropriate development in the Green Belt;
- No very special circumstances present;
- Loss of Green Belt;
- Conflict with the purposes of the Green Belt;
- Brownfield sites should be used for development;
- Inappropriate change of use;
- Reference is made to an Appeal ref: APP/B1930/A/12/2170258

5.2.6. Objections relating to landscape and biodiversity:

- Loss of habitat;
- The retained trees may not be protected long term;
- Environmental impact;
- Loss of open space and children's play area;

- Loss of recreational land;
- Impact on bats, great crested newts and other species;
- Unsustainable development;
- Limited availability of other green spaces in the area;
- Increase in flooding;
- The 10% biodiversity net gain cannot be delivered;

5.2.7. Objections relating to character/appearance and design:

- No other properties in the vicinity that exceed 2 storeys and the blocks of flats would not be in-keeping with the local character;
- Too many dwellings cramped together;
- The proposed housing is not in-keeping with existing local housing and is aesthetically unpleasing;
- The buildings would be an eyesore during winter months;
- The density of the proposal is too high;

5.2.8. Objections relating to impact on neighbouring properties

- Impact on health and wellbeing due to construction works;
- Noise and disruption during construction works;
- Loss of privacy;
- Overlooking;
- Overshadowing;
- Overbearing appearance;

5.2.9. Objections relating to access, highway, transportation and parking:

- Widening of the roadway will result in increased traffic speeds;
- No buffer between the road and properties on Boissy Close in a form of a footpath;
- Safety hazards to pedestrians;
- Large volumes of HGV traffic using Colney Heath Lane to access the construction site is not suitable;
- Loss of on-street parking for residents;
- Lack of parking spaces;
- No parking provision for larger vehicles;
- No mention within the Construction Management Plan about parking availability for residents during the construction phase;
- Unacceptable access arrangements;
- Impact on traffic flows;
- Increase in traffic;
- The traffic survey doesn't take into account excess traffic and parking around Nicholas Breakspear School during pick up and drop off times;
- Unacceptable access for large vehicles including emergency services, dustbin lorries;
- There is no room for two way traffic;
- Weak bridge;
- No bus service;
- Increased risk of accidents along Colney Heath Lane;
- Access to and from Boissy Close is tight with limited visibility;
- Speeding;
- No disabled access;
- Proposed highways works are not included within the red line boundary;
- Inaccurate transport assessment;
- Amendments do not properly address highways issues;

- Part of the access is not owned by the applicant;
- Pedestrians, including children, will have to walk/cycle along Colney Heath Lane during the construction which could be dangerous;
- The allocation for the site included in the draft Local Plan states that the Boissy Close is narrow and must be agreed with the County Council, suggesting it is not suitable for the proposed development;

5.2.10. Objections relating to impact on social and physical infrastructure:

- Provision of new utility services to the development and no upgrade to the existing infrastructure;
- No consideration for water and drainage;
- Impact on schools as there is an existing shortage of school places;
- Impact on GP surgeries;
- There is an existing inadequate provision for school places, doctors and dentists;
- Commitments to infrastructure and environmental compensations should be large, transparent, upfront and managed/followed up into the future;
- Affordability claims are disingenuous;
- No local amenities;
- Provision of dwellings is generic to the wider LPA;

5.2.11. Objections relating to other matters:

- Impact on access to Alban Way;
- No access to Alban Way during building works;
- Toxic materials are present on site present health risks to local residents;
- Structural damage to existing dwellings;
- Groundwater contamination;
- Air contamination;
- Presence of calcium carbide;
- Precedent for further development in Colney Heath;
- The site is unsuitable for housing as it was a quarry site;
- The land has been leased to the Parish Council to be used as green space;
- Risk of sinkholes;
- Lack of engagement with local residents by the developer;

5.2.12. Representations in support of the proposal have been received from:

- No. 50 Elm Street.

5.2.13. Their comments are summarised below:

- St Albans needs additional housing;

## 6. **Consultations**

### 6.1. **Affinity Water**

#### *Water quality*

6.1.1. 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 (TYTT). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

- 6.1.2. 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. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
- 6.1.3. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
- 6.1.4. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### *Water efficiency*

- 6.1.5. 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. 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*

- 6.1.6. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/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](mailto:aw_developerservices@custhelp.com).
- 6.1.7. 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](mailto: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](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

## **6.2. Archaeology**

- 6.2.1. The planning application contains an archaeological desk based assessment which shows that the majority of the site has been quarried in the mid-20th century. Although the desk based assessment suggests further archaeological investigation, assessment of the cartographic evidence would indicate that the majority of this site has been heavily disturbed by the quarrying and there is very little potential for significant archaeological deposits to survive even in the limited unquarried areas. This is supported by the submission of the geo-environmental report which shows the site to have been used as land fill from the 1960's through to the mid 1980's. Therefore, in this case no archaeological recommendations are being made on the application.

### **6.3. Architectural Liaison Officer**

- 6.3.1. Thank you for sight of this Out-application on which I have commented on from a crime prevention perspective previously. I have read the supplied documents and visited the site on a previous occasion.
- 6.3.2. Whilst I would not have any serious concerns with this intention to build new homes at this location, I would make the following observations or recommendations.
- 6.3.3. The location is somewhat remote and would not enjoy a high level of activity from other users and as such security would be a matter for serious attention, especially given the proximity to the nearby Alban Way.
- 6.3.4. The new homes would need to be built with attention to securing the rears of all properties with good quality fences and gates. Those that have rear gardens adjoining the 'Alban Way' should ideally be fitted with 2-Metre-high fences rather than the standard 1.8 Metre.
- 6.3.5. The indicative layout does allow for surveillance over the neighbouring properties and the in-curtilage parking is particularly good for security. However, the increased number of units likely means the introduction of more flatted accommodation.
- 6.3.6. All blocks of flats should have security rated communal door-sets fitted to LPS 1175 sr2 (or equivalent), and some form of access control to prevent unauthorised entry into the communal areas.
- 6.3.7. Low lux level lighting for the area should be supplied via column mounted luminaires and bollards should not be used.
- 6.3.8. Clear signage and house numbers will facilitate easier way finding and make it more efficient for 'white van' deliveries that are such a prominent part of normal life.
- 6.3.9. All homes will need to comply with Building Regulation 'Q' with respects to front and rear doors as well as ground floor windows, but I would strongly recommend that the newer PAS24:2016 standard be used rather than the dated 2012 version mentioned in the regulation.
- 6.3.10. I am pleased to note in paragraph 8.4 of the Design and Access Statement, that the intention is to build to the police preferred minimum security standard that is Secured by Design (SBD).
- 6.3.11. It is to be hoped that accreditation will be sought, and I would offer my services as the SBD officer to make this a reality.
- 6.3.12. At this stage and based on the above commitment to build to SBD, I am able to fully support this application.

### **6.4. Colney Heath Parish Council**

- 6.4.1. Colney Heath Parish Council (CHPC) objects to this planning application on planning grounds.



### *Green Belt*

- 6.4.2. The entire is within the Green Belt and very special circumstances (VSC) have not been demonstrated that the benefits outweigh the harm. The development of this site would lead to erosion of Green Belt which is contrary to Green Belt policies and objectives. The height and density of the proposed development would also increase the harm to the Green Belt, as its out of keeping with other developments in or adjoining Colney Heath Lane.

### *Highways and Access*

- 6.4.3. CHPC are very concerned on access to the site and wider impacts on the school and traffic in Colney Heath Lane. The current site access is narrow and difficult, being in close proximity to the existing homes. While proposed changes make it wider, considerable difficulties remain and those have not been resolved satisfactorily. CHPC believe that number of vehicles journeys during the construction phase lasting 2 years will be considerably higher than stated due to the ground contamination. From the evidence available this is likely to be hundreds of additional journeys above the normal construction traffic.
- 6.4.4. The parking survey is very disappointing for its limited study area, only including Boissy Close considering the sites close proximity to the school. This is particular concern as a faith school, Nicholas Breakspear has a considerably larger catchment area than other local schools. We also note that none of the survey times coincided with peak drop off or collection times at the school, therefore one can have little confidence in them.
- 6.4.5. Existing residents parking – the need for parking restrictions in Boissy Close is understood for access to be obtained, however the existing residents being offered only 6 reserved places on the site does not appear balanced. HCC highways recommended that 10 spaces should be provided, CHPC can find no evidence why this has been reduced to six.
- 6.4.6. Colney Heath Lane in the area near Nicholas Breakspear School already suffers from parking problems both at dropping off and collection times as well as during the school day. The problem is most acute in afternoon collection period when the area is severely congested with parents parking as well as the buses entering and leaving the school.
- 6.4.7. The Nicholas Breakspear School has no direct links to the footpath network, therefore all children walking or traveling by bus, other than those buses which enter the school turn in must cross Colney Heath Lane. Given the traffic speeds and the known congestion this is a safety concern.
- 6.4.8. The trip forecasts at peak times appears low for the area. The only inclusion of one site with M25 area Bricket Wood is a significant concern, due to the cost of housing most working age members of a household will need to work. The sites selected do not reflect the employment issues of the area therefore CHPC believe significantly understates the number of trips at peak times.
- 6.4.9. The high traffic speeds reported with a combined average in both directions of 40.3mph together with a lack parking study in the wider area, but in particular the area near the school. CHPC believe that considerable road safety risks exist, and these have not been fully assessed.

- 6.4.10. The site can only be accessed from A414 by HGVs due to the weight limit of 7.5tons on the bridge in Colney Heath Lane.
- 6.4.11. Colney Heath Lane is very narrow from Barley Mow Lane to the start of the houses, it is so narrow larger vehicles including HGV and buses having to drive onto the pavement to pass. The pavement adjoins the road in this area and is narrow so would put any pedestrians at risk who are using it. Given the need for remediation of contamination of the site and the and the additional lorry movements required for this task. CHPC believe this site is unsuitable for development and the application should be refused.

#### *Sustainability*

- 6.4.12. Schools – Primary most of the local schools are oversubscribed and are at or beyond the acceptable walking distance for children of these age groups. The local primary schools all have significant road safety issues in getting children to them without the use of a car. Therefore, this is not a sustainable location for new houses.
- 6.4.13. Schools – Secondary all the schools in the area are very heavily oversubscribed. Currently children from the parish are offered schools in Hatfield or Potters Bar all of which are beyond walking distance, Potter Bar has no direct bus routes. The applicant agrees the shortfall in St Albans of school places. Therefore, this is not a sustainable location for new houses.
- 6.4.14. Nicholas Breakspear - 280m, a faith school (RC) currently oversubscribed.
- 6.4.15. Beaumont School -1.8km heavily oversubscribed current catchment area 1000m.
- 6.4.16. Links Academy - 750m Education Support Centre (ESC) for students in school years 7 – 11 at risk of or permanent exclusion from school.
- 6.4.17. Healthcare residents in the area the area already have difficulty accessing doctors and the access to hospitals in challenging due the distance and locations.
- 6.4.18. CHPC notes the affordable housing, however they should be genuinely affordable rather the just meeting the legally defined definition. CHPC are concerned that they will not be affordable for local people or key workers and therefore not helping to meet the local housing needs.

#### *Land Contamination*

- 6.4.19. The soil contamination is of very significant concern, the proposal that most of the soil on site can used to form the bank along the eastern edge carries very significant health and environmental risks.
- 6.4.20. The known existence of spent calcium carbide is the primary concern for CHPC. The applicant acknowledges the existence of the material on site. The proposed capping might resolve the some of the risks, but the proposed retention of much of the soil on site is in CHPC view is not safe.
- 6.4.21. The current site ground level is at or in many cases above that of the surrounding houses and gardens, so simply capping the soil with imported would significantly increase the risk of the existing homes flooding. There would be a particular concern with climate change and more frequent heavy rainstorm events.

- 6.4.22. Calcium carbide appears on the University of Hertfordshire pesticide database, as mole killer.
- 6.4.23. Spent calcium carbide is harmful to both plants and animals in papers by S. J. Vander Walt, Douwg and G. Sreyn, S.E Abiya, G.A., Ogunwole, A. Abiodun they demonstrated the toxicity even at low concentrations.
- 6.4.24. Andrew A. Semikolennykh, Anna A. Rahleeva and Tatjana B. Poputnikova in their paper considered the long-term toxicity of spent calcium carbide. Their conclusion was that even after many years it was still toxic to plants and the higher the volume of spent calcium carbide the longer it remained harmful in the environment.
- 6.4.25. The applicant's statement that the surplus soil could be used on site to form a bank along eastern edge clearly carries very significant risks to both the wider environment and residents and particularly children.
- 6.4.26. The removal and disposal might be possible, however in the application this was not considered nor has a safety assessment been completed to see if it could be undertaken in close proximity to houses and gardens. The traffic implication would also be very significant as standard construction industry practice would use different lorries to removal and importation of new material due to cross contamination issues. This would involve a minimum of 300 additional lorry movements above what is required for construction.
- 6.4.27. Currently there is no evidence of environment harm caused by the spent calcium carbide buried on site, while leaving buried might not be ideal, it is probably the safest option currently. The risks and impacts from its removal far outweigh any benefits the development might bring, therefore should be left undeveloped and application refused.

#### *Design and Layout*

- 6.4.28. The gap between the development and the existing home is below that which is required in SADC Design advice leaflet 1. The proposed density of 28 homes per hectare relates poorly to that of the existing area with Swans Close having a density of 15.4 homes per hectare.

#### *Landscaping*

- 6.4.29. The proposed list of trees relates badly to those found naturally in the area. This is a Green Belt site on the rural edge of St Albans. CHPC believes the tree species should better reflect those naturally found in the area.
- 6.4.30. The children's play area 100m<sup>2</sup> appears small for the site, considering the lack of alternatives locally and the difficulty walking to the alternative High Park Trust due to the dangerous road crossings for younger children.

#### *Conclusion*

- 6.4.31. This is a Green Belt site therefore any development would be contrary to Green Belt policies. The layout and landscaping proposals relate poorly to the surrounding area. This is not a sustainable site due to problems related to the access to school and Healthcare.

- 6.4.32. CHPC consider the parking studies poor and have failed to consider the impact on area related to Nicholas Breakspear school, which as a faith school has wide catchment area which in turn results in higher levels of traffic.
- 6.4.33. Colney Heath Lane is narrow in places and is not suitable for the additional traffic , also the junction into Colney Heath Lane being near the school and it's related traffic and students creates additional hazards.
- 6.4.34. The known contamination of site by spent calcium carbide is a major concern the applications statement that can be used on site carries very significant safety and environmental risks as does removing it.
- 6.4.35. Due the harm the Green Belt and known risks CHPC objects to this application and would ask that that the application is refused.

## 6.5. **Contaminated Land Officer**

- 6.5.1. I have reviewed the contaminated land Geo-Environmental Report reference: GB159A-GEIR-OCT-2022 which has been submitted in support of the above application for a residential development on land north of Boissy Close, St Albans.
- 6.5.2. The proposed development is to be located upon an approximately 1.3ha parcel of land located immediately to the north of Boissy Close, Colney Heath Lane, St Albans, Hertfordshire, AL4 0UE. The land was used as quarry/grave pit where extraction of materials took place and was subsequently infilled with unknown materials. The former usage will potentially have resulted in contamination of the site occurring which requires investigation to assess impacts on future site users and the wider environment.
- 6.5.3. The proposed development site is also located within close proximity of other areas of infilled ground which potentially could impact on buildings and future site users of this proposed development, this is acknowledged within the geo-environmental report.
- 6.5.4. The site investigation which has been provided in support of this application comprised the taking of 32 samples from topsoil and made ground across the site for the purpose of chemical analysis and also the undertaking of ground gas monitoring and risk assessment.

### *Ground Gas Monitoring*

- 6.5.5. The former site usage has resulted in made ground being present across the site and this made ground would be a potential source of ground gas, the proximity of closed former landfills to the proposed development site will also be potential sources of ground gas. The geo environmental report advises that calcium carbide rich material was recorded on site in the infilled ground and that this would be considered to potentially generate ground gas, namely carbon dioxide.
- 6.5.6. The geo-environmental report advises that only two rounds of ground gas monitoring had been undertaken and that a final ground gas risk assessment will be present in a subsequent report when the monitoring is completed. I cannot recommend agreement with the conclusions reported within the geo-environmental report until the final ground gas risk assessment has been provided to the LPA for review.

- 6.5.7. It is my opinion that insufficient gas monitoring and consideration has been undertaken to establish the impact of gas migration from the closed former landfill sites which are located to the east of the proposed development site. An investigation in 2017 confirmed the presence of elevated levels of ground gas along the eastern perimeter of the closed former landfill known as Smallford Pit. The gas assessment provided in support of this application is focused primarily on made ground within the former quarry area, however, attention will need to be provided to potential gas migration from the other infilled ground close by.
- 6.5.8. It is recommended that further gas monitoring is undertaken within the wells along the potential pathways to the site and an updated ground gas risk assessment is provided to the local planning authority for review. The Council will await the completed ground gas risk assessment which will inform the necessary ground gas protection measures to be installed within the properties and a planning condition is detailed below to ensure that the assessment is completed to the satisfaction of the Council prior to development commencing.

#### *Ground Contamination*

- 6.5.9. The intrusive ground investigation has confirmed the presence of contamination across the proposed development site within the shallow soils, including heavy metals, hydrocarbons and asbestos fragments which could potentially have an adverse impact on future site users and the wider environment.
- 6.5.10. The geo-environmental confirms that Calcium Carbide is present across the site within the made ground and the source of this contamination is likely to be that a commercial body used the site to deposit waste that contained the material. The presence of calcium carbide as a contaminant is not discussed in detail and how this contaminant may impact on risks to future site users and the wider environment and its suitability to be remediated is not confirmed. Section 8.2 of the geo-environmental report confirms that elevated levels of calcium and calcium hydroxide were detected in samples, however, these contaminants are not detailed within the 'table 6' where details of the contaminant exceedances in made ground are presented. The geo-environmental report is required to be updated to include detailed information regarding potential risks to future site users from the presence of calcium carbide within the made ground across the site and also to consider whether construction works will create any new pollutant pathways to existing sensitive receptors.
- 6.5.11. The contaminant linkages identified through the risk assessment will require remediation and the applicant will require to develop a remediation strategy which incorporates the following steps:
1. Identify feasible remediation options.
  2. Do a detailed evaluation of options.
  3. Select the final remediation option.
- 6.5.12. The Council will await the updated site assessment and remediation strategy and planning conditions are detailed below to ensure that these important documents are completed to the satisfaction of the Council prior to development commencing and are implemented prior to first occupation.

6.5.13. To ensure that that the ground gas regime at the site is investigated to the satisfaction of the Council the following condition should be included on any decision notice:

1) Site Investigation: Ground Gas

6.5.14. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to ground gas contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of ground gas across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

6.5.15. 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 and in accordance with the National Planning Policy Framework.

2) Site Investigation: Contaminated Land

6.5.16. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to calcium carbide contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of this contamination across the site. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

6.5.17. 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 and in accordance with the National Planning Policy Framework.

3) Options Appraisal and Remediation Strategy

6.5.18. The results of the site investigations and the detailed risk assessment undertaken at the site 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 remediation strategy shall contain 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.

6.5.19. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

6.5.20. 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 and in accordance with the National Planning Policy Framework

#### 4) Verification Report

6.5.21. Prior to first occupation, 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 the approved remediation strategy 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.

6.5.22. 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 and in accordance with the National Planning Policy Framework.

#### 6.6. **CPRE**

6.6.1. The site lies within the London Metropolitan Green Belt as defined in the adopted St Albans Local Plan Review which proscribes inappropriate development according to criteria indicated in the National Planning Policy Framework (NPPF) unless very special circumstances are demonstrated. The applicant in their Planning Statement accepts that very special circumstances are required to be demonstrated and seeks to justify the proposal on the basis of a lack of housing land supply overcoming potential reasons for refusal as stated in Paragraph 11d() of the National Planning Policy Framework (NPPF).

6.6.2. The application demonstrates a clear encroachment into open countryside on the edge of the built-up area with significant impact on its openness and character in this location. It constitutes an inappropriate urban extension which the Green Belt designation exists to prevent.

6.6.3. Significant representations are being made by CPRE and other bodies to the Government to clarify the technical guidance in the area of housing need with regard to protected areas, especially in the absence of an up-to-date Local Plan. The Government's position is evolving with regard to protection of the Green Belt in response to local community and local planning authority concerns.

6.6.4. Recent Regulation 18 public consultations for Local Plans in Hertfordshire have received a record-breaking number of representations from organisations and individuals, including CPRE Hertfordshire, and the majority of these responses are opposing site allocations for future residential and commercial development in the Green Belt. This has led councils to 'pause' the preparation of their Local Plans pending further consideration of proposals.

6.6.5. Recent Ministerial statements, which have policy weight, have reiterated the government's strong support for protection of the Green Belt. These include correspondence between the then Minister of Housing, Christopher Pincher, and Welwyn Hatfield Borough Council on 18th November 2021, and comments in a

back bench debate called by Daisy Cooper MP which appear in Hansard on 21.11.21.

- 6.6.6. The recently published “Levelling Up and Regeneration Bill Policy Paper: Further information” re-emphasises the Government’s support for protection of the Green Belt as follows:

“the increased weight given to plans and national policy by the Bill will give more assurances that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty...- will be respected in decision on planning applications and appeals. The same is true of Green Belt, which will continue to be safeguarded.” (Creating beautiful places and improving environmental outcomes; In the Bill: LURB Policy paper, May 2022)”

Further,

“Existing Green Belt protections will remain, and we will pursue options to make the Green Belt even greener.” (Creating beautiful places and improving environmental outcomes; Alongside the Bill: LURB Policy paper, May 2022)

- 6.6.7. It is clear that the Government’s intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for residential developments are in danger of bringing the planning system into disrepute. Recent planning decisions have highlighted the inconsistencies in decision-making in this crucial area of public policy and CPRE Hertfordshire supports the Boissy Park Action Group’s response and concerns.

## 6.7. **Design and Conservation**

- 6.7.1. This outline application reserves matters relating to the detailed design. However, an Illustrative Master Plan shows the likely layout, and a parameter plan gives indications of building scale. Some details relating to appearance are outlined in the D&A.

### *Layout*

- 6.7.2. This scheme has improved as a result of pre-application advice. The layout is generally acceptable, with the larger apartment buildings positioned to the rear of the site, houses to the fore. Rather than being terraced housing as described in the D&A, these are link detached and detached houses.
- 6.7.3. It should be noted that, although the central area of the site is designed to give better surveillance over the surrounding green space, it is permeated by a road, largely dedicated to parking, which is not ideal.
- 6.7.4. Overall, parking seems to feature heavily within this site – is this the required number of spaces? –the ‘parking pergolas’ may only partially reduce the impact of the frontage parking, prevalent throughout the site.

### *Scale*

- 6.7.5. Parameter plan indicating anticipated scale is acceptable.

### *Appearance*



6.7.6. Scant detail provided on appearance and materiality, but the contemporary designs shown in the D&A, couple with traditional materials would be acceptable.

## 6.8. East of England Ambulance Service

6.8.1. The proposed development is likely to have an impact on St Albans emergency ambulance stations within the vicinity of the application site. 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 development to achieve nationally set blue light response times. EEAST would therefore expect these impacts to be fully assessed and mitigated.

### *Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision*

6.8.2. The development and change of use from residential, paintball site and former sports and country club around hardstanding to housing would give rise to a need for improvements to capacity, in line with emerging Integrated Care System estates strategy which can be met by:

- Provision of 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 range of equipment includes stretchers, carry chair, tracks, power chair, scoop, spine board, power load, wheelchair, Corpuls (patient monitoring units with integrated defibrillator/pacemaker, ECG etc).
- Recruiting, training and providing new equipment for additional Community First Responders (CFRs) to support the proposed development and the community as a whole.

6.8.3. Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional emergency ambulance services to support the population arising from the proposed development is calculated to be £12,312.

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

Additional Population Growth	ICS Activity Rate <sup>2</sup>	Ambulance Cost <sup>3</sup>	Total
96	0.19	£675	£12,312

<sup>1</sup> Calculated assuming 2.4 persons for each dwelling average household 2020 Census

<sup>2</sup> Calculated Hertfordshire and West Essex Census 2020 population (1.5m) and 2021-2 EEAST emergency activity volume (288,262)

<sup>3</sup> EEAST ambulance infrastructure cost (2021)

### *Conclusion*

6.8.4. It is unclear when the development may be delivered and 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 materialise, it will have an impact on emergency ambulance healthcare provision in the area and must be mitigated by legally securing developer's contributions and these are in addition to those submitted NHS Hertfordshire & West Essex ICB for GP, acute, community and mental health infrastructure.

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

6.9. **Estates Surveyor**

6.9.1. No comments have been received at the time of writing this report.

6.10. **HCC Children’s Services School Place Planning**

6.10.1. No comments have been received at the time of writing this report.

6.11. **HCC Countryside and Rights of Way**

6.11.1. No comments have been received at the time of writing this report.

6.12. **HCC Growth and Infrastructure**

6.12.1. Based on the information to date for the development of 40 dwellings we would seek financial contributions towards the following projects:

<b>HOUSES</b>		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	10	2
4+	7	1
<b>Total</b>	<b>17</b>	<b>3</b>

<b>FLATS</b>		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	4	3
2	8	3
3	2	0
4+	0	0
<b>Total</b>	<b>14</b>	<b>6</b>

<b>Trajectory</b>						
Year	2022	2023	2024	2025	2026	2027
Units	0	0	20	20	0	0

6.12.2. PLEASE NOTE; I did email on 09/11/2022 for an indicative development mix and build trajectory and did not receive a response, I have therefore inserted indicative details above. If the tenure or mix of dwellings differs or changes, please notify us immediately as this may alter the contributions sought

6.12.3. Secondary Education towards the expansion of Samuel Ryder Academy (£280,121 index linked to BCIS 1Q2022)

6.12.4. Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspare School (£33,320 index linked to BCIS 1Q2022)

6.12.5. Library Service towards increasing the capacity of Marshalswick Library or its future re provision (£8,384 index linked to BCIS 1Q2022)

- 6.12.6. Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility (£9,865 index linked to BCIS 1Q2022)
- 6.12.7. 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.
- 6.12.8. 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.
- 6.12.9. 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".
- 6.12.10. 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.
- 6.12.11. 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*

- 6.12.12. 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:
- 6.12.13. (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 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.

6.12.14. (ii) Directly related to the development.

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

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

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

6.13. **Herts Ecology**

***Response received on 01/03/2023***

6.13.1. The site was a former sand and gravel pit dug possibly around the turn of the century 1900, and subsequently backfilled. It now consists of rough, semi-improved currently unmanaged and rather rank grassland with wooded boundaries. There are no statutory ecological sites on or adjacent to this site, although Smallford Pit and Smallford Trail Local Wildlife Sites (LWS) border the site to the east and north respectively. The majority of trees on-site will be retained.

6.13.2. Species interest has been considered for the most part and a grass snake was recorded from the site, suggesting at least occasional use of this site by this species. Other reptiles may be present, particularly given the adjacent Smallford Trail which would represent a local ecological corridor.

6.13.3. Whilst there is nothing to suggest the site supports a sufficient ecological interest sufficient to justify a fundamental constraint on the proposals, the location and existing habitats are clearly of some local value. It represents an area of ‘wildspace’ - a rather neglected site, with no current management but supporting biodiversity including rough grassland habitat and scrub, which provides foraging and shelter resources for a range of species. It provides additional habitat adjacent to the LWS which is known to support Great crested newts, most of which will be lost if the development is approved, reducing the local ecological resources available to GCN. This site is clearly of some local ecological importance at the site level, and should not be dismissed as it has been in the DAS or as being of negligible interest within the Ecological Appraisal.

6.13.4. The grassland was considered to be largely rank with ant hills. Dominated by False oat-grass (*Arrhenatherum*), it was considered to be species-poor although the NE area was more diverse [possibly subject to more recent disturbance]. From the descriptions provided, I have no reason to consider the grassland has a high

intrinsic value, but the loss of grassland is not 'minor' given the context outlined above.

- 6.13.5. The majority of this grassland is considered to be 'species-poor neutral grassland' and therefore 'modified' under UK Habitat Classification. This synergy is confirmed in the biodiversity metric Tab G9 – Translation Phase 1. Whilst this is defined as having eight or less appropriate species, those described could also reflect a sward of higher value. However, no quadrat data is presented to confirm this, and *Arrhenatherum* dominated grassland is in fact considered as 'other neutral grassland' in UK Habitats, assuming it supports sufficient and appropriate species per m<sup>2</sup> (9-15 spp). Consequently, I cannot confirm this assessment is valid, which has implications for the assessment of the original site Biodiversity Unit score. This is considered further below in respect of Biodiversity Net Gain.
- 6.13.6. The NE area of grassland was more herb-rich It is considered to be 'Other Neutral Grassland' in respect of UK habitats, although again no quadrat data is presented to confirm this.
- 6.13.7. Bat populations are considered to be fully safeguarded by the proposals, given the retention of most trees and potential roosts, although three ivy-clad trees to be removed are identified as supporting low potential as roost sites. However, the loss of grasslands and consequently edge habitat which represents a significant foraging resource in providing insect prey – is not considered.
- 6.13.8. No evidence of badgers was found. Dormice are not considered to be present.
- 6.13.9. Great crested newts have been recorded in ponds 35m and 70m from the site. Whether or not they are still present in the ponds, where suitable, grassland habitat is important terrestrial habitat for GCN and this site is well within the distance known to be travelled by GCN (up to 500m, usually 250m). Consequently, this site is highly likely to be of local value for GCN; accordingly, translocation is considered necessary under licence and a mitigation strategy presented (see below).
- 6.13.10. One grass snake was recorded from the site. This demonstrates the grassland is used by reptiles locally. However, whilst this is not considered significant, a mitigation strategy is presented.
- 6.13.11. A small number of common birds were recorded from the site, which is considered as having no particular importance, particularly given the woodland edges are to be retained. The site is also rather small and would not support species requiring large, open spaces. Other than contributing to loss of foraging habitat vocally for some species, I have no reason to disagree with this view.
- 6.13.12. The site is not considered to support invertebrate interest other than that associated with the woodland strips. Again, however, the loss of local grassland will reduce shelter and foraging for insects, which are prey for bats and dragonflies well as foraging resource for dragonflies, important populations of which have been known to be associated with the adjacent Smallford Pit LWS. I also consider the presence of established ant hills to be of at least site value, although these have not been considered thus.
- 6.13.13. Faunal interest is considered to be between Site and Local levels of interest. Whilst this may well be the case, the site, nevertheless, remains valuable in these contexts and I consider its local ecological contribution has been under-estimated.

This places greater emphasis on achieving appropriate mitigation and compensation.

- 6.13.14. Mitigation measures are described and outlined below. These should be included within a separate Construction Environment Management Plan (CEMP) to formally guide the development if approved.
- 6.13.15. The guidance for low roost potential trees is acceptable. Whilst some guidance has been provided for lighting in respect of bats, a separate lighting strategy must be provided at Reserved Matters which will deliver the suggested considerations. Without this there is no means of assessing whether these can be or have been achieved.
- 6.13.16. If approved, a walkover survey for badgers is proposed prior to any works commencing to confirm that badgers have not moved onto the site. Other standard guidance is proposed for mammals, which should be included within a CEMP.
- 6.13.17. 1A translocation exercise for GCN has been outlined and a receptor site is proposed along the eastern edge of the site. However, depending on the numbers found to be present, I cannot see how a potential population of GCN found across the whole site can be successfully moved to a tiny proportion of the site, even though they will have access to the LWS to the east. If sites are considered to be at full carrying capacity, this cannot be acceptable without additional habitat resources being created to accommodate GCN. However, whilst I remain concerned that a licence may not be approved for this reason, that is a matter ultimately for NE to consider as the licensing authority. Notwithstanding this issue, the proposals are otherwise acceptable.
- 6.13.18. The GCN approach will be broadly acceptable for other reptiles if present as well, although these do not require protected species licenses.
- 6.13.19. The approach to avoid nesting birds follows best practice and is acceptable.
- 6.13.20. A number of 'biodiversity net gains' on-site have been proposed - these are:
- New tree planting
  - Wildflower grassland
  - Wetland features
  - Biodiverse lawns
  - Ground-based green walls
  - Bat boxes
  - Hedgehog nest domes
  - Bird boxes
  - Log piles / hibernacula
  - Bee bricks
- 6.13.21. Whilst welcome, these proposals cannot possibly provide any form of net gain for an existing site which most of which will essentially be lost. Proposed wildflower habitat is welcomed; but to describe such small areas as 'meadow' is not credible. Potential habitat benefits from features such as SUDS are noted, but biodiversity lawns are open to any form of subsequent garden use and of little or no meaningful benefit. These may or may not deliver significant biodiversity, given the likely amenity use of such areas. Provision of greenspace within the development is welcomed, but the whole site is currently already greenspace. As for existing species, the room available for compensation is limited and species benefits – although welcome – are peripheral given the wider impact of the

development on the site. Species proposals do not factor formally in Biodiversity Net Gain considerations as these consider habitats which are the fundamental resources required to support and maintain biodiversity. Places for shelter / breeding may be a limiting factor and are supported; that said, hedgehog highways should be included.

- 6.13.22. Further details and locations of all of these features must be provided as part of any Reserved Matters application for a Landscape and Ecology Management Plan (LEMP) or similar if approved.
- 6.13.23. A Biodiversity Net Gain assessment has been undertaken. Whilst not yet mandatory, this approach is supported given the impact of development on this site. There is a net loss of 34.3% area-habitat, but a 207.85% net gain in hedgerows. This reflects the creation of potential ornamental, non-native garden hedgerows which are of very limited ecological value in themselves and provide only a gain of 0.22 Biodiversity Units. There is a loss of 3.59 area-habitat BU; it was calculated a sum of £43,080 should be made available @12k / BU to deliver these BU offsite to help achieve BNG, as previously confirmed in pre-application advice. [In the absence of any other existing or subsequent Govt Guidance, this figure proposed by HE was based on the median amount for BU originally suggested by DEFRA in their formal BNG Consultation in 2018].
- 6.13.24. However, this proposal only covered the area-habitat BU lost and did not provide for any net gain, which for a 10% BNG should seek to deliver a total of 11.51 area-habitat BU, notwithstanding the validation issues regarding the initial assessments. Consequently, to achieve this, 4.64 additional area-BU are required, not just the 3.6 BU lost, given there are no additional enhancements factored into this BU deficit. This is addressed below.
- 6.13.25. I have no reason to object to the Condition of the existing grassland habitats as described in the Condition Sheets and the metric. I note the various scrub and grassland areas have been mapped and recorded separately, and that only occasional poor condition features in the grassland are noted. Whilst no evidence has been presented to justify this, the 'Condition Justification' required by the Condition Assessment for each habitat has been provided in the form of a Condition Rationale, so I consider this level of information is acceptable.
- 6.13.26. However, the proposed habitat creation Conditions - where claimed as 'good' - are also questioned for reasons outlined above, given the pressures these areas will be subject to. Furthermore, it is also noted that the SUDS feature is claimed to be a pond, despite the specific SUDS option in the metric. Obviously other than ponds scoring more, what is the ecological justification for this when SUDS could also have permanent open water throughout the year? (ref SUDS criteria, Urban Habitat condition sheet).
- 6.13.27. A Technical Briefing Note (TBN) has subsequently been provided (Nov 2022) to address issues raised regarding grassland classification and BU payments. This reflects the definitions raised above. Although the BNG report noted 6-8 species per m<sup>2</sup> were recorded across most of the site (TBN 3.4), this is still not demonstrated by any quadrat results. Use of the NE's Farm environment Plan Manual is referenced to demonstrate the origin of the grassland species-richness definitions. Although this is not referred to within (much earlier) Phase 1 survey guidance, NVC classifications or UK Habitats, it is, nevertheless, these definitions which are used to determine the main different types of grassland distinctiveness. Consequently they are reflected within the metric's Phase 1 Translation Tab, as outlined in TBN 3.7. That said, some species present within the species-poor

grassland are Local Wildlife Site indicators (Agrostis sp, Agrimony), so the site is not wholly without any interest, could support more if it had been managed and may reflect a more species-rich sward. In my view the issue would be clarified by quadrat data, although there may still be differences of opinion in respect of definition interpretation. Nevertheless, the presence of 'other neutral grassland' – whilst of greater BNG value - would not represent a fundamental constraint to development.

- 6.13.28. Consequently, I advise the grassland should be resurveyed with quadrats to generate results sufficient to reliably demonstrate the true distinctiveness of the grassland, and the metric amended accordingly if necessary. This should be a Condition of approval.
- 6.13.29. In respect of payment, I believe the HE pre-app advice does not infer that there is any existing arrangement for BNG delivery in Hertfordshire (TBN 4.3). It simply suggests that where offsite solutions are needed, two options are potentially available in the absence of any agreed land banking scheme in Hertfordshire:
- (a) If money was retained by the LPA for an agreed period following any approval, a potentially suitable project could be found locally by any party subsequently (HE are working to address this currently), or
  - (b) Any other independently arranged offset otherwise identified locally with an independent funding arrangement.

In the absence of either after an agreed period, monies could be transferred to the Environment Bank for provision of BNG locally if there is available land registered, or elsewhere if not.

- 6.13.30. However, the TBN (4.3) does acknowledge the previous position only delivered a no-net loss scenario and not BNG as claimed; this has now been changed to deliver a potential 4.64 BU offsite at a potential cost of £55,696, which meet the minimum of a 10% BNG in terms of net BU delivered. This is supported, notwithstanding the BU cost rate, as considered below.
- 6.13.31. The approach to BU costs have recently been updated for use in Hertfordshire and are set out in Guidance by Herts Ecology and HMWT, following the adoption of similar by an LPA in Hertfordshire. However, SADC is not legally obliged to insist on these nor BNG itself at the current time, given it is not yet planning law under the Town and Country Planning Act, or otherwise adopted Local Plan policy.
- 6.13.32. Furthermore, I consider if any monies were made payable to the LPA, this would not place any expectation for the LPA to deliver the BNG itself; this is not the LPA's development or responsibility, unless they were an offset provider themselves. However, in the absence of any existing or promoted alternative, it would enable a window of opportunity to be created whereby local solutions can be found subsequent to approval for which the money can be drawn down. However, it is not clear whether the amount suggested is either justified or viable to deliver any proposed BNG – as no replacement habitat costs have been identified or proposed.
- 6.13.33. In respect of TBN 4.4 it is important to recognise the current planning context outlined above in respect of BNG. This has been the confirmed view of Counsel on behalf of SADC (and WHDC) at Public Inquiry (Roundhouse Farm, Colney Heath), and so may influence how SADC wishes to pursue BNG at the current time.



However, SADC are strongly urged to follow NPPF guidance and the Environment Act mandate in pursuing BNG for this site.

- 6.13.34. Currently any delivery of proposed biodiversity onsite (or offsite) could represent planning gain associated with this proposal as it is not yet a legal requirement. When this becomes planning law, meeting the legally required minimum 10% BNG will not represent any planning weight.
- 6.13.35. On the basis of the above, I do not consider that the site's ecological interest is sufficient to justify a refusal on ecological grounds. However, a number of issues remain outstanding.
- 6.13.36. The BNG element of this proposal still falls short of what will be expected as survey data must be presented which justify the habitats claimed. The completion of the metric is broadly acceptable notwithstanding issues raised above, but the key concern is that it does not adequately justify the grassland classifications with quadrat data. Furthermore it is also noted that the Trading Rules have not been satisfied; presumably this is because no compensation scheme has been proposed to demonstrate how the losses will be sufficiently addressed by adequate habitat creation and enhancements. This means BNG has not been demonstrated: To achieve Biodiversity Net Gain all trading rules must be satisfied. (Ref. Natural England Joint Publication JP039 Biodiversity Metric 3.1 Frequently Asked Questions 21st April 2022).
- 6.13.37. Based on the above, should SADC wish to pursue BNG with confidence, I cannot advise this application should be determined until more evidence is submitted to justify the claims outlined above. Whilst I consider that BNG can be delivered – notwithstanding the lack of detailed evidence to support this - a proposed creation / enhancement scheme should be presented to demonstrate that the Trading Rules can be satisfied.
- 6.13.38. Whilst the proposed payments may be insufficient to deliver adequate future habitat creation and management, BNG is supported to address the impacts on the existing site if approved. If SADC pursue BNG, I advise it should be satisfied this can be achieved prior to determination, with a metric demonstrating Trading Rules can be satisfied. If approved, quadrat surveys to confirm the metric should be a Condition, and offsetting management costed accordingly following the guidelines prepared by Herts Ecology and HMWT also as a Condition.

***Response received on 08/06/2023***

- 6.13.39. Biodiversity Net Gain is not yet planning law but applications of this nature are now increasingly expected to demonstrate it can be, given it is expected to become law in November 2023. This is also reflected in numerous recent LPA and PINS appeal decisions nationally. Consequently, it is reasonable that SADC should pursue this approach. The Technical Briefing Note BNG April 23 addresses the key issues raised previously, whilst two updated metrics demonstrate BNG calculations.
- 6.13.40. Previously, concerns were raised regarding the baseline survey and grassland classification, which could not readily be confirmed by available data. It was suggested that this could be addressed by a further survey as a Condition of approval. Whilst the means to secure this are the responsibility of SADC (if not secured by Condition, a S106 may be required, otherwise it may not be subject of a Reserved Matters application), the applicant has agreed to a resurvey using quadrats, sufficient to confirm the appropriate UK Habitats classification. The

identification of Modified or Other Neutral Grassland would need to be demonstrated and confirmed by quadrat data, made available for scrutiny. Any changes would need to be amended in the metric accordingly, including the habitat map.

- 6.13.41. This re-survey is welcomed, and as such would address this concern.
- 6.13.42. A similar approach is proposed in respect of costings for BNG. The original figure was based upon the DEFRA estimation for Credit costs, but is generally now considered to be too low. Whilst Govt. expects the market will determine costs, a guide is needed and there are more realistic costings worked out based upon a successful BNG pilot and reflected in the Hertfordshire Guidance on this matter. The applicant has recognised this, and a revised costing once the habitat BU units have been confirmed, will be provided. This is welcomed and as such I consider this approach to be acceptable.
- 6.13.43. Previously the Trading Rules had not been satisfied as there was no proposed offsetting sufficient to address habitat loss. Where in practice this is not known, it can still be addressed by a proposed scheme which demonstrates what is likely to be required to deliver BNG. This has now been provided with two different offsetting scenarios (from baselines of arable or modified grassland) to demonstrate how BNG can be readily achieved using offsite habitat creation (Other Neutral Grassland and Scrub). I agree these habitats are realistically achievable. Consequently, the Headline results now show that the Trading Rules have been satisfied, which now addresses this issue.
- 6.13.44. The provision of a CEMP and LEMP to inform the development is recognised by the applicant and this is acknowledged, and should be secured by SADC by appropriate means, consistent with the comments provided previously.
- 6.13.45. The provision of offsetting or an appropriate sum to achieve this to be paid to SADC is supported by the applicant. Any such BNG will not be the direct responsibility of the LPA to deliver (unless they offer a suitable receptor site), but such money would be effectively banked to enable an opportunity for such a scheme to be identified later by their advisors or others. This will hopefully be when the BNG system is more developed and receptor sites become identified within or adjacent to the District. This approach is not a long term solution to BNG generally, but currently provides an iterative process to enable BNG generated monies to be secured locally, given this substantial change in planning expectations is in early phases of development. If this is unsuccessful within a reasonable period - say five years - ultimately national schemes or the Environment Bank may represent an alternative solution. In any event, this approach would enable BNG to be secured.
- 6.13.46. Alternatively, if a suitable offsetting site is identified, a Biodiversity Gain Plan and Monitoring Plan for the on-site and offsite BNG delivery will be needed. The former would be incorporated into the application site's LEMP.
- 6.13.47. The proposed S106 would appear to provide the security the LPA would need to enable BNG to be achieved on this development.
- 6.13.48. The previous Metric used was Version 3.1 given this was the latest version at the time of submission. This has now been replaced by V.4. in March 2023. I would take this opportunity to suggest that if the metric needs modifying as a result of the on-site baseline re-survey data, the latest V.4 Metric should be used to inform BNG. If the existing baselines are demonstrably the same, then V3.1 would

still be acceptable. Otherwise, the information is exactly the same and re-populating the latest version should not take any additional time, but would benefit from the latest thinking behind BNG delivery and add confidence to the proposals.

6.13.49. Based on the above, I consider that the outstanding issues have been addressed, or acknowledged they will be, subject to being secured by SADC. It is now reasonable to consider that BNG can be achieved in respect of this outline application, subject to confirmatory surveys and successful delivery of habitat offsite. Consequently, I consider the application can be determined accordingly.

#### 6.14. **HCC Highways**

6.14.1. In summary, the Highway Authority (HA) raised several concerns regarding the proposal. Following receipt of amended information, the HA have removed their objection and do not wish to restrict the grant of permission subject to recommended conditions and S106 agreement as set out below.

#### ***Response received on 09/01/2023***

##### *Recommendation*

6.14.2. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- Highway safety analysis should be clearly presented and submitted as an addendum to the submitted TS.

- Recorded speeds of 39.6mph eastbound and 40.9mph westbound designate Colney Heath Lane as a 'high-speed road' and we do not consider that the proposed narrowing will reduce speeds significantly as the environment won't materially change (please refer to Hertfordshire Speed Management Strategy, November 2020). We therefore require a formal crossing assessment to be undertaken in accordance with the Traffic Signs Manual Volume 6 to determine the type of crossing facility should be provided between the site and the school.

- The approach to trip generation has been changed since the agreed approach at the pre application stage and consequently the assessment is not considered sufficiently robust. The trip generation and subsequent assessment should be repeated in accordance with the agreed approach.

- Our policy is that only a maximum of 25 dwellings should be served from a shared surface road whereas this proposal would provide access to 40 new dwellings and seven existing dwellings. The current proposal is therefore contrary to policies 1, 5, 6 and 7 of HCC's Local Transport Plan (2018) as it presents a low-quality pedestrian connection which does not comply with HCC's design guide. The proposed access arrangements were previously agreed in 2014 and we have agreed that this approach would still be acceptable subject to a Stage 1 Road Safety Audit (RSA1). The audit should also be extended to include the internal Highway arrangements proposed for the site including the footpath and footway/cycleway proposals.

- Swept path plots have been provided for access to car parking spaces within the site to demonstrate that they are all accessible. However, as the carriageway width is 5 m compared to the typical parking requirement of 6 m, for the support is required to demonstrate that the size of spaces provided will allow convenient use and not result in multiple manoeuvres in order to enter and exit the spaces.

- A swept path plot has been provided for a 10.875 m long refuse design vehicle, but the TS states that an 11.2 m long refuse vehicle is used in St Albans. Clarification is required regarding the actual vehicle that will be used and a revised set of swept path plots must be provided if necessary.

- A safe environment for pedestrians and cyclists in accordance with LTN 1/20 and LTP4 policy 1 should also be demonstrated both within the site and to/from local facilities, particularly the nearest shops and schools.

- The existing bus stops are greater the 400 m from the site which is the desired walking distance. However, the range and frequency of services accessing the local bus stops will to some degree compensate for the additional distance. We require a further assessment of the distance and quality of pedestrian access route to the closest stops when using the Alban Way to reach Colney Heath Lane, and review of the potential to provide more accessible bus stops on the A1075 Hatfield Road travelling via Alban Way and Alban Park (via Footpath 011).

- Contribution may be required towards schemes and initiatives including the Local Transport Plan in order to make the development acceptable, and this will be determined once the assessment has been satisfactorily completed and the RSA1 provided and agreed.

#### *Description of Proposal*

6.14.3. Outline planning application with all matters reserved except for access for the erection of up to 40 dwellings (including 3 self-build homes), car and cycle parking, landscaping, and other associated works. Access is to be taken from Colney Heath Lane via the existing cul-de-sac of Boissy Close. HCC Pre-application consultation is presented at Appendix B of the TS.

#### *Site Description*

6.14.4. The site is grassland that was formerly part of the 'Swans Pit' quarry for sand and gravel excavation, which has subsequently been backfilled. Access will be taken from Boissy Close which is an existing cul-de-sac and itself takes access from a priority junction with Colney Heath Lane. Boissy Close comprises a short 'spine road' with parking courts serving multiple dwellings to the left and right and runs to the development site with three properties served directly from the road as it reaches the development site.

6.14.5. To the north of the site is a disused rail line which is now the Alban Way Cycleway which falls part of the National Cycle Network (NCN 61) and is managed by Sustrans, beyond which are commercial and employment buildings. To the south (Boissy Close) and west are residential dwellings and to the east is a private residential garden.

6.14.6. Colney Heath Lane is a single carriageway road subject to a 30mph speed limit in the vicinity of the Boissy Close junction and is maintainable at public expense. It is a classified 'C' road and categorised as an 'L1 Local Distributor' within HCC Highways network hierarchy.

### *Analysis*

- 6.14.7. The following documentation has been submitted in support of this application:
- Existing Site Plans
  - Proposed Site Plans
  - Design & Access Statement
  - Transport Statement (TS)
  - Travel Plan (TP)
  - Construction Traffic Management Plan (CTMP)

### *History*

- 6.14.8. The site was previously used for minerals extraction and when this use ceased the site was backfilled and passed over to St Albans Town Council for use as an informal recreation area. This use ceased in 2003 and subsequently the site has been left vacant and unsecured which is led to the creation of two informal footpath routes across the site.
- 6.14.9. Legal measures were taken to ensure that the site was protected from the creation of any Public Rights-Of-Way or from allocation as a 'Village Green'. This protection extends until 2034.
- 6.14.10. In 2014 an access arrangement was agreed with HCC Officers to serve a development proposal of up to 50 dwellings. Correspondence relating to this agreement is contained in Appendix A of the TS and the agreed scheme drawings are contained in Appendix B of the TS. On the basis of this previous agreement it is considered that the principle of access through Boissy Close as agreed as is the general access design.
- 6.14.11. A set of pre-application meetings were held and HCC provided a formal response to a scoping note submitted by Stomor Civil Engineering Consultants with advice for the documents that should be submitted in support of the planning application. Advice was also provided on the appropriateness of trip rates, traffic growth, assessment years, traffic data and extent of highway network to be assessed.

### *Planning Policy*

- 6.14.12. The applicant has provided evidence that the National Planning Policy Framework (NPPF – July
- 6.14.13. 2021), St Albans City and District Local Plan Review (1994) saved policies and associated SPG's and HCCs Local Transport Plan 4 has been reviewed. There have been several attempts to update the Local Plan which have stalled for various reasons, and the new local plan is currently being developed to take the area forward to 2038. This site was submitted as part of the 'call for sites' under reference CH – 12 – 21, and was found to be 'potentially suitable, available and achievable subject to further assessment'.
- 6.14.14. There is a Neighbourhood Plan under preparation, although progress on this stalled due to the Covid 19 pandemic. This plan is now being progressed again and intend to consult on the Regulation 14 version in spring 2023. This site was submitted for inclusion in the Neighbourhood Plan, but there is no reference in the documentation regarding its inclusion or otherwise.

- 6.14.15. Due to the nature of the application and the status of the various development plan documents, the extent of documents reviewed is considered acceptable. For future reference, the applicant should also provide evidence of consideration of the following policy documentation:
- National Planning Practice Guidance (2014);
  - Town and County Planning General Permitted Development (2015); and
  - HCC's Roads in Hertfordshire: Highway Design Guide (3rd Edition).

#### *Trip Generation*

- 6.14.16. The existing development site consists of greenfield land and therefore it is accepted that the site does not generate any traffic on the local highway network. The proposed development comprises 40 residential units, however, to ensure a robust assessment the TS has assessed 45 dwellings as agreed at scoping stage (despite stating the assessment being based on 50 dwellings in the TS).
- 6.14.17. The proposals comprise a mix of open market housing and more affordable. The trip rates approved at the pre-application consultation stage comprised a selection set based on sites from the '04 - Residential – A - Houses Privately Owned' subcategory for sites located in 'edge of town' locations. Sites selected excluded all weekend surveys, as well as sites in Greater London, Scotland and Ireland. There were no sites filtered out on the basis of population within one mile or 5 miles.
- 6.14.18. The vehicle trip rate was to be converted into a multimodal trip rate applying the journey to work mode split from the MSOA for the St Albans 15 zone from the NOMIS database.
- 6.14.19. However, a new set of trip rates have been generated for the assessment in the TS based on a different residential subcategory and resulting in a less robust set of trip rates. The generation of the multimodal trip rates as been based on the total person trip rate to which the NOMIS travel to work mode share has been applied. This results in trip rates in the order of 20% lower than those agreed at the scoping stage and consequently the assessment, contrary to what is stated in the TS, is not in accordance with HCC's scoping response.
- 6.14.20. A summary of the trip rates and predicted trip generation as total persons and by car driver is provided in the submitted TS. However, as it is not in accordance with the agreed approach this must be resubmitted as agreed and provided with all of the background calculations which are missing in the current TS.

#### *Trip Distribution*

- 6.14.21. Census Travel to Work Origin-Destination (O-D) data for the resident population of the local area has been used to determine the likely proposed traffic distribution. Online mapping has been used to assess the choice of route with some manual intervention where options are available and journey times are similar.
- 6.14.22. The close proximity of the site to the Strategic Road Network (SRN) will make this the focus of the majority of trips to external destinations and the distribution reflects this factor. The resultant traffic distribution calculations are provided at Appendix L and the distribution accepted as appropriate.

- 6.14.23. This trip distribution and assignment approach has been previously accepted by HCC as part of pre-application consultation for commuting trips. However, it was also stated that separate distributions will be required to cover education and leisure trips.
- 6.14.24. This should be undertaken on the basis of journey purpose by start time data contained in the National Travel Survey (NTS) and should be extended to cover retail trips as well.

#### *Traffic Growth and Committed Development*

- 6.14.25. Traffic growth was agreed to be applied in accordance with TEMPRO v 7.2b from the 2022 count dates to the opening year of 2025 and a final assessment year of 2030. The rates have been appropriately calculated, although the 2022-2020 5 PM peak and 2022-2030 AM peak growth rates have been reported incorrectly with the decimal point moved one place to the right.
- 6.14.26. It was agreed at the pre-application stage that there was no need to include any committed development unless advised to do so by the Local Planning Authority (LPA). It was subsequently confirmed by the LPA that there was no committed development to be specifically included in the assessment.

#### *Impact on the Highway - Junction Assessment*

- 6.14.27. The applicant has demonstrated that the Boissy Close junction with Colney Heath Lane will continue to operate well below the recognised desirable maximum RFC threshold of 0.85 in all situations including with the proposed developments flows in the future years of 2025 and 2030. The junction was assessed for capacity using the PICADY option in the TRL 'Junctions 10' software with the robust 'ONE HOUR' flow profile.
- 6.14.28. The predicted traffic impact on the other junctions considered as part of the assessment was limited to a maximum of 0.9% in the AM peak and 1.3% in the PM peak at the Colney Heath Lane/Hill End Lane mini roundabout and 0.5% in the AM peak and 0.7% in the PM peak at the Colney Heath Lane/A1057 Hatfield Road priority junction. This level of impact does not warrant further assessment of the impact of the proposed development on the junctions.
- 6.14.29. The predicted development traffic associated with the proposed development is unlikely to result in congestion on the local highway network, and the residual impact could not be considered to be "severe", this being one of the tests set out in the NPPF for withholding consent for development on highways grounds. This assessment has been independently checked and verified; the conclusion is confirmed.
- 6.14.30. As the trip generation has not been correctly calculated in accordance with the agreed methodology at the application stage, the impact assessments will need to be rerun. However, it is considered that even with the changed trip generation and traffic numbers the conclusion is unlikely to be changed.

#### *Highway Safety*

- 6.14.31. A review of Personal Injury Collisions (PICs) along Colney Heath Lane from the A1057 Hatfield Road to Hill End Lane for the past five years has been undertaken and demonstrates a very low level of collisions. There are no particular

collision clusters or causation factors involved in collisions which would indicate a specific deficiency with the highway.

- 6.14.32. The submitted RSA1 and Designers Response has been reviewed by our Road Safety Team and the following comments are raised: awaiting Safety Team comments.
- 6.14.33. The Automatic Traffic Counter (ATC) laid on Colney Heath Lane recorded speeds of 39.6mph eastbound and 40.9mph westbound which would require a new junction to benefit from visibility splays of 2.4m x 120m in accordance with full design standards. The junction of Boissy Close with Colney Heath Lane has been demonstrated to benefit from the appropriate level of visibility splay.
- 6.14.34. Therefore, this will need a signal-controlled crossing, not a zebra, as speeds are above 35mph (please refer to TAL 03/11). We are sceptical of the argument in the Designers' Response to the RSA1 that speeds will come down, as the environment won't change enough here to have this effect (please refer to Hertfordshire Speed Management Strategy, November 2020). In some cases (where appropriate) we will need to change the design of a road to change behaviour. Our previous response also advised the need for a signal-controlled crossing (Toucan).

#### *Refuse and Service Delivery*

- 6.14.35. It is proposed the site shall be served by refuse collection in accordance with the existing arrangements with swept path drawings provided. The refuse collection swept path drawings with undertaken using a 10.875m long design vehicle and demonstrates that the vehicle can satisfactorily access all areas of the site.
- 6.14.36. However, the TS states that the St Albans refuse vehicle is 11.2 m long, and this has not been tracked through the proposed site layout. Clarification is required regarding the correct refuse vehicle to be assessed for the site. Updated drawings will need to be provided if the 10.875m long design vehicle is incorrect.
- 6.14.37. A swept path drawings has been provided to demonstrate that a 12m long rigid truck design vehicle can access the site. This is appropriate for the construction phase but does not demonstrate satisfactory access to the whole site once the dwellings have been occupied.

#### *Highway Layout - Vehicle Access*

- 6.14.38. The proposed access layout has been providing accordance with the previously agreed layout, which will removing existing footway and create a 6.6 m wide shared surface arrangement. A parking survey was undertaken covering the stretch of highway being changed and identified a maximum of six vehicles parked that would be displaced by the proposals.
- 6.14.39. Replacement parking provision is made immediately within the new site is adjacent to the location where the parking would be lost. There is no indication of how parking on the shared surface section would be prevented or dissuaded, and consequently how access to the new development for larger vehicles may not be obstructed. The highway management and enforcement details should be provided to ensure that parking does not dominate the highway.



- 6.14.40. The internal highway layout is to be designed to a 20mph speed with 25m visibility provided. Drawings should be provided demonstrate how this visibility is achieved at junctions and us forward visibility around bends. All land required to deliver visibility splays must be retained as part of the public highway.
- 6.14.41. As identified through the speed survey, vehicles exceeding the speed limit along Colney Heath Lane remains a problem, especially given the strong desire line to cross the road from the site to the school. The TS includes a proposal to provide a road narrowing and informal crossing of Colney Heath Lane and provide a contribution to a formal crossing of Colney Heath Lane.
- 6.14.42. The location of the road narrowing and informal crossing is likely to encourage use by pedestrians from the site. Recorded speeds of 39.6mph eastbound and 40.9mph westbound designate Colney Heath Lane as a 'high-speed road'. It's considered unlikely that speeds will reduce sufficiently to change the designation, as the environment won't change enough here to have this effect (please refer to Hertfordshire Speed Management Strategy, November 2020).
- 6.14.43. Therefore, we would wish to see an assessment undertaken in accordance with Chapter 6 of the Traffic Signs Manual to confirm that the type of crossing proposed is appropriate in this location and for the person is likely to use it, including those from the proposed site.

#### *Cycling & Pedestrian access*

- 6.14.44. HCC policy is that only a maximum of 25 dwellings should be served from a shared surface road, whereas this proposal is for 40 dwellings and the road will also serve seven existing dwellings on Boissy Close. The current proposal is therefore contrary to policies 1, 5, 6 and 7 of HCC's Local Transport Plan (2018) as it presents a low-quality pedestrian connection which does not comply with HCC's design guide.
- 6.14.45. Therefore, we need to see a Stage I Road Safety Audit (RSA1) covering the site access and internal roads to demonstrate that a safe and suitable access arrangement is being provided in accordance with the requirements of the NPPG. This RSA1 will also need to include the pedestrian and cycle links proposed to the Alban Way to ensure that they are appropriate in both design and standard of provision.
- 6.14.46. It is noted that two connections are proposed to the Alban Way, a 3m wide footway/cycleway and a 1.5 m wide footpath. The RSA1 will need to consider the standard of the proposed footpath and whether it is more appropriate for this to also be a shared surface facility with cyclists. We consider that this footpath that runs the site is likely to be used by cyclists irrespective of its designation and therefore the design standard should be sufficient to provide for pedestrian and cycle movement.

#### *Car Parking*

- 6.14.47. The parking provision is in accordance with this St Albans District Council parking standards (Policy 40). A total of 96 basis will be provided of which 70 will be allocated to dwellings and 26 unallocated, plus the additional six spaces to a focus proposed to be lost in Boissy Close.
- 6.14.48. Swept path plots have been provided to demonstrate that all of the spaces are accessible. However, as the road space within the site has been reduced to a

5 m width, and the typical aisle width for perpendicular car parking is 6 m, we will need to be provided with confirmation of the parking space dimensions to ensure that parking is convenient and will not in practice require multiple movements to access the spaces.

- 6.14.49. The Highway Authority recommend that the level of on-site car parking is limited to a maximum of one space per 1 or 2 bed dwellings and two spaces for 3+ bedrooms. This is to encourage active travel / public transport trips by providing greater separation between some of the parking and the dwelling.
- 6.14.50. Hertfordshire County Council declared a climate emergency in 2019 and the HCC Local Transport Plan Policy 5 requires all new developments to provide EV infrastructure. The DfT's Decarbonising Transport (2021) states that in 2030 the sale of new petrol and diesel cars will cease. The NPPF paragraph 112 (e) also requires sites to enable charging. Therefore, each dwelling must be served by at least one active EV charging unit.
- 6.14.51. The TS states that all parking spaces will have electric vehicle charging points. A condition will be required to secure electric vehicle charging points for each parking space.

#### *Cycle Parking*

- 6.14.52. The TS identifies that cycle parking is to be provided at a level of one space per bedroom. This will be in the form of secured communal cycle parking for the flats and in appropriately sized garages or the houses.

#### *Accessibility - Public Transport*

- 6.14.53. St Albans City Railway Station is approximately 2.9 km west of the site and provides frequent services (15 to 30 minutes) to Bedford, Luton, Rainham, Sutton, Brighton and Gatwick Airport. St Albans Abbey Railway Station is approximately 4 km west of the site and provides an hourly service to Watford. Both stations can be accessed by cyclists using on and off-road facilities.
- 6.14.54. Hatfield Railway Station is approximately 5 km west of the site and provide services into London King's Cross and Moorgate, Cambridge and Welwyn Garden City again at 15 to 30 minute frequency.
- 6.14.55. The Alban Way runs from the site into the centre of Hatfield just north of the railway station making cycling a viable alternative the car or bus.
- 6.14.56. The closest bus stops that benefit from frequent commercial bus services are approximately 600 m west of the site on the A1057 Hatfield Road, with only school services running along Colney Heath Lane. Although these stops are greater than the desirable maximum 400m from the dwellings, the frequency, days of operation and range of destinations served make the bus a practical alternative to the car.
- 6.14.57. The walk distance to these bus stops following a route along Alban Way and assessment of the quality of the route should be provided as this is likely to be a significantly shorter distance. Although the lack of natural surveillance may make this route less attractive especially during the hours of darkness, depending upon the general level of use of the cycleway.
- 6.14.58. There are other bus stops on Hatfield Road that may be closer to the site following a pedestrian route along Alban Way and Alban Park via a Public Right-

of-Way (Footpath 011). We need to understand whether this could be a practical alternative route and what improvements are required, such as surfacing the PRoW, to encourage increased bus use. This could also include the relocation of bus stops or the provision of additional bus stops as appropriate.

#### *Walking and Cycling*

- 6.14.59. The neighbourhood is considered conducive to walking and cycling. Pedestrian routes via the public highway are in good condition, with good lighting and dropped kerbs at crossing points.
- 6.14.60. There are no formal on-road cycle routes close to the site, there are however no existing issues that would suggest a small increase in cycle trips from the development proposal would generate any pressure on capacity or safety.
- 6.14.61. Alban Way represents an important pedestrian and cycle linked to and from the site, especially for longer distance pedestrian and cycle trips, with destinations such as St Albans city centre within walking distance and Hatfield town centre within cycling distance. As noted above in respect of trips to and from the bus stops, there may be times when it is less attractive to use due to the comparative remoteness of parts of the route and lack of natural surveillance.
- 6.14.62. Colney Heath Lane will also be an important route for walking and cycling from the site and consequently the route should be assessed for compliance with LTN 1/20 and Policy 1 of HCC's Local Transport Plan 4 (2018) to demonstrate a safe and attractive environment for walking and cycling.

#### *Travel Plan Statement*

- 6.14.63. A Travel Plan Statement (TPS) has been provided which is sufficient for the scale of this application.

#### *Construction*

- 6.14.64. A Construction Traffic Management Plan (CTMP) has been provided to manage the impact of the construction phase on the local highway network and local residents.

#### *Planning Obligations / Community Infrastructure Levy (CIL)*

- 6.14.65. St Albans City and District Council has not got an adopted Community Infrastructure Levy (CIL) regime in place, and consequently all obligations will need to be secured through S106 Agreement.
- 6.14.66. Contributions towards local transport schemes will be sought if appropriate, and specific mitigation measures will be required to be delivered or fully funded to make the impact of the development acceptable, in accordance with the NPPF.

#### *Conclusion*

- 6.14.67. Hertfordshire County Council (HCC) as highway authority has reviewed the application submission and wishes to restrict the grant of permission until the above matters are resolved.

***Response received on 01/06/2023***

### *Recommendation*

6.14.68. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

6.14.69. 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).

6.14.70. 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 number ST-2348-02-I. 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.

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).

6.14.71. 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 an independent Road Safety Audit. For the avoidance of doubt the offsite works include but are not limited to:

- Proposed signalised crossing facility on Colney Heath Lane;
- Proposed 3.0 metre wide foot/cycleway PRow connection on to the Alban Way; and
- Proposed 2.0 metre wide footway PRow connection on to the Alban Way.
- The investigation and ultimately implementation thereof a cycle infrastructure scheme on Colney Heath Lane, joining to Boissy Close

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

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

6.14.72. Condition 4: 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 LTN 1/20. 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).

6.14.73. Condition 5: 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 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).

6.14.74. Condition 6: Car Parking Management Plan

A Car Parking Management Plan is required for the six car parking spaces to ensure that they will be used only for residents of 1- 16 Boissy Close. Prior to first occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. It shall include the following as a minimum:

- Details of car parking allocation for 1 – 16 Boissy Close;
- Methods to minimise on-street car parking along Boissy Close; &
- Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient available car parking.

*Informatives*

- 6.14.75. HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:
- 6.14.76. 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.
- 6.14.77. 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.
- 6.14.78. 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.
- 6.14.79. 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.

- 6.14.80. 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.
- 6.14.81. AN6) Construction Management Plan (CTMP): The purpose of the CTMP is to help the developer 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 CTMP 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 CTMP will depend on the scale and nature of development. The CTMP 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 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>
- 6.14.82. 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 full 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](mailto:travelplans@hertfordshire.gov.uk)

- 6.14.83. All offsite works are to be delivered via a Section 278 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. The offsite works include:
- Proposed signalised crossing facility on Colney Heath Lane;
  - Proposed 3.0 metre wide foot/cycleway PRow connection on to the Alban Way;
  - Proposed 2.0 metre wide footway PRow connection on to the Alban Way; and
  - The investigation and ultimately implementation thereof a cycle infrastructure scheme on Colney Heath Lane, joining to Boissy Close.
- 6.14.84. In the absence of CIL, sustainable transport contributions are sought. The Hertfordshire County Council 4th Local Transport Plan (LTP4) and its supporting documents have 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. HCC calculates the Section 106 contributions using the 'Guide to Developer Infrastructure Contributions (July 2021)'
- 6.14.85. For new residential developments, a contribution of £6,826 per dwelling plus SPONS indexation (£9,660 at March 2023 prices) is required. Therefore, based on the proposed development of 40 dwellings, the total developer contribution to active travel would be £273,040 plus SPONS indexation (£386,400 at March 2023 prices).
- 6.14.86. 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. This package includes safety and capacity improvements at A414 Colney Heath Long-about.
- 6.14.87. 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.

*Section 278 (Highways Act 1980)*

- 6.14.88. A Section 278 agreement will be required between the applicant, landowner and HCC. Details of the Section 278 process is stated above in Informative AN4. Further details of the offsite works have been detailed under Condition 3 of this statutory consultee response.
- 6.14.89. 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.

*Description of Proposal*



6.14.90. Outline planning application with all matters reserved except for access for the erection of up to 40 dwellings (including 3 self-build homes), car and cycle parking, landscaping, and other associated works. Access is to be taken from Colney Heath Lane via the existing cul-de-sac of Boissy Close.

6.14.91. HCC Pre-application consultation is presented at Appendix B of the Transport Statement.

#### *Analysis*

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

- Existing Site Plans
- Proposed Site Plans
- Design & Access Statement
- Transport Statement Addendum (March 2023)
- Transport Statement (TS) (September 2022)
- Travel Plan (TP)
- Construction Traffic Management Plan (CTMP)

#### *History*

6.14.93. The local Highway Authority provided an initial response to the proposals recommending refusal of the application in January 2023. A meeting was held between the applicant and HCC on 12th January 2023 to discuss the issues raised and the applicant has now submitted a Transport Statement Addendum (March 2023) to address these concerns.

#### *Trip Generation*

6.14.94. The existing development site consists of greenfield land and therefore it is accepted that the site does not generate any traffic on the local highway network. The proposed development comprises 40 residential units, however, to ensure a robust assessment the TS has assessed 45 dwellings as agreed at scoping stage (despite stating the assessment being based on 50 dwellings in the TS).

6.14.95. The proposals comprise a mix of open market housing and more affordable. The trip rates approved at the pre-application consultation stage comprised a selection set based on sites from the '04 - Residential – A - Houses Privately Owned' subcategory for sites located in 'edge of town' locations. Sites selected excluded all weekend surveys, as well as sites in Greater London, Scotland and Ireland.

6.14.96. The vehicle trip rate was to be converted into a multimodal trip rate applying the journey to work mode split from the MSOA for the St Albans 15 zone from the NOMIS database. This Highway Authority requested for this to be undertaken and the applicant has submitted an updated trip generation in the TS Addendum.

6.14.97. This shows that based on the updated trip generation, the proposals would only generate one less vehicular trip (in the AM peak) compared to the assessment undertaken in the submitted TS (September 2022). It is therefore concluded that this difference is not considered significant and further assessment is not required. This Highway Authority is satisfied with the trip generation calculated for the proposals.

#### *Trip Distribution*

- 6.14.98. Census Travel to Work Origin-Destination (O-D) data for the resident population of the local area has been used to determine the likely proposed traffic distribution. Online mapping has been used to assess the choice of route with some manual intervention where options are available and journey times are similar.
- 6.14.99. The close proximity of the site to the Strategic Road Network (SRN) will make this the focus of the majority of trips to external destinations and the distribution reflects this factor. The resultant traffic distribution calculations are provided at Appendix L and the distribution accepted as appropriate. This trip distribution and assignment approach has been previously accepted by HCC as part of pre-application consultation for commuting trips. This Highway Authority therefore consider the assessment acceptable.

#### *Traffic Growth and Committed Development*

- 6.14.100. Traffic growth was agreed to be applied in accordance with TEMPRO v7.2b from the 2022 count dates to the opening year of 2025 and a final assessment year of 2030. The rates have been appropriately calculated, although the 2022-2022 5 PM peak and 2022-2030 AM peak growth rates have been reported incorrectly with the decimal point moved one place to the right.
- 6.14.101. It was agreed at the pre-application stage that there was no need to include any committed development unless advised to do so by the Local Planning Authority (LPA). It was subsequently confirmed by the LPA that there was no committed development to be specifically included in the assessment.

#### *Impact on the Highway - Junction Assessment*

- 6.14.102. The applicant has demonstrated that the Boissy Close junction with Colney Heath Lane will continue to operate well below the recognised desirable maximum RFC threshold of 0.85 in all situations including with the proposed development's flows in the future years of 2025 and 2030. The junction was assessed for capacity using the PICADY option in the TRL 'Junctions 10' Software with the robust 'ONE HOUR' flow profile.
- 6.14.103. The predicted traffic impact on the other junctions considered as part of the assessment was limited to a maximum of 0.9% in the AM peak and 1.3% in the PM peak at the Colney Heath Lane/Hill End Lane mini-roundabout and 0.5% in the AM peak and 0.7% in the PM peak at the Colney Heath Lane/A1057 Hatfield Road priority junction. This level of impact does not warrant further assessment of the impact of the proposed development on the junctions.
- 6.14.104. In assessing the traffic impact at the highway network, NPPF Paragraph 111 identifies developments should only be refused on operational grounds if there is a "severe" residual impact on the network. The predicted development traffic associated with the proposed development is unlikely to result in congestion on the local highway network, and therefore the residual impact is not considered to be "severe". This assessment has been independently checked and verified; the conclusion is confirmed.

#### *Highway Safety*

- 6.14.105. A review of Personal Injury Collisions (PICs) along Colney Heath Lane from the A1057 Hatfield Road to Hill End Lane for the past five years has been

undertaken and demonstrates a very low level of collisions. There are no particular collision clusters or causation factors involved in collisions which would indicate a specific deficiency with the use of the highway.

6.14.106. The Automatic Traffic Counter (ATC) laid on Colney Heath Lane recorded speeds of 39.6mph eastbound and 40.9mph westbound which would require a new junction to benefit from visibility splays of 2.4m x 120m in accordance with full design standards. The junction of Boissy Close with Colney Heath Lane has been demonstrated to benefit from this appropriate level of visibility splay. The local Highway Authority requested that as a result of the vehicle speeds recorded, the proposed pedestrian crossing would need to be a signal-controlled crossing, not a zebra.

6.14.107. The applicant has confirmed in the TS Addendum that to facilitate pedestrian movements to the adjacent primary school, a Toucan crossing facility is proposed. As at this time there is no formal cycle connection to the proposed toucan crossing, the decision was made to amend this to be a 'signalised pedestrian crossing facility' which in time can be implemented as a toucan, tiger or similar depending on what future cycling infrastructure is in place (through investigative work under Section 106 agreement).

#### *Refuse and Service Delivery*

6.14.108. It is proposed that the site shall be served by refuse collection in accordance with the existing arrangements with swept path drawings provided. The refuse collection swept path drawings were undertaken using a 10.875m long design vehicle (in accordance with the specification set out by SACDC) and demonstrates that the vehicle can satisfactorily access the site access and internal areas of the site.

6.14.109. A swept path drawing has been provided to demonstrate that a 12m long rigid truck vehicle can access the site. It was identified this was to reflect a fire tender vehicle which is not specifically accurate however is longer than the average fire tender vehicle, demonstrating access to the site and dwellings can be gained in the event of an emergency.

#### *Highway Layout – Vehicle Access*

6.14.110. The proposed access layout has been provided in accordance with the previously agreed layout, which will remove the existing footway and create a 6.6 metre wide shared surface arrangement. A parking survey was undertaken covering the stretch of highway being changed and identified a maximum of six vehicles parked that would be displaced by the proposals.

6.14.111. Replacement parking provision is made immediately within the new site and adjacent to the location where the parking would be displaced from. The replacement parking would also be serviced by electric vehicle charge (EVC) points. It is proposed that white lining/demarcation of the spaces, along with clear signage, will confirm who these spaces are for. These parking spaces will be signed for use by Boissy Close residents only and the EVC points will be fitted to ensure only those with keys/pin codes can use them. A Car Parking Management Plan would be required at detailed design stage via a planning Condition and the details of which would need to be agreed with the LHA. The internal highway layout is to be designed to a 20mph speed with vision splays of 11m provided to comply with HCC's Design Guidance for shared surface requirements.

6.14.112. As identified through the speed survey, vehicles exceeding the speed limit along Colney Heath Lane remains a problem, especially given the strong desire line to cross the road from the site to the school. The TS includes a proposal to provide a an informal crossing of Colney Heath Lane and provide a contribution to a formal crossing of Colney Heath Lane.

#### *Cycling & Pedestrian access*

6.14.113. HCC policy is that only a maximum of 25 dwellings should be served from a shared surface road, whereas this proposal is for 40 dwellings and the road will also serve seven existing dwellings on Boissy Close. The current proposal is therefore contrary to Policies 1, 5, 6 and 7 of HCC's Local Transport Plan (2018) as it presents a low-quality pedestrian connection which does not comply with HCC's design guide.

6.14.114. The LHA therefore requested a Stage 1 Road Safety Audit (RSA) covering the site access and internal roads to demonstrate that a safe and suitable access arrangement is being provided in accordance with the requirements of the NPPG.

6.14.115. A Stage 1 RSA was undertaken in January-February 2023 and concluded the following:

- The Proposed signalised crossing facility should be relocated to enhance pedestrian visibility and remove conflict with the bus stop along Coney Heath Lane. The applicant has accepted this and it is proposed that the Toucan crossing will be relocated approximately 40m east along Colney Heath Lane, to improve pedestrian visibility and appropriate warning signage will be installed along Colney Heath Lane (New Road Layout Ahead, and Pedestrian Crossing Ahead).
- There were no highway safety issues relating to the access of Boissy Close with Colney Heath Lane; and
- Appropriate surface materials will be implemented as part of the shared surface which will define areas for pedestrians and traffic as part of the shared surface.

6.14.116. To improve connectivity and promote walking and cycling to/from St Albans via Alban Way two direct connections would be provided:

- A shared 3.0m wide surfaced pedestrian/cycle PROW connection to the northwest, allowing easy access to a national cycle route from the site;
- 2.0m wide surfaced footpath connection to the northeast; and
- The investigation and ultimately implementation thereof a cycle infrastructure scheme on Colney Heath Lane, joining to Boissy Close.

6.14.117. These are shown on Drawing No.ST-2348-02-I.

#### *Car Parking*

6.14.118. The parking provision is in accordance with the St Albans District Council parking standards (Policy 40). A total of 96 spaces will be provided of which 70 will be allocated to dwellings and 26 unallocated. This is in addition to the six spaces identified for existing dwellings on Boissy Close which are to be allocated for these.

6.14.119. Swept path plots were previously provided to demonstrate that all of the spaces are accessible (based on a standard car, 4.8m long). At the meeting on 12th January 2023, the LHA requested that the swept path analysis was updated

based on a large car. The submitted TS Addendum includes swept path analysis for a large car (5.079m long) and this is considered acceptable.

6.14.120. Hertfordshire County Council declared a climate emergency in 2019 and HCC's Local Transport Plan Policy 5(h) requires all new developments to provide EV infrastructure. The DfT's Decarbonising Transport (2021) states that in 2030 the sale of new petrol and diesel cars will cease. The NPPF Paragraph 112 (e) also requires sites to enable charging. Therefore, each dwelling must be served by at least one active EV charging unit, and Building Reg's will take over in this regard.

6.14.121. The TS states that all parking spaces will have an electric vehicle charging point, which is compliant with current UK building regulations.

#### *Cycle Parking*

6.14.122. The TS identifies that cycle parking is to be provided at a level of one space per bedroom. This will be in the form of secured communal cycle parking for the flats and in appropriately sized garages for the houses. Details on the location and type of cycle parking provision shall be conditioned, however HCC Highways would expect best practice as identified through Cycle Infrastructure Design LTN 1/20 and the consideration of mobility impaired/cargo cycle parking provision to be included.

#### *Accessibility - Public Transport*

6.14.123. St Albans City Railway Station is approximately 2.9km west of the site and provides frequent services (15 to 30 minutes) to Bedford, Luton, Rainham, Sutton, Brighton and Gatwick Airport. St Albans Abbey Railway Station is approximately 4km west of the site and provides an hourly service to Watford. Both stations can be accessed by cyclists using on and off-road facilities.

6.14.124. Hatfield Railway Station is approximately 5km west of the site and provide services into London King's Cross and Moorgate, Cambridge and Welwyn Garden City again at 15 to 30 minute frequency. The Alban Way runs from the site into the centre of Hatfield just north of the railway station making cycling a viable alternative to the car or bus.

6.14.125. The closest bus stops that benefit from frequent commercial bus services are approximately 600m west of the site on the A1057 Hatfield Road, with only school services running along Colney Heath Lane. Although these stops are greater than the desirable maximum 400m from the proposed dwellings, the frequency, days of operation and range of destinations served make the bus a practical alternative to the car.

6.14.126. Following further discussions between the applicant and HCC it was agreed that improvements to the route along the A1057 Hatfield Road (along Colney Heath Lane) would be made. The extent of these improvements would be subject to agreement with HCC but will likely involve the provision of dropped kerbs and tactile paving at critical points along Colney Heath Lane.

#### *Walking and Cycling*

6.14.127. The neighbourhood is considered conducive to walking and cycling. Pedestrian routes via the Public Highway are in good condition, with good lighting and dropped kerbs at crossing points.

6.14.128. There are no formal on-road cycle routes close to the site, there are however no existing issues that would suggest a small increase in cycle trips from the development proposal would generate any pressure on capacity or safety.

6.14.129. The Alban Way represents an important pedestrian and cycle link to and from the site, especially for longer distance pedestrian and cycle trips, with destinations such as St Albans City Centre within walking distance and Hatfield Town Centre within cycling distance. As noted above in respect of trips to and from the bus stops, there may be times when it is less attractive to use due to the comparative remoteness of parts of the route and lack of natural surveillance.

6.14.130. As previously mentioned, the applicant has confirmed in the TS Addendum that to facilitate pedestrian movements to the adjacent primary school, a crossing facility is proposed.

#### *Travel Plan Statement*

6.14.131. A Travel Plan Statement (TPS) has been provided which is sufficient for the scale of this application.

#### *Construction*

6.14.132. A Construction Traffic Management Plan (CTMP) has been provided to manage the impact of the construction phase on the local highway network and local residents.

#### *Planning Obligations / Community Infrastructure Levy (CIL)*

6.14.133. In the absence of CIL, sustainable transport contributions are sought. The Hertfordshire County Council 4th Local Transport Plan (LTP4) and its supporting documents have 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. HCC calculates the Section 106 contributions using the 'Guide to Developer Infrastructure Contributions (July 2021)'.

6.14.134. For new residential developments, a contribution of £6,826 per dwelling plus SPONS indexation (£9,660 at March 2023 prices) is required. Therefore, based on the proposed development of 40 dwellings, the total developer contribution to active travel would be £273,040 plus SPONS indexation (£386,400 at March 2023 prices).

6.14.135. 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. This package includes safety and capacity improvements at A414 Colney Heath Long-about.

6.14.136. 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*

6.14.137. Hertfordshire County Council (HCC) as highway authority has reviewed the application submission and wishes to recommend the approval with conditions as detailed in this response.

### ***Response received on 19/07/2023*** *Recommendation*

6.14.138. HCC Highways has reviewed the supplied information and noted the only changes which have been made are to the Access and Movement Parameter Plan which has been updated to show the proposed 2m wide footway access to the Alban Way and the text in the Transport Statement and Travel Plan has also been updated to include this provision.

6.14.139. This does not affect our previous response as the provision of this 2m wide footway is included in Condition 3.

6.14.140. Therefore there is no further comment from HCC Highways

### **6.15. HCC Landscape**

### ***Response received on 08/12/2022***

### *Landscape Character Assessment, Strategy and Guidelines*

6.15.1. The site lies within the Colney Heath Farmland landscape character area. The condition is assessed as moderate and the strength of character is assessed as moderate the overall strategy for managing change is to improve and conserve, and the guidelines for managing change include:

- Support the Watling Chase Community Forest in the realisation of its objectives for the area
- Reduce the visual impact of adjacent built areas, e.g. Smallford
- Encourage maintenance of the existing pattern and scale of hedgerows and field trees that provide enclosure
- Promote hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas. Pattern to follow historic field boundaries where possible
- Encourage planting of new hedges adjacent to rights of way
- Support the retention and management of heath habitats including Colney Heath. Encourage opportunities of extending this habitat

### *Previous Landscape Advice*

6.15.2. PRE/2021/0143 - Previous landscape advice was provided, report dated 15/11/21, for an initial proposed scheme at this site. At that stage a number of issues were raised.

6.15.3. PRE/2022/0044 - Landscape advice was provided, report dated 04/05/22, and concluded that *'Overall the scheme options are moving in the right direction,*

*however the open space typologies and layout requires further consideration, as discussed within this report.'*

#### *Landscape and Visual Impact Assessment*

- 6.15.4. A Landscape and Visual Appraisal, guarda landscape, September 2022 has been submitted.

#### *Design Parameters*

- 6.15.5. Shared Surface – supported
- 6.15.6. Attenuation basin - The DDS confirms that the proposed SuDS basin will include 3 no. '0.5 m deep treatment pools with permanent water level.' It is queried if this design is able to support the proposed marginal planting etc, and whether the mass of any planting will compromise the required storage volume for flooding events. Examples and specifications of this approach is therefore requested.
- 6.15.7. Rain Gardens – supported
- 6.15.8. With regards to proposed mitigation there is reference the provision of swales, however they do not appear to be shown on the Landscape Masterplan (22007 GUA-DR-L-002 P05) (and they are not apparent on the 'FW & SW Drainage Disposal Schematic' within the Flood Risk Assessment (DDS)). In the event that any swales are retrofitted to the layout then they should not result in the loss of any landscaping, which in itself provides vital landscape and visual mitigation.
- 6.15.9. Tree Belt Edge – The submitted Landscape Masterplan shows proposed trees along the eastern edge that are located on made up ground on a new 3.5m wide embankment at a gradient of 1:3 (which continues to wrap around the SuDS attenuation basin) as shown on the DDS. The tree planting specification along here (and any other areas of cut/fill) will require careful consideration to ensure successful establishment, such as younger more vigorous plant stock and monitoring of watering etc.

(Note: LVIA Section A-A does not show trees on the embankment and shows it as meadow.)

- 6.15.10. Public Open Space – all provision has been pushed to the perimeter of the site. The location and character of the proposed play area feels more like left over space and is not well overlooked. Further work is required with regards to the character and function of this important community space.

#### *Landscape and Visual Effects*

- 6.15.11. The LVIA states that 'The assessment of the potential landscape effects demonstrates that the effect of the proposed development on the wider landscape is limited by its natural enclosure and surrounding built form.'
- 6.15.12. It concludes that although there is a permanent change in land use (from undeveloped open grassland to a housing development), the site is well related to the existing settlement to the west and south and retains important features (i.e. the established tree planting) that provide a mature landscape setting.



- 6.15.13. There will be some alterations to the topography, which comprise levelling of the site to allow for a gravity fed drainage system that will require banking along the northern and eastern boundaries.
- 6.15.14. There is concern that (with the exception of two illustrative sections within the LVIA) there doesn't appear to be any information with regards to the spatial extent and volume of the proposed cut and fill works, including existing and proposed ground levels and gradients, including existing and proposed contours and cross sections. This would enable to understand the significance of the works.
- 6.15.15. The LVIA states that 'This assessment of visual effects demonstrates that the effect of the proposed development is limited to near distance views.' It goes on to say that 'The visual appraisal determined that the visibility of the Site is restricted to near distance residential views from properties on Swans Close and Boissy Close on the boundaries of the Site and filtered views through vegetation from the Alban Way. Views from the wider landscape are predominantly from the east, from PRow within the Local wildlife Site, where views towards the Site are restricted by the strong tree belt on its eastern boundary.'
- 6.15.16. It recognises the importance of the strong boundary of existing vegetation along the Alban Way to the north, and along the eastern site boundary, in providing critical landscape and visual mitigation, and the landscape masterplan seeks to retain and enhance these features. Overall the findings of the LVIA are broadly supported and the proposals should not give rise to significant landscape and visual effects providing the proposed mitigation measures are effectively delivered at the masterplanning stage.

#### *Access for Approval*

- 6.15.17. The proposed access is an extension of the existing highway Boissy Close and doesn't appear to affect any existing landscape features or views.

#### *Landscape Parameter Plan for Approval*

- 6.15.18. The Landscape Parameter Plan (15526 A-PL-X-(03)-103 Rev B) seeks to fix the key parameters for approval that include 0.4 ha POS and existing/proposed planting, and 0.12 ha SuDS feature.
- 6.15.19. There is concern that the boundary of the 'primary landscape area' is dictated by the illustrative masterplan, which is subject to change. It is therefore advised that some limited flexibility for the boundary between the 'primary landscaped area' and the remaining site area is required.

- 6.15.20. It would be useful to see the existing tree root protection areas on this plan.

#### *Summary and Conclusion*

- 6.15.21. LVIA - the findings of the LVIA are broadly supported and the proposals should not give rise to significant landscape and visual effects providing the proposed mitigation measures are effectively delivered at the masterplanning stage.
- 6.15.22. The following require confirmation / further work:

- spatial extent and volume of the proposed cut and fill works, including existing and proposed ground levels and gradients, including existing and proposed contours and cross sections
- approach to landscaping of attenuation basin
- provision of swales
- planting specification for made up ground
- play area

6.15.23. Landscape parameter plan – for approval

- flexibility of boundary of ‘primary landscape area’
- addition of tree constraints (root protection areas)

**Response received on 26/04/2023**

- LVIA Addendum, Guarda, March 2023
- Preliminary Formation Level Cut & Fill Analysis, Simpson, Jan 23, Rev P1
- Landscape Parameter Plan, TateHindle, 28/06/22, Rev 10

6.15.24. The applicant’s response to the previous landscape comments is copied in italics below. Further landscape comments are given below.

*Attenuation Basin*

6.15.25. *The 3 no. 0.5m deep treatment pools with permanent water level are in addition to the required sizing of the attenuation basin and will not compromise the required storage volume for flooding events. The intention is to provide additional habitat (i.e., wetland grassland) rather than a treatment pool – to increase biodiversity net gain and as recommended by the consultant ecologist.*

6.15.26. *Detailed design of the SUDs basin and full landscape proposals will be provided at a future Reserved Matters application.*

6.15.27. We understand that the proposed pools are not required within the storage calculations and are primarily used for biodiversity / amenity purposes. The approach is supported.

*Rain Gardens*

6.15.28. *The LVA at Paragraphs 6.34 and 6.41 does refer to “incorporating an integrated SuDS in the form of swales, rain gardens, ponds/wetland areas and an attenuation area”. This is under Section 6.3 Opportunities and Constraints and section 6.4 Proposed Mitigation respectively, which informed the early development of the scheme. As the drainage strategy developed for the Site it became apparent that the inclusion of swales was not an option due to the Site’s conditions.*

6.15.29. *Swales are indeed not proposed in the Design Parameters as set out in section 6.7 and the DDS and there is no intention to retrofit swales into the layout. Raingardens are proposed within the scheme which have multipurpose benefits including drainage and filtering as part of the SuDs scheme, providing attractive*

*landscaped frontages to buildings, and increasing species diversity for ecological benefit.*

- 6.15.30. We note that swales are not proposed and that rain gardens have been included as an alternative. There is to be no retrofitting of swales and therefore no loss of landscaping. This approach is supported.

#### *Tree Belt Edge*

- 6.15.31. *With reference to the CB Card remediation strategy which recommends a capping layer to the site to remediate ground contamination as well as section A-A in the LVA and the Landscape Masterplan, trees are proposed along the eastern side of the proposed footpath, at the top of the 3.5m wide verge. The embankment, at a gradient of 1:3 starts beyond this (approximately 500mm from the path) and the bank itself is proposed to be grassed with a species rich meadow grass. Trees in this area are to compliment the existing tress along the eastern boundary and are to be naturalistic in character. Given the implications of the capping with soil depths in open space areas of 450mm, these trees are likely to be smaller species than indicated on the illustrative masterplan and are likely to be specified as whips to be thinned later. However, full landscape specifications have not been provided for this outline application.*
- 6.15.32. *It is noted that there is a discrepancy that these trees are not shown on the section A-A in the LVA.*
- 6.15.33. *In consideration of proposed trees within the development/ hard landscape where trees are required to have an immediate impact, bigger trees such as standards are likely to be specified. It is anticipated that trees within hard landscape areas will be planted into tree pits so that the depth to the capping layer can be increased. It is suggested that the capping layer is lowered where required to provide tree pit depths of 800- 1000mm depending on location and species. As an outline application full landscape details are not provided, and the masterplan provided with the application is indicative. It is concluded that the remediation proposed will not affect the proposed trees.*
- 6.15.34. No further comment.

#### *Public Open Space*

- 6.15.35. *The landscape constraints and opportunities of the Site which informed the indicative layout of the development, identified that the eastern side of the Site as the most sensitive to change. In terms of visual impact, the existing trees which are retained and the proposed open space act as a buffer to the adjacent Local Wildlife. As such, open space provision including a footpath and play area as well as ecological enhancements have been focused on this side of the Site.*
- 6.15.36. *Key aspirations of the scheme include to provision of a Local Area for Play (LAP) for informal children's play. The LAP has been designed to ensure it is well considered and functions within the proposed development. Pedestrians will be connected to the Alban Way via a meandering path to the east of the site. This route passes through the linear POS to the east, which includes the LAP, set within wildflower and grass meadows centrally along the eastern boundary.*

- 6.15.37. *As an outline application, the Illustrative Landscape Masterplan demonstrates one way in which the scheme can be brought forward, with full landscape details, including the play area, details to be provided at RMA stage*
- 6.15.38. The principle of avoiding development within the sensitive eastern side of the site, and maintaining a landscape buffer here, is understood. However there remains concern that in this peripheral location the play area – the location of which is relatively well fixed on the parameter plan within +/- a0 metres - is not likely to well overlooked. One solution at this stage would be to remove the LAP from the plan and note it in the key as being provide within the built area or primary landscaped area.

#### *Alterations to the Topography*

- 6.15.39. *Further work has been undertaken since the landscape response was received in relation to the Site's contamination and the proposed remediation strategy. Full details of the level changes to remove contaminants and to provide the required capping are now provided. The drawings prepared by Simpson TWS demonstrate the cut and fill requirements. Guarda has liaised with both Simpson TWS and CB Card to ensure that the proposed earthworks are outside of the Root Protection Areas of existing trees to be retained. Early development of the proposed indicative layout was informed by the project arboriculturist and the indicative sections within the LVA were provided to ensure that any earthworks respected the RPAS of the retained trees.*
- 6.15.40. *The cut and fill drawings prepared by Simpson TWS (which shows the boundary of the RPAs of existing trees) demonstrates the level changes across the Site which all occur outside the RPAs of existing trees. With reference to the drawings prepared by Simpson TWS, the changes to existing ground levels are not significant and the capping material will be graded into existing levels. And a 1:3 gradient slope is still proposed to the east.*
- 6.15.41. We are pleased that the proposed earthworks are outside of the root protection areas for all the existing trees that are to be retained.
- 6.15.42. We acknowledge the submission of the Cut and Fill Analysis Plan.

#### *Visual Impact*

- 6.15.43. *In terms of visual impact, the ground levels changes proposed within the remediation strategy are minimal with a maximum increase of 200mm in the central area of the Site. The Finished Floor Levels (FFLs) of the two apartment blocks have not changed. In visual terms, the possibility of increased FFLs was considered to ensure there would be no additional impact on views from the Local Wildlife Site to the east. As such, the verified views in Appendix 4 of the LVA were not required to be updated and remain an accurate representation of the maximum height of the proposed scheme.*
- 6.15.44. We understand that there is no change in the proposed visual impact following the updated levels plan.

**Response received on 08/06/2023**

6.15.45. We understand that the LAP has been removed from the Landscape Parameter Plan and the final location will be determined at the Reserved Matters Stage of Development.

6.15.46. This covers the concern that we had previously and we have no further objection to the proposed development.

## 6.16. **HCC Minerals and Waste**

### *Minerals*

6.16.1. 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 entirely in the area on which the application falls.

6.16.2. The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources. In accordance with paragraph 212 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

6.16.3. 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. This may include excavating the foundations and footings or landscaping works associated with the development.

6.16.4. 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. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

### *Waste*

6.16.5. 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.

6.16.6. 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.'

6.16.7. 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.

6.16.8. In determining the planning application the district council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

6.16.9. As a general point, new housing and other built development should have regard to the overall infrastructure required to support it, including a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

6.16.10. 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.

6.16.11. A development of this size would require the consideration of minimising waste generated 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.

6.16.12. 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.

- 6.16.13. As a minimum, a SWMP should include the following:
- 6.16.14. Project and People
- Identification of the client
  - Identification of the Principle Contractor
  - Identification of the person who drafted the SWMP
  - Location of the site
  - An estimated cost of the project
  - Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)
- 6.16.15. Estimating Waste
- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
  - Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)
- 6.16.16. Space for Later Recordings
- Space for the recording of actual figures against those that are estimated at the start
  - Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
  - Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations
- 6.16.17. If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:
- 6.16.18. Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste 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 Development Plan Document (2012).

- 6.16.19. 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.

### *ELAS*

6.16.20. The Waste Site Allocations Development Plan document identifies a number of Employment Land Areas of Search (ELAS). It is considered that ELAS that are predominantly used for general industry (B2) and storage and distribution (B8) are therefore compatible with waste management uses.

6.16.21. The District Council should be mindful of the Employment Land Area of Search (ELAS) adjacent to the proposed development site. This ELAS (ELAS122) encompasses the (Acrewood Way Business Park). The District Council should also be mindful when determining this application, of the potential for waste management facilities to come forward in this ELAS throughout the remainder of the life of the adopted Waste Local Plan.

### 6.17. **HCC Public Health Department**

6.17.1. No comments have been received at the time of writing this report.

### 6.18. **HCC Spatial Planning and Economy Unit**

6.18.1. No comments have been received at the time of writing this report.

### 6.19. **Local Lead Flooding Authority (LLFA)**

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

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

6.19.3. 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 to, and approved in writing, by the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Flood Risk Assessment and Drainage Strategy Report' by Simpson TWS and dated 2 September 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 an appropriate allowance for climate change.

c. The maximum permissible flow controlled discharge rate shall be no more than the 2.3l/s stated for all events up to and including the 1 in 100 year return period event plus an appropriate 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.

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 the proposed sewer chamber location.

6.19.4. 2. Upon completion of the drainage works for the development a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The documents submitted must include the following:

a. A detailed management and maintenance plan for the lifetime of the development, 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.

b. Provision of complete set of as-built drawings for surface water drainage infrastructure that should include all as-built levels and dimensions and full as-built details of all structures and ancillaries.

c. Full details of all maintenance and operational activities required for the surface water drainage infrastructure.

6.19.5. 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.

6.20. **HCC Water Officer**

6.20.1. This will require a condition for the provision and installation of fire hydrants, at no cost to the county council or fire and rescue services. This is to ensure there are adequate water supplies available for use in the event of an emergency.

## 6.21. **Community Services**

6.21.1. The breakdown of the S106 leisure contribution based on the indicate dwellings would be, £9,572 for play areas, £17,422 for parks and open spaces and £27,560 for leisure and cultural centres.

## 6.22. **Environmental Compliance**

6.22.1. No objection subject to inclusion of recommended conditions and informative notes.

## 6.23. **Head of GP Premises**

6.23.1. NHS Hertfordshire & West Essex ICB has considered this planning application. Should this development of 40 dwellings go ahead, based on an average occupancy of 2.4 occupants per dwelling, it will create circa 96 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 NHS Hertfordshire & West Essex ICB. We expect applications for closed lists to increase as new developments in the area go live. Even when surgeries are significantly constrained NHS Hertfordshire & West Essex ICB 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 ICB 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, NHS Hertfordshire & West Essex ICB, 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 NHS Hertfordshire & West Essex ICB there are 35 PCNs across the 14 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 NHS Hertfordshire & West Essex ICB.
- 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:
- 96 new patient registrations/2000 = 0.048 of a GP \*GP based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”
- 0.048 x 199 m<sup>2</sup> = 9.552 m<sup>2</sup> of additional space required
- 9.552 m<sup>2</sup> x £5,410\* per m<sup>2</sup> = £51,676.32 (\*Build cost; includes fit out and fees)  
£51,676.32 / 40 dwellings = £1,291.908 per dwelling (rounded up to £1,292 per dwelling)
- 6.23.10. Total GMS monies requested: 40 dwellings x £1,292.00 = £51,680.00
- 6.23.11. NHS Hertfordshire & West Essex ICB propose to focus the GMS monies on surrounding GP Practices (Maltings Surgery, Hatfield Road Surgery & Jersey Farm).
- 6.23.12. 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.
- 6.23.13. To achieve this S106 monies are required as being ultimately the only source of funding. A trigger point of on occupancy of the 1st & 20th 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.
- 6.23.14. NHS England and the NHS Hertfordshire & West Essex ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.
- 6.23.15. The ICB 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.

- 6.23.16. In terms of identifying a project in full at this stage the following points must be considered:
- 6.23.17. All projects are subject to Full Business Case approval by the ICB and NHS England.
- 6.23.18. 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.
- 6.23.19. 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.
- 6.23.20. 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.
- 6.23.21. 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.
- 6.23.22. Subject to certainty that healthcare will be the beneficiary of the aforementioned Section 106 contributions in relation to this development. NHS Hertfordshire & West Essex ICB does not raise an objection to the proposed development.

6.24. **Herts Middlesex and Wildlife Trust**

***Response received on 31/10/2022***

- 6.24.1. Objection: Full metric not supplied, modified grassland incorrectly assigned, net loss recorded, unit price unjustified, no scheme for offsetting identified with LPA.
- 6.24.2. Before this application can be decided, the full metric must be supplied so that it can be scrutinised. Summary assessments are not acceptable.
- 6.24.3. Within the habitat assessment, the majority of the grassland has been identified as modified grassland. This should be identified as other neutral grassland. The grassland described in the report most closely fits the UK Habitats Classification community of g3c5 Arrhenatherum neutral grassland. This is described as:
- 6.24.4. 'This category is equivalent to NVC community MG1. Total grass cover usually between 50 and 75% with abundant False Oat-grass. Cock's-foot is also constant. Forbs up to 50% cover and associated with less fertile soil e.gg. Ribwort Plantain, Sorrel, Meadow Buttercup, Creeping Buttercup, Self-heal, Yarrow, Silverweed'
- 6.24.5. The grassland as described in the report clearly fits with MG1 grassland. It is dominated by False Oat-grass and Cock's-foot as in the description above.

- 6.24.6. The description for modified grassland is:  
'Vegetation dominated by a few fast-growing grasses on fertile, neutral soils. It is frequently characterised by an abundance of Rye-grass and White Clover. Palatable grasses dominate mainly Rye-grasses, Timothy, Cock's-foot, Crested Dog's-tail, Yorkshire Fog.'
- 6.24.7. This is not the community described in the report, which fits with g3c5. When allocated to this category it will significantly affect the unit score.
- 6.24.8. Irrespective of this, the proposal results in a significant net loss. This is not consistent with NPPF para 174 which requires development to provide a net gain.
- 6.24.9. To compensate for this the ecological report offers a compensation payment of £43,080 to the LPA. There are several problems with this. Firstly this has only been calculated for no net loss. NPPF requires net gain, which is a 10% uplift in habitat units.
- 6.24.10. Ignoring this, there is no justification for £12,000 per unit. This is not costed. For an offset payment to be legitimate it must be based on accurate figures for specific habitats. Different habitats cost different amounts to create and maintain. Generic costings as offered are not correct or accurate. If the LPA were to take this money, even if was increased to account for net gain, it would have absolutely no idea if it was enough to deliver the requirement of net gain. This would not be in accordance with BS42020.
- 6.24.11. HMWT have produced a Herts Biodiversity Cost Calculator based on the Warwickshire Calculator which has been operating for 10 years. This indicates that £12,000 is not a legitimate unit cost for most habitats.
- 6.24.12. Finally the LPA have no biodiversity offset scheme available. To legitimately accept this money the LPA must be sure it is enough, is targeted at the habitats required to fulfil the trading rules of the metric, be sure they have sites and resources available to deliver the offset. Currently there is no such structure to enable them to do this. This is not insurmountable but any receipt of funds for biodiversity compensation must be transparent and legitimised by the metric. Any compensation scheme must be put forward at this phase so that it can be scrutinised.

***Response received on 16/12/2022***

- 6.24.13. HMWT believe that there are still some issues with the application which are detailed below. Our objection is therefore maintained until these issues have been addressed:
- 6.24.14. The primary issue is the categorisation of the grassland. The technical briefing note states in 3.3 that it is not disputed that the grassland accords with the description in the UK Habitats Classification system for 'other neutral grassland' or g3c5. It maintains that the reason that the grassland has not been categorised as 'other neutral' is because the threshold of 8 species per metre has not been reached. There are two issues with this.
- 6.24.15. The categorisation of grassland does not only come down to the number of species present. It is dependent on which species are present and the composition of the community. The habitat that has been described is clearly MG1 grassland (National Vegetation Classification community). This community is naturally

species poor and explicitly referred to in the UK Habs descriptions as 'other neutral'. UK Habs states:

'Lightly managed or unmanaged fields or road verges'

'This category (g3c5) is equivalent to NVC community MG1.'

- 6.24.16. The technical note goes on to refer to the FEP manual to support its categorisation. It is not appropriate to use the FEP manual because this refers to phase 1 habitat classification, not UK Habitats. UK Habitats is a more precise method of defining grassland and is the system upon which the biodiversity metric is based. NVC is an even more precise community classification tool, translates well into UK Habitats, and is referred to in the UK Habitats text and key to refine and assist selection of the correct habitat. The UK Habitats field key thus defines 'modified grassland' as MG6 or MG7. These NVC communities are consistent with the description of 'modified grassland' provided in the UK Habitats key and text. These habitats are not present at this site. MG1 is explicitly referred to as 'other neutral' in the UK Habitats text. It is not disputed that the grassland onsite is MG1 so it should be categorised as 'other neutral'.
- 6.24.17. The second point is the average number of species per meter in the field. This is the sole justification provided for categorising as 'modified grassland'. Whilst HMWT dispute this as the only basis for habitat classification, if it is to be relied upon it must be supported by evidence. However, a full species list has not been provided, relative abundances for all species recorded have not been provided, community representative quadrat data has not been provided, photos of quadrats have not been provided. Therefore, the evidence has not been provided to estimate the average number of species per meter, or to scrutinise that judgement. The composition and description of the community is therefore the more reliable method to categorise the grassland. The community description accords with 'other neutral grassland'.
- 6.24.18. When the metric is changed to reflect this it results in a higher baseline score, see attached. The condition assessment of the re-categorized other neutral grassland has been assigned by using the survey data provided by the applicant.
- 6.24.19. Turning to the post development habitats in the metric (habitat creation tab). I do not concur with some of the condition assessments claimed. These are detailed in the metric reviewers comments but I will explain these below:
- 6.24.20. Line 2: Modified grassland in good condition. The condition rationale on p4 of the BNG assessment states that a moderate condition will be achieved yet a good condition has been claimed in the metric. This has been adjusted accordingly.
- 6.24.21. Line 3: Pond in moderate condition. This is an urban SUDs pond likely to be highly disturbed, with high nutrient levels from the run off it is designed to receive and it is not stated that a 10m buffer of habitat will be provided around it. Therefore it is unlikely to pass 3 criteria meaning that it scores as poor condition.
- 6.24.22. Line 8: Other neutral grassland good condition. This habitat is shown to be created largely under trees which will influence the nutrient levels and hence which species will survive, the shade as the trees develop will also have a negative influence on the habitat, it is likely to be highly disturbed by people and unlikely to be managed to create a diverse structure. Therefore a moderate score is more likely.

- 6.24.23. When these changes are made the metric results in a net loss of 5.77 habitat units or 47.61%. This is a significant net loss and not compatible with the NPPF requirement for net gain – para 174. When net gain is factored in the application is currently 6.99 habitat units short of providing a net gain. That is a significant loss in accordance with NPPF para 180, which states that in these circumstances, unless impacts can be mitigated or compensated the application must be refused.
- 6.24.24. In principle HMWT is not opposed to the provision of a biodiversity offset to deliver net gain. However, we are not supportive of generic biodiversity offset costs. Different habitats cost vastly different sums to establish and manage. If the LPA is to take money to deliver these habitat units on behalf of the developer, they must be sure that they can deliver the number of units- and satisfy the trading rules - to achieve a net gain and comply with planning policy. If they cannot be sure they can do this then they will be knowingly passing a planning application that does not comply with planning policy. Correspondence with private offset providers in the area indicates that £27-30k per unit is a more realistic unit cost. If the applicant were to source this offset on the open market, this is what they will be expected to pay. The £12k per unit referred to by the applicant is significantly short of this. The logical conclusion is that SADC will not be able to provide the requisite number of units required to comply with planning policy for this amount and cannot pass the application on this basis.
- 6.24.25. To avoid this scenario, HMWT is asking for a properly costed offset to be calculated before permission can be granted. This should be based on actual habitat creation and management costs, satisfy the trading rules of the metric and supported by evidence. This is currently not the case and the application should not be determined without information that justifies the offset payment requested. The alternative is of course for the applicant to source and provide details of a privately sourced biodiversity offset from a biodiversity offset provider for the required amount. This is also acceptable, provided that it is a legitimate offset provider, supported by legal agreement and offset management plan.

***Response received on 05/05/2023***

- 6.24.26. The applicant has responded to concerns expressed by HMWT and HE. HMWT accepts that a condition is acceptable if it:
1. requires a new botanical survey with quadrat data and relative abundances.
  2. uses the information to repopulate the BNG metric.
  3. quantifies all MG1 grassland as other neutral grassland as directed by the UK Habs classification system.
  4. must be approved by HMWT and HE.
  5. submits details of a biodiversity offsetting scheme for the desired amount that satisfies the trading rules, with Biodiversity Offset and Monitoring Plan, secured by legal agreement or; details of a financial agreement with the LPA, based on real not estimated costings, to deliver the required biodiversity units that satisfy the trading rules.
  6. all calculations must show how time to condition for offset or habitat creation has been factored in.

- 6.24.27. A suitable condition is:

No development shall proceed until an updated biodiversity metric has been submitted and approved by the LPA. If the metric does not show a net gain of 10% in biodiversity units, habitat compensation must be provided consisting of either;

a legally secured biodiversity offset, with biodiversity offset management and monitoring plan, that demonstrates how the baseline unit score plus 10% can be achieved, or,  
a fully costed financial agreement with the LPA, sufficient to demonstrate how the baseline unit score plus 10% will be provided by the LPA on behalf of the developer and include a legally secured biodiversity offset management and monitoring plan.

Both scenarios must take into account the time to condition of any habitats to be created.

#### 6.25. **Herts Valley CCG**

6.25.1. No comments have been received at the time of writing this report.

#### 6.26. **Housing**

6.26.1. No comments/objections at this state. More detailed are required on property size and tenure.

#### 6.27. **Listed Buildings**

6.27.1. The proposed development is not likely to have an impact on the significance of any above ground heritage assets.

#### 6.28. **National Highways**

##### ***Response Received on 04/11/2022***

6.28.1. National Highways was appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

6.28.2. In the case of this development proposal, our interests relate to A1(M) Junction 2 and 3. We are interested as to whether there would be any adverse safety implications for the SRN because of this proposal.

6.28.3. This application seeks the construction of up to 40 dwellings (including 3 self-build homes) with car and cycle parking, landscaping and associated works. The site is approximately 3km away from our SRN and therefore the introduction of 40 homes should not result in an unacceptable impact on the SRN.

6.28.4. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

6.28.5. As such, National Highways raises No Objections as set out in the attached NHPR.

##### ***Response received on 07/12/2022***



6.28.6. We have reviewed the additional documents in your planning portal for this application. Our opinion remains unchanged regarding the impact that the development will have on the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111) and we have no other comments to make other than those in our previous response.

## 6.29. **Natural England**

6.29.1. No objection – based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## 6.30. **Parking**

6.30.1. No comments have been received at the time of writing this report.

## 6.31. **Spatial Planning**

### ***Response received 21/02/2023***

6.31.1. 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*

6.31.2. The proposed development would be located in the Metropolitan Green Belt. 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.”*

6.31.3. 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.”*

6.31.4. 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

6.31.5. 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

6.31.6. The site is identified as part of GB35 ‘Green Belt Land between St Albans and Hatfield (Smallford)’ in the Green Belt Review.

6.31.7. GB 35 – Principal Function / Summary:

6.31.8. *“Significant contribution towards preventing merging (of St Albans and Hatfield) and maintaining the existing settlement pattern (providing gaps between St Albans and Hatfield with Smallford and Sleafshyde). Partial contribution towards preserving the setting of Sleafshyde. Overall the parcel contributes significantly towards 2 of the 5 Green Belt purposes.”*

6.31.9. An extract of this assessment is provided at Appendix 1 of this report. It should be acknowledged that the description and assessment of the wider parcel does not address in detail the site in question. The characteristics of the site, in isolation, differ somewhat from the rest of GB35.

#### Strategic Housing Land Availability Assessment

6.31.10. The site was identified in the SHLAA 2018 (reference 72).

## Strategic Site Selection Evaluation Outcomes – 2018

6.31.11. The site was considered as part of combined site SM-615 through the Strategic Site Selection Evaluation Outcome. The evaluation is set out below:

*'An independent Green Belt Review was carried out in 2013. The site falls in parcel GB35. The Review concludes "The overall contribution of GB35 towards Green Belt purposes is:*

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

*"The parcel provides a strategic gap to separate St Albans and Hatfield. The gap is 1.2km and has been subject to ribbon development extending from St Albans along the Hatfield Road including the village of Smallford and associated development including industrial and commercial activities and housing in the Green Belt. There is also ribbon development in the form of large housing along Colney Heath Lane extending southeast from St Albans, and along Wilkins Green Lane close to Ellenbrook to the west of Hatfield. Any small scale reduction in the gap would be unlikely to further compromise the separation of settlements in physical or visual terms however it would negatively impact on overall visual openness. This is because there is already relatively significant ribbon development along the Hatfield Road and therefore the perception of the gap is limited."*

*"The parcel contains Sleafshyde Conservation Area. The Green Belt acts as an immediate open and rural historic setting, providing views to and from the countryside. Due to scale of the feature this is noted as a partial contribution."*

*"The parcel provides primary local gaps between St Albans and Hatfield with Smallford (3rd) and Sleafshyde (3rd). Both gaps are approximately 1.2km and 0.5km respectively. The gap to St Albans is especially narrow and there is limited perception of the gap and openness from the main routes due to scattered and ribbon development. Any reduction in gaps, especially to the west, would further compromise the separation of settlements in physical and visual terms, or 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'*

6.31.12. It should be acknowledged that the description and assessment of the wider parcel does not address in detail the site in question. The characteristics of the site, in isolation, differ somewhat from the rest of SM-615.

### Call for Sites - 2021

6.31.13. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site CH-12-21 in the HELAA. The HELAA assessment and identification of sites has no status in formally allocating land for future development and does not guide any decision that the Council makes on

individual planning applications. The HELAA has identified more than enough land supply to meet the District’s housing need, which will enable choices to be made. There will in many instances be strong planning reasons not to take forward certain sites, which will be considered as part of the site selection work, in due course. In that context it has been identified as being potentially suitable, achievable and available, subject to absolute and non-absolute constraints being reasonably mitigated. Evidence base work, including a Green Belt Review, is underway and may change the site suitability in the future. It should be noted that the HELAA process has not taken into account Green Belt constraints.

*Housing*

6.31.14. The application is for up to 40 residential units.

Housing Land Supply

6.31.15. 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

6.31.16. 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.

6.31.17. The indicative proposed affordable housing mix and market housing mix are generally in line with the above.

6.31.18. 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.

- 6.31.19. The proposal includes 35% (14 units) affordable housing, which complies with current local policy.

### Self-Build

- 6.31.20. The proposal states that 3 of the 40 units will be self-build homes. 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 area. Therefore the current data demonstrates that there is demand for self-build (including 'custom homes') in the district which this proposal would assist in meeting.

- 6.31.21. The 2021 Authority Monitoring Report shows a total of 92 applications for self-build / custom build have been approved.

### Housing Summary

6.31.22. 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*

6.31.23. 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 35 does significantly contribute towards preventing merging (of St Albans and Hatfield) and maintaining the existing settlement pattern (providing gaps between St Albans and Hatfield with Smallford and Sleapshyde), in addition to making a partial contribution towards preserving the setting of Sleapshyde.

6.31.24. However, it is noted that the site forms only a relatively small part of the wider parcels considered under the 2013 Green Belt Review and the 2018 SHLAA, and that if considered in isolation it may be found to perform differently against the Green Belt purposes than the wider parcels.

6.31.25. 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 and self-build plots.

6.31.26. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered the recommendation is neutral.

***Response received 28/062023***

6.31.27. 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

6.31.28. The proposed development would be located in the Metropolitan Green Belt. 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.”*

6.31.29. 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.”*

6.31.30. 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

6.31.31. 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

6.31.32. 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

6.31.33. The site is identified as part of GB35 ‘Green Belt Land between St Albans and Hatfield (Smallford)’ in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:



6.31.34. *“Significant contribution towards preventing merging (of St Albans and Hatfield) and maintaining the existing settlement pattern (providing gaps between St Albans and Hatfield with Smallford and Sleepshyde). Partial contribution towards preserving the setting of Sleepshyde. Overall the parcel contributes significantly towards 2 of the 5 Green Belt purposes.”*

6.31.35. It should be acknowledged that the description and assessment of the wider parcel does not address in detail the site in question. The characteristics of the site, in isolation, differ somewhat from the rest of GB35.

#### Strategic Housing Land Availability Assessment

6.31.36. The site was identified in the SHLAA 2018 (reference 72). 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. The site was considered as part of combined site SM-615 through the Strategic Site Selection Evaluation Outcome, which concluded:

6.31.37. *“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.”*

6.31.38. It should be acknowledged that the description and assessment of the wider parcel does not address in detail the site in question. The characteristics of the site, in isolation, differ somewhat from the rest of SM-615.

#### Call for Sites - 2021

6.31.39. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site CH-12-21 in the Housing and Economic Land Availability Assessment (HELAA) and 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.

#### Arup St Albans Stage 2 Green Belt Review June 2023

6.31.40. The Arup Stage 2 Green Belt Review Annex Report 2023 identifies the site within sub-area SA-93. The sub-area's Categorisation and Recommendation reads:

6.31.41. *“The sub-area performs moderately against NPPF purposes and 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-38 (including a small strip of Green Belt land to the north of the sub-area).”*

6.31.42. 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*

6.31.43. The application is for up to 40 residential units.



## Housing Land Supply

6.31.44. 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

6.31.45. 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.

6.31.46. The indicative proposed affordable housing mix and market housing mix as shown on email dated 3<sup>rd</sup> February 2023 are broadly in line with the above.

6.31.47. 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
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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.

- 6.31.48. The proposal includes 35% (14 units) affordable housing, which is in line with the Council's Affordable Housing SPG, which seeks provision of 35% affordable housing on sites in the Green Belt.

#### Self-Build

- 6.31.49. The proposal states that 3 of the 40 units will be self-build homes. The LHNA states that as at 1<sup>st</sup> January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30<sup>th</sup> 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 area<sup>1</sup>. Therefore the current data demonstrates that there is demand for self-build in the district which this proposal would assist in meeting.

#### Housing Summary

- 6.31.50. 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*

- 6.31.51. 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 35 does significantly contribute towards preventing merging (of St Albans and Hatfield) and maintaining the existing settlement pattern (providing gaps between St Albans and Hatfield with Smallford and Sleapshyde), in addition to making a partial contribution towards preserving the setting of Sleapshyde. However, it is noted that the site forms only a relatively small part of the wider parcels

<sup>1</sup> Paragraph: 011 Reference ID: 57-011-20160401 Revision date: 01 04 2016

considered under the 2013 Green Belt Review and the 2018 SHLAA, and that if considered in isolation it may be found to perform differently against the Green Belt purposes than the wider parcels.

6.31.52. The Arup Stage 2 Green Belt Review Annex Report June 2023 identifies the site within sub-area SA-93. The sub-area's Categorisation and Recommendation reads: *"The sub-area performs moderately against NPPF purposes and 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-38 (including a small strip of Green Belt land to the north of the sub-area)."*

6.31.53. 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 and self-build plots.

6.31.54. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered the recommendation is Neutral.

### 6.32. **St. Albans Civic Society**

6.32.1. We object to this proposal for inappropriate development in the Green Belt.

6.32.2. The proposal is premature pending adoption of a new local plan.

6.32.3. Under the National Planning Policy Framework green belt boundaries are only to be altered in exceptional circumstances, and then only through the local plan review process. There are no exceptional circumstances in this case.

6.32.4. Permitting the development would set a precedent for similar green belt sites in the locality.

### 6.33. **St. Albans and District Footpaths Society**

6.33.1. The St Albans and District Footpaths Society is a charity whose main objective is to protect and preserve public rights of way, particularly footpaths, in St Albans City and surrounding areas.

6.33.2. At the Pre-application meeting in September 2021, the LPA officers supported the proposals made by the developer to formalise the existing footpaths within the development site and noted that these should both follow the existing desire lines. The aerial photographs show that both paths are used regularly by walkers.

6.33.3. The Society consider that both these footpaths should be dedicated by the landowner as public rights of way. This will ensure that all members of the public will continue to have access to the Alban Way, and the wider footpath network beyond, not just the residents of Boissy Close.

6.33.4. In the event that Hertfordshire County Council Highways Department do not adopt the estate roads on this development, then the public rights of way will need to start from Boissy Close, which is adopted by the Highways Department.

## 6.34. **Ramblers**

- 6.34.1. The Ramblers is a national charity which works to protect the countryside and to safeguard and enhance the places where people walk. We oppose this application because it is for inappropriate development in the Green Belt and will result in the loss of valuable open space.
- 6.34.2. However in case the applicant is able to demonstrate that there are very special circumstances in favour of this development we offer the following comments.
- 6.34.3. We welcome the intention to maintain two pedestrian/cycle routes through the proposed development formalizing the two very well used connections between Boissy Close and the Alban Way. But the estate roads and paths will probably not be adopted by HCC, and will therefore remain private, so the general public may not have any right to use them.
- 6.34.4. To ensure that these routes may be used by the general public in perpetuity it is very important that the entire length of both routes between the adopted highway in Boissy Close and the Alban Way should be formally dedicated as public rights of way. This would be consistent with suggestions in the HCC Rights of Way Improvement Plan (ROWIP) where the eastern path has the reference 6/245 and the western path 6/246.
- 6.34.5. We are concerned about the proposal for shared surface streets particularly at the interface between Boissy Close and the proposed new development. While this may be technically compliant with the 2011 edition of the Herts Design Guide we question whether it is consistent with the policies in the later (2018) Local Transport Plan (LTP4), particularly Policies 1 and 5 relating to user hierarchies. This concern is magnified by the fact that this access is not only for the houses in the proposed development but also for the many non-motorised users of the through routes to the Alban Way, some of whom may be children from the nearby Nicholas Breakspear School. This issue should be evaluated by the councils' highway specialists.

## 6.35. **Thames Water**

### *Waste Comments*

- 6.35.1. 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.
- 6.35.2. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. 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 network.

- 6.35.3. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWVhYXNja0MGY3&t=Tzh1SDIRWnlx bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVVRTT0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==>
- 6.35.4. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### *Water Comments*

- 6.35.5. 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.
- 6.35.6. 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 mVybmlbnQvcHVibGljYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9za XRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3 &t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0 ZxYz0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWV BUSVbsUj4wVKMGKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### 6.36. **Trees and Woodlands**

- 6.36.1. As a major application this will be dealt with by HCC under the service level agreement.

#### 6.37. **Waste Management**

- 6.37.1. The layout of the proposed site is acceptable. I would like to see details of the bin stores for the flats when they are available however.

### 7. **Relevant Planning Policy**

- 7.1. National Planning Policy Framework 2021

- 7.2. St. Albans District Local Plan Review 1994:
- |             |   |
|-------------|---|
| POLICY 1    | Metropolitan Green Belt                       |
| POLICY 106  | Nature Conservation                           |
| POLICY 143B | Implementation                                |
| POLICY 34   | Highways Consideration in Development Control |
| POLICY 39   | Parking Standards, General Requirements       |
| POLICY 40   | Residential Development Parking Standards     |
| POLICY 69   | General Design and Layout                     |
| POLICY 70   | Design and Layout of New Housing              |
| POLICY 74   | Landscaping and Tree Preservation             |
| POLICY 75   | Green Space Within Settlements                |
| POLICY 84A  | Drainage Infrastructure                       |

7.3. Supplementary planning Guidance/Documents

- Design Advice Leaflet No. 1 – Design and Layout of New Housing
- Affordable Housing SPG 2004
- Revised Parking Policies and Standards January 2002

7.4. Planning Policy Context

7.4.1. 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.

7.4.2. The development plan is the St Albans District Local Plan Review 1994.

7.4.3. The National Planning Policy Framework 2021 is also a material consideration.

7.4.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

7.4.5. For decision-taking this means:

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

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

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

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

7.4.6. 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.

- 7.4.7. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 7.4.8. Given the age of the development plan, assessment of the proposal against the relevant policies will be limited to those which accord with the NPPF. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

## 8. Discussion

8.1. The main issues for consideration under this application are as follows:

- Principle of the development
- Green Belt harm
- Design and Amenity
- Landscape Character
- Provision of Housing including Affordable and Self-Build Housing
- Ecology
- Highways and Parking
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance
- Other Matters
- Planning Balance

### 8.2. Principle

8.2.1. The statutory development plan is the St. Albans Local Plan Review 1994. 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. The first draft of the new Local Plan was published on 12 July 2023 and the Regulation 18 consultation is taking place between 12 July and 25 September 2023. The application site is allocated for the development of 49 dwellings in the Draft Local Plan (Regulation 18 version). The site is listed as M13 within Appendix 1 – Local Plan Sites for the Draft Local Plan. Given the plan is in its very early stages of preparation, it is afforded limited weight in accordance with paragraph 48 of the NPPF. 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.

8.2.6. It is considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because the criteria set out in paragraph 49 of the NPPF are not satisfied here, given the scale of the proposed development and early stages of plan preparation.

8.2.7. 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.”*

8.2.8. 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.



- 8.2.9. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).

*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.”*

- 8.2.10. 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.
- 8.2.11. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.
- 8.2.12. 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.

### 8.3. 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 (NPPG) states:

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

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

Paragraph: 001 Reference ID: 64-001-20190722

- 8.3.4. It is clear that the loss of Green Belt land would be permanent. The 1.43ha site currently comprises open grassland. Although the exact extent of built form would only be measurable at reserved matters stage, the submitted Parameters Plan states that 0.94ha of the site would be in residential use (including roads, parking and any other associated paraphernalia). The remainder of the site would comprise 0.40ha of green space and 0.09ha of SuDS/drainage mainly situated along the east boundary with some green space also located to the north of the site.
- 8.3.5. The parameter plans also show that the dwellings across the majority of the site would be 2 storeys high (up to 9m) with 3 storey buildings (up to 12m) along the north boundary.
- 8.3.6. The construction of up to 40 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 NPPG quoted above.
- 8.3.7. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, insofar 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 support the findings of the LVIA which recognises the importance of the strong boundary of existing vegetation along the Alban Way to the north and along the eastern site boundary, in providing critical landscape and visual mitigation.
- 8.3.8. The proposed parameter plan and the submitted indicative masterplan seek to retain and enhance these features. As such, the proposal should not give rise to significant visual effects providing the proposed mitigation measures are effectively delivered at the masterplanning stage.
- 8.3.9. For this reason and given the enclosed nature of the site, Officers are of the view that the LVIA demonstrates a low level of impact on the perception of open Green Belt countryside. This means that while there is spatial harm to openness as a result of the proposals, there is no additional harm to openness as a result of the limited visual impact on the openness of the Green Belt.
- 8.3.10. A detailed discussion of the landscape impacts is contained in section 6.14 of the report, although it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.3.11. Notwithstanding the above, harm to the openness of the Green Belt is considered to exist, and as a matter of planning judgement, the harm is significant.

- 8.3.12. 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.”*
- 8.3.13. As part of the Council’s evidence base of the now withdrawn local plan, this site, as part of a much larger parcel of land labelled GB35, was included in the SKM Green Belt Review 2013.
- 8.3.14. In this review it was considered that overall parcel GB35 contributes significantly towards preventing towns merging (of St Albans and Hatfield) and maintaining the existing settlement pattern (providing gaps between St Albans and Hatfield with Smallford and Sleapshyde). Partial contribution towards preserving the setting of Sleapshyde. Overall the parcel contributes significantly towards 2 of the 5 Green Belt purposes.
- 8.3.15. The site was identified in the SHLAA 2018 (reference 72). 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. The site was considered as part of combined site SM-615 through the Strategic Site Selection Evaluation Outcome. In summary, the evaluation was as follows:
- “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.”*
- 8.3.16. It should be acknowledged that the description and assessment of the wider parcel does not address in detail the site in question. The characteristics of the site, in isolation, differ somewhat from the rest of SM-615.
- 8.3.17. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site CH-12-21 in the Housing and Economic Land Availability Assessment (HELAA) and 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.
- 8.3.18. However, it is noted that the site forms only a relatively small part of the wider parcels considered under the 2013 Green Belt Review and the 2018 SHLAA, and that if considered in isolation it may be found to perform differently against the Green Belt purposes than the wider parcels.
- 8.3.19. The smaller site subject of this current proposal was assessed in the SHLAA 2009 (Site SHLAA-GB-SA-72: Shortlisted Site). In Appendix 9 ‘Site shortlisted by the SHLAA Panel’ under ‘Comments on Suitability’ it notes that it is a well screened site of urban character, and there is potential for housing development to not have a significant adverse impact on the Green Belt.
- 8.3.20. The Arup Stage 2 Green Belt Review Annex Report 2023 identifies the site within sub-area SA-93. The sub-area’s Categorisation and Recommendation reads:

*“The sub-area performs moderately against NPPF purposes and 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-38 (including a small strip of Green Belt land to the north of the sub-area).”*

8.3.21. The application site is allocated for the development of 49 dwellings in the Draft Local Plan (Regulation 18 version). The site is listed as M13 within Appendix 1 – Local Plan Sites for the Draft Local Plan. As noted earlier in this report, the draft Local Plan is afforded limited weight given its early stage of preparation, in accordance with paragraph 48 of the NPPF. 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.

8.3.22. 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 located to the east of St Albans, with existing residential properties to the south and west. The Alban Way bounds the site to the north, beyond which is the Alban Park Industrial Estate. The eastern boundary is heavily vegetated, including large trees, beyond which is open land and the rear private garden of 107 Colney Heath Lane. The proposed Landscape Parameter Plan includes a landscaped area along the east of the site, with a minimum width of 25m. The submitted Landscape Masterplan show that additional trees would be planted along the eastern boundary to strengthen the existing boundary (however it should be noted that this plan is illustrative only and not for approval).

Officers consider that developing the site could be seen as ‘rounding off’ the settlement edge in this location.

It is noted that in relation to purpose (a), the Arup Stage 2 Green Belt Review Annex Report 2023 states the following under SA-93: *“The sub-area is enclosed by a large built-up area. The inner boundaries of the sub-area are predominantly readily recognisable and / or not likely to be permanent. Development within the sub-area would round-off the settlement edge and would constitute regular development form.”*

The Arup Stage 2 Green Belt Review Annex Report 2023 also states: *“As the sub-area is enclosed by the large built-up area, the contribution it makes to preventing outward sprawl is limited.”*

The proposal is therefore not considered to represent unrestricted sprawl and there is not considered to be any harm to this Green Belt purpose.

b) to prevent neighbouring towns merging into one another

The application site is located within the gap between St Albans and Hatfield. However, as noted above, the development of this site would essentially ‘round-off’ the settlement edge.

The Arup Stage 2 Green Belt Review Annex Report 2023 states under SA-93 that *“due to the very small scale nature of the sub-area and enclosure within the St Albans built-up area context, the sub-area makes no discernible contribution to the gap between St Albans and Hatfield”*.

The integrity of the gap between St Albans and Hatfield would be maintained and no harm is identified in relation to this purpose.

c) to assist in safeguarding the countryside from encroachment

The site is bound by existing residential properties to the south and west. The Alban Way bounds the site to the north, beyond which is the Alban Park Industrial Estate. The eastern boundary is heavily vegetated, including large trees, beyond which is open land and the rear private garden of 107 Colney Heath Lane.

In relation to purpose (c) the Arup Stage 2 Green Belt Review Annex Report 2023 states the following under SA-93:

*“Approximately 5% of the sub-area is covered by built form, comprising a row of adjoining residential properties and associated rear gardens and hardstanding to the south part of the sub-area. To the north of the residential curtilages, the rest of the sub-area is formed of an open field comprising scrubland. There are urbanising influences, including direct visual links to the adjacent built-up area to the south and west. However, due to the dense woodland surrounding the sub-area to the north and east, there is a high level of visual enclosure, with limited views to the surrounding countryside. Overall the sub-area has a largely rural character.”*

It should be noted that the ‘row of adjoining residential properties’ referred to above are part of SA-93 but are outside of the application boundary.

As a result of sites locational characteristics and enclosure from the wider countryside, it is considered that the proposals would only have a localised effect on the Green Belt. The broad purpose of the Green Belt in this location would remain, and the encroachment into the countryside would not be significant. However, the existing site is an open field absent of built development. The proposals would therefore encroach into an area of countryside, although further encroachment beyond the site would be restricted by the clearly defined site boundaries. Low to moderate harm is identified to 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. Indeed, the Arup Stage 2 Green Belt Review Annex Report 2023 notes that the site does not abut an identified historic place or provide views to a historic place and does not meet this purpose. No harm is identified in relation to 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 material right in decision making. No harm is identified in relation to this purpose.

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

#### 8.4. Design and Amenity

- 8.4.1. The application is an outline 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 application is accompanied by parameter plans which set out the proposed land uses, building heights and the indicative positions of vehicular/pedestrian routes. The proposed development comprises residential accommodation in the form of two storey dwellings and apartment buildings positioned to the rear of the site. The indicated scale of the development is considered to be acceptable.
- 8.4.4. The Design and Conservation Officer raised concerns that although the central area of the site is designed to give better surveillance over the surrounding green space, it is permeated by a road, largely dedicated to parking which is not ideal. These comments are noted, however the layout and detailed design of the proposed development is not for determination in this application and would be fully considered at reserved matters stage. It is considered that an acceptable design and layout of the proposed development could come forward at the reserved matters stage.

- 8.4.5. Concerns in relation to the proposed height of the development are raised. Whilst it is noted that the prevailing character of the area consists of two storey dwellings, given that the proposed blocks of flats would be located to the rear and in close proximity to the existing industrial estate, the height of the buildings is not considered to result in an unacceptable negative impact upon the character and appearance of the area.
- 8.4.6. The density of the site would be broadly in line with existing Boissy Close development which is considered acceptable noting the need to retain space for the mature landscape belts and achieve suitable separation distances in relation to residential amenity.
- 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 suitable amenity for future occupiers at the indicative density proposed. 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.
- 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 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, outlook, overlooking and overbearing visual impacts 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. 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.

## 8.5. 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 treelined, 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 the Colney Heath Farmland landscape character area. As noted earlier in the 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 includes the following conclusions:

*“10.0.1 This Landscape and Visual Appraisal demonstrates that the proposed development, located on the edge of St Albans will have a minimal effect on the landscape of the Colney Heath Farmland Landscape Character Area, which lies to the east of the town and includes the countryside within the Green Belt. It demonstrates that there is no effect on the sensitive views from Public Rights of Way within the landscape of the Green Belt and the effects on visual amenity are restricted to users of local roads and residents, in close proximity to the Site.*

...

*10.0.8 The assessment of the potential visual effects demonstrates that the effect of the proposed development is limited to those receptors in close proximity to the Site. There will be adverse effects to residential amenity to existing residents on Swans Close and Boissy Close, especially during construction. However, the proposed development has been designed to minimise the long term effects on these receptors through the design of the layout and long term effects will reduce over time as landscaping matures.*

...



*10.0.12 The Site is strongly associated with existing built form, giving rise to an urban character and the proposed development has been designed to minimise the effects on the Green Belt. The verified views in Appendix 4, which tested building heights of the two storey elements of the proposals show that the development will not be visible in Sensitive views from PROw to the east of the Site. Furthermore, the proposed green infrastructure corridor to the eastern boundary of the Site, including the strong tree belt, forms a robust, defensible, future boundary to the Green Belt and will prevent further development beyond it.*

...

*10.0.16 In conclusion, it is considered that the Site and the receiving environment has the capacity to accommodate the proposals. Although there are some adverse effects, these are restricted to the Site itself. The proposals would not result in harm to the surrounding landscape character, the visual environment or the Green Belt and represents an appropriate development located in a sustainable location on the edge of St Albans.*

- 8.5.6. In relation to the adverse effects on residential amenity to existing residents on Swans Close and Boissy Close, the LVIA states that these would be major adverse in year 1, decreasing over time to moderate/minor adverse in year 15.
- 8.5.7. The LVIA also states that the users of the Alban Way would experience moderate/minor adverse effects at year 1, which would decrease to minor adverse in year 15. Similarly, the pedestrians and motorists of Boissy Close would experience major/moderate adverse effects in year one, decreasing over time to moderate/minor adverse in year 15. Furthermore, the LVIA indicates that pedestrians and motorists of Swan Close would experience moderate adverse effects in year 1, decreasing over time to minor adverse in year 15.
- 8.5.8. HCC Landscape commented on the LVIA, noting that the conclusion of the landscape assessment is broadly supported and the proposals should not give rise to significant landscape and visual effect provided that the proposed mitigation measures are effectively delivered at the masterplanning stage.
- 8.5.9. HCC Landscape requested the following additional information: spatial extent and volume of the proposed cut and fill works, including existing and proposed ground levels and gradients, including existing and proposed contours and cross sections; approach to landscaping of attenuation basin; provision of swales; planting specification for made up ground; play area; flexibility of boundary of 'primary landscape area' and addition of tree constraints (root protection areas).
- 8.5.10. The applicant subsequently provided a response to HCC Landscape's comments which included addendums to the LVIA and landscape parameter plan and a level cut and fill analysis.
- 8.5.11. HCC Landscape has provided a further response to the new information. The outstanding concerns were as follows:

*"The principle of avoiding development within the sensitive eastern side of the site, and maintaining a landscape buffer here, is understood. However there remains concern that in this peripheral location the play area – the location of which is relatively well fixed on the parameter plan within +/- a0 metres - is not likely to well overlooked. One solution at this stage would be to remove the LAP from the plan*

*and note it in the key as being provide within the built area or primary landscaped area.”*

- 8.5.12. Subsequently, the applicant has provided an updated landscape parameter plan which addressed their concern to include the Local Area of Play within the primary landscaped area, whereby the final location and specification is to be confirmed as part of the reserved matters submission.
- 8.5.13. On 07/06/2023 HCC Landscape have confirmed that they have no outstanding concerns with the proposals.
- 8.5.14. In light of the above discussion, the landscape and visual impact of the proposed development is considered acceptable. It is not considered that the proposal would give rise to significant landscape and visual effects. However, there would be some harm to visual amenity to existing residents on Swans Close and Boissy Close, pedestrians and motorists of Boissy Close/Swans Close and users of the Alban Way. Some limited weight is given to this harm.

## 8.6. Highways Impact and Parking Provision

- 8.6.1. 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.
- 8.6.2. 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.
- 8.6.3. 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.
- 8.6.4. 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).

- 8.6.5. The application site will be accessed from Boissy Close. The application proposes re-construction of the existing 4.8m wide road and 1.8m wide footpath to be reconstructed as a 6.6m wide shared surface to serve the proposed residential units and 7 existing dwellings on Boissy Close.
- 8.6.6. A detailed response from Hertfordshire County Council as the Highway Authority (HA) is set out in section 6.13 of the report. In summary, the HA initially raised several concerns regarding the proposal. Subsequently, the applicant engaged with the Highway Authority to address their concerns. Following receipt of amended access arrangements, the HA considers that the proposals would not result in an unacceptable harm to the highway network subject to inclusion of recommended conditions and planning obligations to mitigate the impact of the proposals.
- 8.6.7. In relation to parking provision, the application submission states that a total of 96 parking spaces (70 allocated and 26 unallocated). The parking provision will be in accordance with Policies 39 and 40 of the Local Plan and the Revised Parking Policies and Standards.
- 8.6.8. Concerns in relation to loss of on-street parking have been raised. These are noted, however these are informal parking spaces located on a public road which are not allocated for any particular use. Furthermore, the application proposes 6 parking bays at the front of the site to mitigate the loss of informal on-street parking. For this reason, the proposed parking provision would be acceptable.
- 8.6.9. It is therefore considered that there is scope to provide an adequate quantum of parking to meet the likely future needs of future residents.
- 8.6.10. It should be also noted that there is no requirement for the proposals to make good any existing shortfall in parking in the vicinity.
- 8.6.11. It is noted that HCC Highways recommended a condition requiring a car parking management plan. This is not considered reasonable given that the on-street parking loss is on a public highway and there will be a re-provision of parking spaces within the development. In addition, the proposal will provide sufficient parking to accommodate the needs of the future development as discussed above.
- 8.6.12. Overall, taking the above into account, it is considered that the proposal as presented would be in line with the aims of the relevant parts of the Local Plan and the NPPF. As such, 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.

## 8.7. Provision of Housing, Including Affordable Housing and Self-Build Housing

- 8.7.1. The Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 40 dwellings and would provide a minimum of 35% affordable housing (comprising a mix of social rent, intermediate homes and First Homes). It is proposed that 7.5% (3 dwellings) would be made available as plots of self-build homes.
- 8.7.2. 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. There is also clear and pressing need for affordable housing within the District,

and the evidence base suggests there is demand for self-build in the district which the proposal would assist in meeting.

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

8.7.4. 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.

8.7.5. 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.”*

8.7.6. The Bullens Green Lane application (5/2020/1992) proposed 45% affordable housing, which is higher than the Council's requirement of 35%. This application proposes 35%, which is policy compliant. Accordingly, substantial weight is afforded to the delivery of affordable housing. In line with the Inspector's weightings in the Bullens Green Lane decision, very substantial weight is attached to the delivery of market housing and substantial weight to the delivery of self-build plots.

## 8.8. Loss of Open Space

8.8.1. Concerns in relation to loss of open space are raised. The planning history of the site confirms that the site was previously used as an area of public recreational space which was leased to Colney Heath Parish, who operated and maintained the site. However, the lease arrangement ceased in 2003 and the site has

returned to private land. In addition, there are no public rights of way within the site.

- 8.8.2. Nonetheless, the indicative layout demonstrates that the existing informal footpaths would be retained to access the Alban Way and the footpaths would be formalised as a PRow via a S278 agreement (as set out in the Highway Authority's response).
- 8.8.3. Concerns in relation to access to Alban Way during construction works are raised. These are noted and it is acknowledged that access may be impeded during construction. However, this is not considered to weigh in against the development as the development would formalise the existing footpaths.
- 8.8.4. Policy 70 requires the provision of toddlers play space in developments of over 30 dwellings on the basis of 3sqm for every 5 dwellings with 2 or more bedrooms. The indicative housing mix submitted with the application states that the proposed development would have 33 dwellings with 2 or more bedrooms. As such, the proposal would generate a requirement for 19.8sqm of toddlers play space.
- 8.8.5. The proposal also includes provision of up to 2,870sqm of open space and a 100sqm children's play area.
- 8.8.6. This is considered to constitute a benefit of the proposed development that is afforded some limited positive weight in the planning balance.

## 8.9. Ecology and Biodiversity

- 8.9.1. Section 15 of the NPPF "Conserving and enhancing the natural environment" sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (para 174d); and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 184). Local Plan policy 106 is generally consistent with the aims of section 15 of the NPPF, and notes that the Council will take account of ecological factors when considering planning applications.
- 8.9.2. The site was a former sand and gravel pit dug possibly around the turn of the century 1900, and subsequently backfilled. It now consists of rough, semi-improved currently unmanaged and rather rank grassland with wooded boundaries. There are no statutory ecological sites on or adjacent to this site, although Smallford Pit and Smallford Trail Local Wildlife Sites (LWS) border the site to the east and north respectively. The majority of trees on-site will be retained.
- 8.9.3. The application is supported by an Ecological Appraisal which includes Biodiversity Net Gain Assessment. The assessments concludes that the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity net gains as part of the proposals.

- 8.9.4. Herts Ecology have initially raised several concerns in relation to the proposal as set out in section 6.12 of the reports. Subsequently, the applicant has provided a response which satisfied the concerns.
- 8.9.5. As such, Herts Ecology has no objection to the principle of development at this site if appropriate and sufficient biodiversity mitigation, compensation, enhancement and net gain measures can be addressed and secured at the relevant stages of the planning process.
- 8.9.6. 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 10% BNG.

#### 8.10. Economic Impacts

- 8.10.1. Section 16 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 81 states: *"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."*
- 8.10.2. The planning statement sets out that the development would generate a number of jobs as a result of its construction which would head direct and indirect benefits from the local community, including the procurement of local trades to support the local economy. In addition, direct and indirect economic benefits would be realised from new residential expenditure in the local area and St. Albans. The applicant has provided an overview of the general economic impact, but the specific benefits provided by the subject application have not been quantified. On this basis, it is therefore considered that very limited weight should be afforded to the economic benefits of the proposal.

#### 8.11. Minerals

- 8.11.1. 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."*

- 8.11.2. 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.”*

- 8.11.3. 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.
- 8.11.4. 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.
- 8.11.5. The Minerals Planning Authority have raised no objection to the proposal provided that a Site Waste Management Plan (SWMP) is provided prior to commencement of the development. This can be secured via condition.
- 8.11.6. As such, 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 or negative weight.
- 8.12. Impacts on Social and Physical Infrastructure
- 8.12.1. 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. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development.
- 8.12.2. 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. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- *Necessary to make the development acceptable in planning terms*
  - *Directly related to the development; and*
  - *Fairly and reasonably related in scale and kind to the development.*
- 8.12.3. 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 Section 106 Legal Agreement (s106 agreement), that is compliant with the requirements of the aforementioned CIL Regs.
- 8.12.4. 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
  - Provision of 35% affordable housing in perpetuity;
  - 25% of the affordable housing to be 'First Homes', as defined by the Government;
  - All affordable housing including First Homes to be provided in accordance with an Affordable Housing Scheme. This is to ensure satisfactory distribution of types of affordable housing across the site. The Scheme shall set out size and tenure and location of all units, and phasing proposals.
  
- Self-build and Custom Housing
  - 3 of the dwellings to be self-build and custom housing plots where the initial owner will have primary input into its final design and layout.
  
- Biodiversity Net Gain
  - On-site and off-site provisions to achieve 10% Biodiversity Net Gain.
  - The s106 agreement would include mechanisms to calculate any required contribution and to secure its delivery at reserved matters stage.
  
- Community Services
  - £9,572 for play areas
  - £17,422 for parks and open spaces
  - £27,560 for leisure and cultural centres
  
- HCC Growth and Infrastructure
  - Secondary Education towards expansion of Samuel Ryder Academy (£280,121 index linked to BCIS 1Q2022).
  - Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School (£33,320 index linked to BCIS 1Q2022).
  - Library Service towards increasing the capacity of Marshalswick Library or its future re-provision (£8,384 index linked to BCIS 1Q2022).
  - Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility (£9,865 index linked to BCIS 1Q2022).
  - Monitoring Fees - £340 per trigger point in the s106 (adjusted for inflation against RPI July 2021).
  
- HCC Highways
  - Active Travel – for new residential developments, a contribution of £6,826 per dwelling plus SPONS indexation (£9,660 at March 2023 prices) is required. Therefore, based on the proposed development of 40 dwellings, the total developer contribution to active travel would be £273,040 plus SPONS indexation (£386,400 at March 2023 prices):
    - Contributions towards 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. This package includes safety and capacity improvements at A414 Colney Heath Long-about.
  - 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.
  
- NHS Herts Valley CCG



- To improve GP provision in order to cope with an increase in patient population on surrounding GP practices (Maltings Surgery, Hatfield Road Surgery and Jersey Farm) (£51,680).

- East of England Ambulance Service

- Capital Cost calculation of additional health services arising from the development proposal - £12, 312.

8.12.5. The contributions outlined above are based on an indicative housing mix provided with the outline application, or the total number of dwellings proposed. As such, the final contribution amounts may differ from those outlined above if/when an application for approval of reserved matters is submitted that details the actual proposed housing mix and number of dwellings.

8.12.6. There is justification for the contribution requests provided by the relevant consultees in their responses as set out in section 6 of the report; 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 and self-build housing 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 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.

- 8.12.7. 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.
- 8.12.8. 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. Recent Planning Decisions of Relevance

- 8.13.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. 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.

### 8.14. Other Matters (including matters raised by objectors/in consultation responses)

- 8.14.1. Most of the issues raised in representations have already been covered in this report. Those that have not been are set out below.
- 8.14.2. Concerns in relation to increase in flooding are raised. The site is located within Flood Zone 1 and there have been no objections from relevant consultees subject to inclusion of recommended conditions. It is therefore not considered that the proposal would result in unacceptable levels of flooding to warrant a refusal.

- 8.14.3. Disruption during construction: it is acknowledged that there will inevitably be impacts during construction. However, it is considered that these can be mitigated by way of condition where relevant, such as the recommended CEMP condition outlined in section 11 of this report.
- 8.14.4. Concerns in relation to the proposed highways works not being included within the red line boundary are raised. These are noted and the proposed highway improvements are either secured via a condition or a S278 agreement as outlined in the HA response above.
- 8.14.5. Concerns in relation to the applicant not owning part of the access are raised. These are noted, however land ownership is a civil matter.
- 8.14.6. Concerns in relation to no improvements to existing utilities are raised. These are noted, however there is no requirement for the proposed development to make good any existing utility issues. It is also noted that there have been no objections from relevant consultees in this regard.
- 8.14.7. Concerns in relation to structural damage to existing dwellings are raised. These are noted, however this is not a material planning consideration and is a civil matter.
- 8.14.8. Concerns in relation to precedent being set are raised. It should be noted that planning history is a material planning consideration when assessing applications, however each application is assessed on its own merits.
- 8.14.9. Concerns in relation to sinkholes are raised. These are noted, however this would be covered under separate legislation.
- 8.14.10. Significant concerns in relation to land contamination on site have been raised. The application has been reviewed by the Council's Land Contamination Officer. No objections have been raised subject to inclusion of recommended conditions. As such, it is considered that the site could be suitable remediated to allow for development.
- 8.14.11. Concerns in relation to lack of consultation with local residents by the developer are raised. The PPG sets out that there is no requirement for the developers to engage the residents unless the proposal is for a wind turbine. Nonetheless, Statement of Community Involvement has been provided by the applicant. In addition, all adjoining residents have been consulted where they have been able to make representations. As such, it is not considered that any parties have been prejudiced and the application is in accordance with the SADC Statement of Community Involvement.
- 8.14.12. Reference has been made to an appeal decision at No. 107 Colney Heath Lane as referenced in the history section of the report. It should be noted that the site at No. 107 Colney Heath Lane is only bound by development on two sides, whereas the application site is bound by development on three sides. As such, the sites cannot be directly compared. In any case, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here.
- 8.14.13. The Inspector concluded the following:

*“The contribution that the development would make to the supply of sites for housing is a matter of significant weight in the scheme’s favour, to which the moderate weight of the sustainability of the site’s location must be added. Nonetheless, in my view, even when taken together, these factors do not clearly outweigh the combination of the harm caused in the former respects. As a result, very special circumstances to justify the development do not exist. Consequently, the scheme conflicts with the NPPF and with Local Plan Policy 1.”*

8.14.14. Significant weight was attributed to provision of housing, however, taking into account the most recent appeal decisions, provision of housing should be afforded substantial weight. In addition, this proposal would provide up to 40 dwellings which is significantly higher than the appeal scheme of 13 dwellings.

#### 8.15. Planning Balance

8.15.1. 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.”*

8.15.2. 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.

8.15.3. 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.

8.15.4. There is additional harm identified to which, cumulatively, very substantial weight is given, due to:

- Additional harm to Green Belt openness and to the purposes of the Green Belt relating to the encroachment to the countryside. Substantial weight is given to this additional harm.
- The introduction of built form at the site would cause some harm to visual amenity to existing residents on Swans Close and Boissy Close, pedestrians and motorists of Boissy Close/Swans Close and users of the Alban Way, to which some limited weight is given.

8.15.5. The ‘other considerations’ weighing in favour of the development consist of:

- Provision of up to 40 dwellings, including 35% affordable housing and 3 self-build custom plots. Very substantial weight is attached to the delivery of

market housing and substantial weight to the delivery affordable housing and self-build plots.

- The provision of 10% biodiversity net gain. Limited weight is given to this provision.
- Provision of PRow, 2,870sqm of open space and a 100sqm children's play area. Some limited positive weight is given to these benefits.
- Economic benefits of the proposed development. Very limited positive weight is given to these benefits.

8.15.6. 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.

8.15.7. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions 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.

## 8.16. Conclusion

8.16.1. 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.

8.16.2. As such, and in light of the above discussion, the proposal would accord with the St Albans and District Local Plan Review 1994 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. Parish Council concerns have been addressed above in the report.

## 10. **Reasons for Grant**

10.1. The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). In this case, the harm relates to harm to the Green Belt openness and purpose relating to encroachment to the countryside and harm to visual amenity to nearby receptors. The benefits include the provision of housing, affordable housing and self-build housing, the provision of open space and play space, provision of a Public Right of Way through the site, 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.

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<b>RECOMMENDATION:</b>	Resolution to Grant Conditional Permission Subject to Completion of S106 Agreement	<b>Decision Code:</b> A1
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## 11. Conditions

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

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

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

2. Plans and particulars of the reserved matters referred to in Condition C001 above, relating to the details of the appearance, landscaping, layout and scale, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with the provisions of Section 91 (i) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: A-PL-X-(02)-001 Rev 1, ST-2348-02-i, A-PL-X-(03)-103 Rev 11, A-PL-X-(03)-100 Rev 6 and A-PL-X-(03)-102 Rev 5.

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

4. The details to be submitted in relation to landscaping as required under Condition 2 shall include both hard and soft landscape works. The landscaping details to be submitted shall include:

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

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

5. Other than site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to ground gas contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of ground gas across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

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 and in accordance with the National Planning Policy Framework.

6. Other than site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to calcium carbide contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of this contamination across the site. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

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 and in accordance with the National Planning Policy Framework.

7. The results of the site investigations and the detailed risk assessment undertaken at the site 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 remediation strategy shall contain 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 of construction works 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 and in accordance with the National Planning Policy Framework

8. Prior to first occupation, 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 the approved remediation strategy 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 and in accordance with the National Planning Policy Framework.

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

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

10. 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.

11. A landscape and ecological management plan (LEMP) shall be submitted as part of the application(s) for reserved matters approval as required by Condition 2 and include:

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

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

12. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with the requirements of Policy 106 of the St Albans Local Plan Review 1994 and the NPPF 2021.

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

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

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

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

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

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

16. 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 and the National Planning Policy Framework.

17. 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 number ST-2348-02-I. 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.

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 and the National Planning Policy Framework.

18. (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 an independent Road Safety Audit. For the avoidance of doubt the offsite works include but are not limited to:

o Proposed signalised crossing facility on Colney Heath Lane;

- o Proposed 3.0 metre wide foot/cycleway PRow connection on to the Alban Way; and
- o Proposed 2.0 metre wide footway PRow connection on to the Alban Way.
- o The investigation and ultimately implementation thereof a cycle infrastructure scheme on Colney Heath Lane, joining to Boissy Close

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

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

19. 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 LTN 1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the 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 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) and with Policy 34 the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

21. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste 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 Development Plan Document (2012).

22. 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 to, and approved in writing, by the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Flood Risk Assessment and Drainage Strategy Report' by Simpson TWS and dated 2 September 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 an appropriate allowance for climate change.

c. The maximum permissible flow controlled discharge rate shall be no more than the 2.3l/s stated for all events up to and including the 1 in 100 year return period event plus an appropriate 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.
- 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 the proposed sewer chamber location.

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.

23. Upon completion of the drainage works for the development a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The documents submitted must include the following:

- a. A detailed management and maintenance plan for the lifetime of the development, 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.
- b. Provision of complete set of as-built drawings for surface water drainage infrastructure that should include all as-built levels and dimensions and full as-built details of all structures and ancillaries.
- c. Full details of all maintenance and operational activities required for the surface water drainage infrastructure.

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.

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

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

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

25. Open space shall be provided on site in accordance with approved drawing A-PL-X-(03)-103 Rev 11 and the requirements of Policy 70 of the St Albans Local Plan Review 1994. No development shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

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

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

26. If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

REASON: In the interests of the amenities of residents of neighbouring properties. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

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

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

28. 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 2.

REASON: To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994.

## 12. Informatives:

1. This determination was based on the following drawings and information:-  
DNG No's. P21-481-SK107 Rev P1, 02-i, A-PL-X-(03)-103 Rev 11, A-PL-X-(03)-101 Rev 9, A-PL-X-(03)-001 Rev 7, GUA-DR-L-002 Rev P05, A-PL-X(03)-100 Rev 6, A-PL-X-(03)-102 Rev 5, A-PL-X-(02)-001 Rev 1. - Biodiversity Metric-Geo-Environmental Interpretative Report- BNG Technical Briefing Note- Design and Access Statement - Response to consultation comments on BNG matters- Flood Risk Assessment and Drainage Strategy Report - Pre-purchase site appraisal - Geo-Environmental Report - Remediation Strategy - Planning Statement- Landscape and Visual Appraisal - Archaeological Desk Based Assessment - Self and Custom Build Statement - Foul Sewage and Utilities Assessment - Preliminary Ecological Appraisal - Affordable Housing Statement- Statement of Community Involvement- Construction Traffic Management Plan- Travel Plan Statement- Transport Statement
2. The Local Planning Authority has been positive and proactive in its consideration of this planning application suggesting improvements to the development during the course of the application. The applicant submitted amended plans resulting in a form of development that improves the economic, social and environmental conditions of the District.
3. The applicant's attention is drawn to the Party Wall Etc. Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
4. 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.
5. 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](mailto:cschighways@hertfordshire.gov.uk)
6. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be

carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

7. 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.

8. 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](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

9. 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

10. Obstruction of public highway land: 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

11. 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.



12. 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.

13. 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.

14. Construction Management Plan (CTMP): The purpose of the CTMP is to help the developer 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 CTMP 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 CTMP will depend on the scale and nature of development. The CTMP 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 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>

15. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post full 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](mailto:travelplans@hertfordshire.gov.uk)

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

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

18. 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.

19. 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.

20. 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 mVybmlbnQvcHVibGljYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9za>

XRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0ZxYz0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGgKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

21. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. [https://eu-west-](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXlhc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXltZGV2ZWxvcG1lbnQvd29ya2luZy1uZWFFyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhlSDIRWnlx bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVRTT0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGgKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==)

[1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXlhc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXltZGV2ZWxvcG1lbnQvd29ya2luZy1uZWFFyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhlSDIRWnlx bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVRTT0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGgKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==](https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXlhc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXltZGV2ZWxvcG1lbnQvd29ya2luZy1uZWFFyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhlSDIRWnlx bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVRTT0=&h=d8b0e687aaa34067bd15960cf6248854&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGgKjGJXJiJpzD8DiP9r+uzjLvC1jm6t0B1Q==)

## **LOCAL GOVERNMENT ( ACCESS TO INFORMATION ) ACT 1985**

**Officer**

**Guoda Vaitkeviciute**

**Section 65 Parties**

**Plans on website**

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