

<b>REGISTERED NUMBER:</b>	5/2023/0983/LSM
<b>APPLICANT:</b>	51 Pegasus Ltd
<b>PROPOSAL:</b>	Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works
<b>SITE:</b>	Copsewood Lye Lane Bricket Wood Hertfordshire
<b>APPLICATION VALID DATE:</b>	09/05/2023
<b>HISTORIC BUILDING GRADE:</b>	N/A
<b>CONSERVATION AREA:</b>	N/A
<b>DISTRICT PLAN REVIEW:</b>	Metropolitan Green Belt
<b>WARD</b>	St Stephen

<b>RECOMMENDATION</b>	<p><b>A. That the applicant, within six months of the date of this committee meeting, enters into a legal agreement pursuant to S106 of the Act in relation to the provision of:</b></p> <ul style="list-style-type: none"> <li>• <b>NHS – Ambulance, GP and mental health contributions</b></li> <li>• <b>Education – contributions towards primary, secondary, childcare and SEND provision/services</b></li> <li>• <b>Library Service contribution</b></li> <li>• <b>Youth Service contribution</b></li> <li>• <b>Waste Service Transfer Station contribution</b></li> <li>• <b>HCC monitoring fees</b></li> <li>• <b>Biodiversity net gain of 10% and habitat mitigation</b></li> <li>• <b>Highways – travel plan, sustainable travel voucher, bus stop upgrades and new footway/access road dedication</b></li> <li>• <b>Affordable housing and self-build provision</b></li> <li>• <b>Open Space provision – including provision of children’s play space and community orchard, management arrangements, and an assessment of likely need for teenagers and provision to serve teenagers as appropriate.</b></li> </ul> <p><b>B. That conditional outline planning permission be granted.</b></p>
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	<p><b>C. That the application be referred to the Secretary of State as a Departure from the Development Plan (Green Belt development).</b></p> <p><b>D. That in the event that the S106 agreement is not completed within six months of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason:</b></p> <p><b><i>“In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of NHS – Ambulance, GP and mental health contributions, Education – contributions towards primary, secondary, childcare and SEND provision/services, Library Service contribution, Youth Service contribution, Waste Service Transfer Station contribution, HCC monitoring fees, Biodiversity net gain of 10% and habitat mitigation, Highways – travel plan, sustainable travel voucher, bus stop upgrades and new footway/access road dedication, Affordable housing and self-build provision and Open Space provision – including provision of children’s play space and community orchard, management arrangements, and an assessment of likely need for teenagers and provision to serve teenagers as appropriate, the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2021 and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.”</i></b></p> <p><b>E. In the event that six months from the date of the committee resolution elapses, but significant progress has been made on the S106 agreement, that an extended period may be agreed between the Development Manager and the Chair of the Planning (Development Management) Committee, to allow for the S106 Agreement to be completed and the decision notice to be formally issued.</b></p>
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**1. Reasons for Call in to Committee**

1.1. The application is reported to committee as it raises District-wide implications.

**2. Relevant Planning History**

At application site:

- 2.1. 5/2018/2666 Variation of Conditions 4 (finished appearance) and 25 (approved plans) to allow changes to the roof, floor plans and facade of planning permission 5/2015/0722 dated 22/08/2016 for Hotel with 150 bedrooms, conference and function centre, associated car parking, realignment of roundabout and retention of bungalow (amendments to 5/2012/2055 dated 27/09/2013 and 5/2013/3450 dated 21/03/2014). Conditional Permission 02/08/2019.
- 2.2. 5/2015/0722 Hotel with 150 bedrooms, conference and function centre, associated car parking, realignment of roundabout and retention of bungalow (amendments to 5/2012/2055 dated 27/09/2013 and 5/2013/3450 dated 21/03/2014). Conditional Permission 22/08/2016.
- 2.3. 5/2013/3450 Submission of Reserved Matters (appearance) following outline planning permission 5/2012/2055 dated 27/09/2013 for hotel with 150 bedrooms, conference and function centre, associated car parking and realignment of roundabout. Conditional planning permission on 21/03/2014.
- 2.4. 5/2012/2055 Outline application (access, landscaping, layout and scale) for hotel with 150 bedrooms, conference and function centre, associated car parking and realignment of roundabout. Conditional planning permission on 27/09/2013.
- 2.5. 5/2011/2896 Outline application (access, appearance, layout and scale) for hotel with 150 bedrooms, conference centre, separate staff hostel, associated car parking and realignment of roundabout. Refused on 08/03/2012 for the following reasons:

1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate use within, and fails to preserve the openness of, the Green Belt which is unacceptable in terms of Policy 1 (Metropolitan Green Belt) of the St. Albans District Local Plan Review 1994 and Planning Policy Guidance PPG2 (Green Belts). The proposed development cannot be justified in terms of the purposes specified and the very special circumstances presented are not sufficient to outweigh the harm the proposal would cause to the Green Belt by reason of inappropriateness.

2. By reason of its layout, particularly the lack of space between the proposed buildings and the Lye Lane boundary and between the proposed east car park and the boundary, and the extent of new tree planting not being sufficient for the desired woodland setting, the proposed built form to open space ratio would fail to preserve the openness of the Green Belt, or achieve the required design ethos of a 'pavilion in parkland' or an appropriate setting for a 4-star hotel and conference centre in a rural location, and would represent an overdevelopment of the site. The proposal would therefore fail to achieve a standard of environment and is contrary to Policy 1 (Metropolitan Green Belt), Policy 69 (General Design and Layout) and Policy 74 (Landscaping and Tree Preservation) of the St. Albans District Local Plan Review 1994.

- 2.6. 5/2010/2668 Outline Planning Permission - Hotel campus comprising of two hotels with total of 270 rooms, conference centre, separate staff accommodation, associated car parking and realignment of roundabout. Refused on 13/04/2011 for the following reasons:

1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate use within the Green

Belt which is unacceptable in terms of Policy 1 of the St. Albans District Local Plan Review 1994 and Planning Policy Guidance PPG2 (Green Belts). The proposed development cannot be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case.

2. The proposal involves an intensive form of development due to its design and layout, that represents an overdevelopment of the site, with buildings and large hard surfaced car parking areas dominating this open and prominent location in a sensitive location on the edge of the city of St Albans. It provides inadequate scope and opportunity for landscaping within the site and around the site boundaries to provide a satisfactory setting in a rural context. There is also an unacceptable loss of existing trees and vegetation. The proposal would therefore fail to achieve an acceptable standard of environment and would conflict with the provisions of Policies 69 (General Design and Layout), 74 (Landscaping and Tree Preservation).

- 2.7. 5/2009/2463 Outline Planning Permission - Hotel campus comprising of two hotels with total of 270 rooms, conference centre, separate staff accommodation and associated car parking, mini park-and-ride facility (combined total of 573 parking spaces) and realignment of roundabout. Withdrawn on 19/03/2010.

Other Relevant Applications:

St Stephens Green Farm, Chiswell Green Lane

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

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for

Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal allowed on 22/03/2024

#### Land South of Chiswell Green Lane

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

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

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal Allowed on 22/03/2024

#### Bullens Green Lane

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

1. The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle

harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.

2. The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.

3. It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.

4. Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.

5. The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.

6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.

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

8. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2019, and Policies 7A and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the Council's Affordable Housing Supplementary Planning Guidance.

Appeal allowed – 14 June 2021.

#### Harpenden Road

5/2021/0423 - Land To Rear Of 112-156B Harpenden Road St Albans Hertfordshire - Outline application (access sought) - Residential development of up

to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.

### Burston

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

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

2. The development would cause less than substantial harm to the grade II\* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II\* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II\* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.

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

Appeal allowed – 31 January 2022.

### Orchard Drive

5/2021/2730 - Land Off Orchard Drive Park Street St Albans Hertfordshire - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works. Pending – resolved to Grant Conditional Permission subject to completion of a s106 Legal Agreement at 20 December 2021 Committee.

### Land between Caravan Site And Watling Street Park Street

5/2022/0267 - Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure. Refused on 19/01/2024 for the following reason:

1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt (harm in principle) and other harm to coalescence which is not clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns, lack of social housing and a failure to demonstrate that the proposal would not exceed the capacity within the highway network. The proposal is therefore contrary to the National Planning Policy Framework 2023 and Policy 1 and 8 of the St Albans District Local Plan Review 1994.

### Land to The Rear Of 42-100 Tollgate Road & 42 Tollgate Road

5/2022/1988 - Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works. Refused 25/05/2023 for the following reasons:

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and offsite provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.



2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

Appeal dismissed on 26/01/2024.

### **3. Site Description**

- 3.1. The application site consists of a roughly triangular plot, bounded by the North Orbital to the north, Lye Lane to the south west and Public Footpath 018 to the south east. The application site extends to around 6.5ha in area, and currently contains a single residential dwelling known as Cleveland. An orchard area lies towards the north-easternmost part of the site, while as noted in the planning history section above, planning permission has previously been granted for the erection of a hotel in the part of the site closest to Lye Lane.

### **4. The Proposal**

- 4.1. Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works.

### **5. Representations**

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

Publicity:	25/05/2023; 08/06/2023; 08/12/2023	Expiry Date	17/06/2023; 01/07/2023; 31/12/2023
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#### **5.2. Adjoining Occupiers**

- 5.2.1. Notification letters were sent to: 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Albany Mews; 1, 2 Noke Farm cottages; 1, 1a, 2, 3 Noke Lane Business Centre; 6, 9a, 10, 14a, 15, 15a, 16, 17, 19, 19b, 20, 21, 26a, The Den Spielplatz; Allington Court, Lye Lane; Breydon, North Orbital Road; Broadview, North Orbital Road; Burston Garden Centre; Daval, Lye Lane; Deepset, North Orbital Road; Far End, Lye Lane; Furzefield, Lye Lane; Hertfordshire Fisheries; Jemarold, North Orbital Road; Kessingland, 25 Penman Close; Limbeck, Lye Lane; Little Oaks, Lye Lane; Lyredene, North Orbital Road; Mobile Homes 3, 4, 5 – Burston Garden Centre; Mobile Home 3, 4 – Noke Nurseries; Noke Farm; Pescud, North Orbital Road; Petrol Filling Station, 551 Watford Road; Starbucks, North Orbital Road; Tenterden House, Lye Lane; The Caravans 1, 2 – Noke Nurseries; The Hawthorns, Lye Lane; Noke Hotel; Wexhams, Lye Lane; 12 Gliders, Sawbridgeworth; 12 Oakwood Road; 1a Grassington Close; 22 West Riding; 29 Hornbeams; 31a Church Street, Welwyn Garden City; 5 Rose Cottage; 5 The Limes; 517 Watford Road; 59 Black

Boy Wood; 61 Old Watford Road; 8 Oak Avenue; Grebe House, St Michaels Street; Limbeck, Lye Lane; Little Oaks, Lye Lane; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 Belvedere Gardens; 1, 3, 5, 7, 9 Noke Side; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 Penman Close; 2, 2a, 4, 6, 8, 8a Manor Drive; 334, 336, 338, 340, 342, 344, 346, 350, 352, 507, 507a, 509, 511, 513, 515, 517, 519, 521, 523, 525, 531, 533, 533a, 535, 535a, 537, 539, 541, 543, 543a, 545, 545a, 547, 547a Watford Road.

5.2.2. Representations Received from The Den, Spielplatz; 12 Gliders, Sawbridgeworth; 29 Hornbeams; Limbeck, Lye Lane; 12 Oakwood Road; 5 The Limes (South Herts Cycling UK); 8 Oak Avenue; 517 Watford Road; 22 West Riding; Little Oaks, Lye Lane; 5 Rose Cottages; 14 Wildwood Avenue; 69 Long Fallow; Rose Cottage; 1a Grassington Close; 59 Black Boy Wood; 61 Old Watford Road; Campaign to Protect Rural England; Burtson Garden Centre; 24 Chiswell Green Lane.

5.2.3. Representations were also received anonymously/from incomplete addresses. Multiple responses were received from some addresses.

5.3. Summary of Representations:

*In objection to the application:*

- Contrary to Green Belt designation
  - Application represents clear encroachment into the countryside
  - Application should be determined on its own merits
  - Speculative applications challenge the legitimacy of the local plan process and risks bringing the planning system into disrepute
  - Recent ministerial statements have reiterated support for Green Belt protection
  - Speculative applications such as this significantly alter the rural character
  - No very special circumstances
- Impact on landscape character
- Quantum of development not appropriate to or in keeping with local area
- The design is ugly and not in keeping with a village environment
- Insufficient road capacity
- Already road congestion in area
- Active travel measures will not ease congestion
- New road crossing and roadworks will add to congestion, and the proposals will cause traffic to back up along the A405 and Lye Lane
- Poor public transport in this area – slow and irrelevant bus services and Abbey Line has not been improved

- Lye lane is a narrow country road that is prone to flooding and is dangerous
- Traffic will increase along Lye Lane and cannot cope with such increases
- Road safety concerns, including at West Riding
- Pollution concerns
- Insufficient infrastructure to handle development of this size (such as doctors, public transport, shops, schools)
- Proposal does not appear to include family homes, and therefore raises concerns as to car dependency
- Swift boxes should be incorporated in this development
- Decrease biodiversity impacting upon biodiversity net gain scores
- Proposal will impact the ecosystem
- Felling of trees, some of which have TPOs, will be detrimental to wildlife and the health/wellbeing of the local population
- Already too many developments in this area
- Bricket Wood is no longer a leafy village – the development will ruin the area
- SADC should build more tower blocks to house people
- Only a limited number of Bricket Wood residents were consulted

*In support of the application:*

- This application seeks to utilise land which is of no particular use/benefit to the area other than to provide much needed housing. It is in a sustainable location close to roads, public transport and shops. As St Albans has no local plan there is a presumption in favour of sustainable developments this should be granted planning permission.
- For many years our cycling group has avoided crossing the A405 from Noke Lane to Lye Lane as there is no safe crossing facility on this road where high volumes of traffic frequently travel approaching the national speed limit. When using the cycle path alongside the A405 travelling north from Bricket Wood, it is also very difficult to cross the traffic flow to reach the Shell garage in order to access Watford road in Chiswell Green. Two new signalised crossings would greatly benefit cyclists, pedestrians and horse riders. St Albans needs new housing so I support this application.
- The current unsignalised crossing from Noke Lane to Lye Lane can only currently safely be used by cyclists and pedestrians when the traffic along the A405 is very light or very congested. The same applies to the informal crossing by the Shell petrol station. So the two proposed Toucan crossings across the A405 would be a major benefit to cyclists travelling from St Albans (via Potters Crouch) or Chiswell Green to Bricket Wood (and then on to Old Bricket Wood and Garston via Old School Lane.) The widening of the shared-use path alongside the A405 would also benefit cyclists. For these reasons, St Albans Cycle Campaign (STACC) support the application

with the caveat that we are disappointed that provision of cycle storage for the development amounts to only one unit per dwelling instead of one unit per bedroom. At a time when active travel from the new development to St Albans should be encouraged, this seems inadequate.

- No objections subject to the following being taken into account:
  - The south-east boundary abuts a public right of way under the ownership of Burston Garden Centre, and full account of the CC Non-Motorised Routes: A Design Guide should be taken and provision made for suitable margins.
  - This existing access has and will be used by HGVs entering and leaving the Burston site. Any variation to Lye Lane proposed by this development must recognise this. Consequently a drawing should be provided showing how this access would not be prejudiced by the proposed realignment of Lye Lane.
  - Any scheme on the application site must recognise the existence of the Burston commercial site, unconstrained by any hours of work or other planning restrictions.
  - The need to ensure that Lye Lane, as diverted, remains a publicly adopted highway. The adopted highway status of the Lane must be continued.
  - You should ensure that the correct ownership notices have been served as the application red line drawing appears to encompass land in my client's ownership on its frontage to Lye Lane.
  - Consultation letters erroneously mentioned the application relates to reserved matters.

## **6. Consultations:**

### 6.1. Affinity Water

6.1.1. No comments received

### 6.2. Community Services

6.2.1. No comments received

### 6.3. Herts Police Crime Prevention

6.3.1. Thank you for sight of this Pre-application on which I comment from a crime prevention perspective only. I have read the supplied documentation and I have attended the location, having commented at the Pre-App stage.

6.3.2. Whilst I have no serious concerns with the intention to develop housing at this location, I would make the following recommendations.

6.3.3. The increase in density does not materially effect security provided the following is considered.

- 6.3.4. The indicative layout gives rise to no serious concerns, but it is important that the rears of the properties are protected with stout 1.8M fences and all gates must be capable of being locked shut from both sides.
- 6.3.5. Front and rear doors along with all ground floor windows must be compliant with PAS24 as required by Building Regulation 'Q' however, I would strongly recommend that the improved 2016 or 2022 version be used rather than the out-of-date 2012. version referred to in the regulation.
- 6.3.6. I would expect to see some low lux level lighting to the front of the building to allow users to both see and be seen and would strongly recommend the use of column mounted lighting rather than bollards, which are not fit for this purpose.
- 6.3.7. I would ask that the design team discuss with the owners the possibility of building these homes to the police preferred minimum security standard of Secured by Design. This academically proven scheme can help to prevent future residents from becoming victims of crime in their own homes and does not materially increase costs if designed in from an early stage.
- 6.3.8. I would welcome an approach from the design team and offer this service from the police free of charge.
- 6.3.9. I would ask that the planning department add this as an advisory.
- 6.3.10. Should this application progress, I would appreciate the opportunity to comment again as more detail emerge.
- 6.3.11. Based on what is being proposed, at this stage I would be able to support this application.

#### 6.4. Design and Conservation

- 6.4.1. Brief comments on the parameters plan and indicative layout are as follows.
- 6.4.2. I am unclear as to why Lye Lane is proposed to be rerouted through the site. If traffic congestion is as prevalent in the rush hour as some of the residents claim, then tailbacks from the junction with the A405 will build up within the housing development. This will adversely impact on outlook and air quality for future residents.
- 6.4.3. I note the 3 storey development marked on the parameter plan, sited along the A405. Unless the landscape buffer to the A405 is tall and substantial, and depending on the setback of the buildings, this could significantly change the character of the area. Plans and elevations, and a section, has been provided for the maisonettes and I am assuming that this is the location for these. They may be too tall for this Green Belt site. A ribbon of visually prominent, tall buildings following the line of the road leads to an urbanising effect. Moreover, the indicative design of these blocks is uninspired and rather dull.
- 6.4.4. Where the perimeter housing turns its back to the street, there will be a need for privacy fencing. This will need to be well thought out, so that it does not present a totally inactive frontage to the street, compromising surveillance of the street, whilst simultaneously having to provide secure boundaries for residents.
- 6.4.5. Ensuring that there are future links into the Burston site to the east, leads to the creation of cul-de-sacs along this edge of the site. This is understandable, but is it

certain that there is a reciprocal intent within the Burston site. Are these two proposals being developed in tandem?

6.5. East of England Ambulance NHS Trust

6.5.1. Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application. This letter forms 2 sections: firstly for mitigation to health infrastructure arising from the application and secondly comments on the development proposals to support future residents health and wellbeing.

6.5.2. This development, should the application be successful, will affect St Albans ambulance station and other ambulance stations (Boreham Wood, Hatfield, Harpenden, Hemel Hempstead, Potters Bar) which respond to emergency incidents within the local area as well as impact on the regional call centres.

6.5.3. Ambulance stations in this area are deemed constrained, at capacity and no longer fit for modern ambulance services to deliver Make Ready Services as defined under the Lord Carter Report (2018) (eg Boreham Wood, Hemel Hempstead and Potters Bar were built in 1965). EEAST are required to meet mandated NHS ambulance standard response times with optimal location of ambulance station response post being reachable within 6 and 17min drive-time (see Table 1 below).

**Table 1 Ambulance Quality Operational Standard**

Operational Standards	Threshold
Category 1 (life-threatening) calls – proportion of calls resulting in a response arriving within 15 minutes	Operating standard that 90th centile is no greater than 15 minutes
Category 1 (life-threatening) calls – mean time taken for a response to arrive	Mean is no greater than 7 minutes
Category 2 (emergency) calls – proportion of calls resulting in an appropriate response arriving within 40 minutes	Operating standard that 90th centile is no greater than 40 minutes
Category 2 (emergency) calls – mean time taken for an appropriate response to arrive	Mean is no greater than 18 minutes
Category 3 (urgent) calls – proportion of calls resulting in an appropriate response arriving within 120 minutes	Operating standard that 90th centile is no greater than 120 minutes
Category 4 (less non-urgent “assess, treat, transport” calls only) – proportion of calls resulting in an appropriate response arriving within 180 minutes	Operating standard that 90th centile is no greater than 180 minutes

6.5.4. For clarity: EEAST is commissioned by Suffolk and North East Essex ICS on behalf of all ICSs to provide emergency and urgent care services throughout Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk, and transports patients to 17 acute hospitals amongst other healthcare settings.

6.5.5. Travel times from St Albans Ambulance Station in rush hour traffic to Copsewood, Lye Lane are circa 10 minutes (Reference ShapeAtlas). For the other ambulance stations in the vicinity rush hour travel times are 15-20 minutes (NB this is a standard reference point and does not mean ambulances come from these locations in order to respond to calls).

6.5.6. The age profile is also important for EEAST: people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource:

- Over 75s are most likely to have multiple long-term conditions and complex care needs.
- Analysis of EEAST activity from 2019/20 indicates residents

- o Aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity
- o Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

6.5.7. 2022-23 NHS AmbSYS East of England Ambulance Activity Data revealed:

- 0.22 calls per patient population (1,397,125 calls received / East of England 6.3m population)
- 92% patients received a face-to-face response
- 55.0% patients required conveyance to an emergency department; 33.9% received See & Treat and 7.0% Hear & Treat.

6.5.8. This application for 190 dwelling development will generate another 456 residents (assuming 2.4 persons per dwelling) and will generate an anticipated additional 100 calls per annum from this area on already constrained ambulance services which will require premises reconfiguration, extension, or re-location, need for additional ambulance vehicle provision and clinical capacity to deliver timely emergency ambulance services.

6.5.9. For these reasons, in order to make this development acceptable it is requested a contribution is made towards the provision Emergency Ambulance Service Infrastructure including the nearest Hub and local ambulance stations with population catchment area.

6.5.10. EEASTs infrastructure cost\* calculation is based as submitted to 52 local authorities/IDPs at £340 per dwelling occupied by 2.2 persons per dwelling. Table 2 shows the population likely to be generated from the proposed development.

Table 2 Capital Cost calculation of additional health services arising from the development proposal

No Dwellings	Infrastructure Cost*	Total
190	£371	£70,473

\* Adjusted pro-rata for 2.4 person per dwelling for St Albans.

6.5.11. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £70,476 and are for the impact of this development only.

6.5.12. The capital acquired would provide financial resources for EEAST to absorb the additional patient demand generated by this development on emergency ambulance health services. Funding, in agreement with the local council would be used to support one or more of the following:

- Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing development
- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines

- Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising 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.

6.5.13. In terms of trigger points with regard to S106 developer contributions, it remains the case that the earliest possible developer contributions are vital to mitigate the health impact of the additional residents. EEAST puts the delivery of services to patients first and increasingly the need to support the viability and resilience of ambulance services, their ability to cope with increasing patient numbers in line with the NHS Long Term Plan.

## Part 2 EEAST Comments on Planning Application

6.5.14. Ambulance services are in a unique position that intersects health, transport and community safety. EEAST as an essential social infrastructure provider has an important role to play in contributing to the achievement of sustainable new places (and along with its health and blue light partners) creating the conditions for healthy, safe and cohesive communities. Therefore, the remainder of this letter provide specific comments which may affect the health and welling of patient arising from this development and would request these are taken into consideration when assessing the application.

### 1. Health and Wellbeing

1.1 EEAST would highlight since the COVID-19 pandemic more people are likely to work from home for at least part of the week, the room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being. Access to fresh air is also recommended.

1.2 EEAST welcomes the developers' inclusion of community gardens, allotments, orchards, meadow flower and woodland planting areas. EEAST supports the central open space and would encourage developers to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest and enjoy the surrounding green space. Consideration of all senses (sight, hearing, touch, smell, taste) should be addressed by the developer in the planting plan and use of local flora and fauna and wildlife corridor connection. All of these elements support physical and mental health and wellbeing and help develop community cohesion.

### 2. Flood Assessments

2.1 The Planning, Design and Access Statement identifies the site is in Flood Zone 1 at low risk of flooding.

2.2 The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.



2.3 EEAST would welcome developers to utilise the catchment of clean/grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.

2.4 The use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed and should be suitable for use by wheelchairs, mobility scooters and pushchairs.

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

3.1 EEAST notes the Transport Assessment for the develop identifies 50 personal injury accidents (PIAs) recorded within in the last 5-year period affecting a variety of vehicles, pedestrians and cyclists. The Transport Assessment identified in the last 5 years 10 classified as being 'serious' in severity but no fatal incidents. Design and Access Statement indicates there are no adverse impact on highways safety within the study area.

3.2 EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light. EEAST would request developers ensure cycle parking should allow for different types of cycles (eg trike, electric bike or mobility scooter) to be stored, covered, secure and well lit.

3.3 It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction.

6.5.15. Please let me know if you require any further information in order to proceed. EEAST looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

### 6.6. Environment Agency

6.6.1. Based on a review of the submitted information, we have no objection to the proposed development and have the following comments to make:

6.6.2. We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

6.6.3. The site is situated in a vulnerable groundwater area within Source Protection Zone 1 and a principal aquifer. These proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.

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

## Advice for LPA/Applicant

- 6.6.5. We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.
- 6.6.6. In order to protect groundwater quality from further deterioration:
- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g., soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
  - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- 6.6.7. The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:
1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
  2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
  3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
  4. Refer to the contaminated land pages on Gov.uk for more information.
  5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g., British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
    - BS5930:2015 Code of practice for site investigations;
    - BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
    - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;

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

Final comments

6.6.8. Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

6.7. Estates Surveyor

6.7.1. No comments received

6.8. HCC Children Schools and Families

6.8.1. No comments received

6.9. HCC Growth and Infrastructure

6.9.1. I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 190 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	30	0
3	62	10
4+	40	4
Total	132	14

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	13	12
2	5	14
3	0	0
4+	0	0
Total	18	26

Trajectory						
Year	2023	2024	2025	2026	2027	2028
Units	0	0	70	70	50	0

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

- 6.9.2. Primary Education towards delivery of a new primary school in the area and/or provision serving the development (£1,943,531 (which includes a land cost of £32,466) index linked to BCIS 1Q2022)
- 6.9.3. Secondary Education towards the expansion of Marlborough Science Academy and/or provision serving the development (£1,771,973 index linked to BCIS 1Q2022)
- 6.9.4. Childcare Service 5 to 11 Year Olds towards childcare provision at the new primary school and/or provision serving the development (£2,029 index linked to BCIS 1Q2022)
- 6.9.5. Special Educational Needs and Disabilities (SEND) towards additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£216,693 index linked to BCIS 1Q2022)
- 6.9.6. Library Service towards the re-provision of St Albans Library in a new facility and/or provision serving the development (£60,501 index linked to BCIS 1Q2022)
- 6.9.7. Youth Service towards the re-provision of St Albans Young People's Centre in a new facility and/or provision serving the development (£51,298 index linked to BCIS 1Q2022)
- 6.9.8. Waste Service Transfer Station towards increasing the capacity of Waterdale Transfer Station and/or provision serving the development (£11,183 index linked to BCIS 3Q2022)
- 6.9.9. 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.
- 6.9.10. 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.
- 6.9.11. 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".

- 6.9.12. 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.
- 6.9.13. 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

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

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

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

(ii) Directly related to the development.

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

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

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

- 6.9.16. PLEASE NOTE THE FOLLOWING:

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

## 6.10. Herts Ecology

### 6.10.1. Summary of Advice:

- Sufficient information on European Protected Species (bats).
- Insufficient compensation for the harm the development will cause to biodiversity.
- Bespoke, compensation for the loss of Lowland dry acid grassland required.
- Un-mitigated the application will result in a biodiversity net loss.
- The following should be secured by condition:
  - o Recommended mitigation.
  - o Biodiversity net gain plan.
- The following informatives should be added:
  - o Bat licence

### 6.10.2. I have made use of the following documents in providing this advice:

- Ecological Impact Assessment /Appraisal by Sound Ecology, (April 2022)
- Biodiversity Metric v 3.1 Calculation tool (assessment date 30/4/2022)
- Biodiversity net gain report by (report date)
- Landscape Master plan

### 6.10.3. Surveys:

The ecological surveys listed above provide a reasonable assessment of the ecological conditions on site, and with the exception of the comments relating to the acid grassland, I have no reason to doubt the majority of their conclusions.

### 6.10.4. Compensation:

I acknowledge and support the retention of the priority habitats of the traditional orchard and species rich hedgerows. In addition, the boundary vegetation is being largely retained as is a small area, about 31%, of the existing woodland.

The existing proposal will also include the loss of two areas of the priority habitat.

Lowland dry acid grassland. A case has been made that, despite the importance of this habitat as confirmed by its priority status and that the metric flags it as an unacceptable loss, this should be considered in light of its existing condition and isolation from similar habitats. This does not take into account that poor management and increased fragmentation are among the chief causes of the decline of this habitat which despite these factors has managed to persist on the site. It also does not take into consideration that of the 97% of seminatural

grasslands that have been lost to Hertfordshire acid grassland the smallest portion of that which remains. Given this and applying the Mitigation Hierarchy the avoidance of loss should be the first consideration. However, the location of most of this grassland on site falls within the redline boundary of a previously approved application, which I understand has been initiated and so is still valid. Given this I advise the bespoke compensation for the loss of this habitat should be sought.

A large number of trees, 52 and groups of trees 37, will be lost to the proposal. These should be compensated for by the planting of native and fruit bearing species. This should be reflected in soft planting and landscaping plans at the appropriate referred matters stage. If this compensation is not accounted for by the provision of an overall net gain then to be policy compliant with the NPPF sufficient habitat improvement should be delivered to ensure that a post development net zero biodiversity loss is achieved.

#### 6.10.5. Mitigation:

The proposed demolition of the double garage will result in the loss of a bat roost; however, sufficient mitigation and compensation measures have been provided to ensure the favourable conservation status of bats is maintained. It is acknowledged that the measures proposed will be carried out under the conditions of a bat mitigation licence issued by Natural England. With this information in place, I consider the LPA has sufficient information to fully consider bats and apply and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended) prior to determination.

#### 6.10.6. I advise the following informative should be attached to any permission.

*A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.*

#### 6.10.7. The precautionary mitigation measures for protected species/ habitats outlined in section 9.1- 9.3 are suitable these should be followed in full, and I advise these are secured by Condition:

*“The Recommendations in section 9.1- 9.3 of the Ecological Impact Assessment by Sound Ecology, (April 2022) represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species and habitats.”*

#### 6.10.8. Enhancements:

Several enhancements are outlined in section 9.4 of the EclA and should inform the landscaping and planting plans at the appropriate referred matters stage. Enhancements for protected species are also recommended but numbers or location are not detailed. I advise that integrated bat and bird boxes form part of the fabric of new dwellings that face on to green space, and that details of these and any other enhancement measures are shown on a landscape and enhancement Plan.

#### 6.10.9. Biodiversity Net Gain:

Applications of this nature are not yet subject to a legal requirement to deliver at least 10% Biodiversity Net Gain (BNG) however we consider it is not unreasonable that developments of this nature are subject to Biodiversity Net Gain now. However, as there is no local planning policy requiring BNG, the lack of BNG information cannot be considered grounds for refusal.

A Biodiversity Net gain report and biodiversity metric v3.1 have been submitted and show that Very High Value habitat, Lowland Dry Acid Grassland will be lost, and no bespoke solution has been proposed or agreed and so the base line BNG value of the site cannot be calculated. However, the submitted metric has been manipulated to show the biodiversity value of the site excluding the calculation for the acid grassland as well as the post development value predicted from the landscape master plan. This calculated an overall minimum net loss of -51.94area BU (-5.36%), and hedgerow net gain of BU +4.17 (37,71%). The rules of the metric do not allow these two figures to be summed.

With the publication of planning guidance for the delivery of mandatory BNG, although not legally applicable to this application, it is not unreasonable that as a metric has been submitted with this application that this guidance should be considered as best practice and followed. Consequently, I advise that a Biodiversity net gain plan is secured by a pre-commencement condition, this should be completed using the DEFRA template and accompanied by a completed version of the DEFRA Habitat Management and Monitoring Plan (HMMP).

In order for this net gain plan to be satisfactorily completed the baseline value of the site will need to be calculated in full. This will require bespoke mitigation to be agreed to compensate for the loss of the area of acid grassland. In addition, an offsite location will need to be found which can be sufficiently improved to deliver a biodiversity net gain of the amount agreed with the in LPA. The provision of any offsite BNG should be secured by a legal agreement such as a s106 or Conservation Covenant.

Further updated phase biodiversity netgain plans will need to be submitted at the appropriate reserved matters stages.

#### Net Gain Plan

*“Prior to the commencement of development and any landscaping works, a Net Gain Plan including a Habitat Management and Monitoring Plan using the DEFRA templates detailing how a 10% biodiversity net gain will be delivered and sustained for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority*

*Reason: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity.”*

#### 6.11. HCC Highways

6.11.1. 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:

#### CONDITIONS:

6.11.2. Highway Improvements – Access works and Offsite (Design Approval) – Part A



Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing(s) numbers set out below have been submitted to and approved in writing by the Local Planning Authority:

22142/001 Rev J, Proposed A405 North Orbital/Lye Lane/Noke Lane Junction Improvements Inc. Pegasus Crossing;

22142/002 Rev J, Proposed Lye Lane Diversion and 'Active' Travel Improvements on A405

North Orbital Road;

22142/003 Rev G, Proposed Modifications to Noke Roundabout Entry/Exit at B4630 Watford

Road and A405 North Orbital Road;

22142/004 Rev C, Proposed Off-Site Active Travel Improvements – A405 Orbital Road; and

22142/005 Rev J, Proposed Lye Lane Diversion/Junction Improvements.

Reason:

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

#### 6.11.3. Highway Improvements – Access works and Offsite (Implementation / Construction) – Part B

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

Reason:

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

#### 6.11.4. Rights of Way (Part A)

Notwithstanding the details indicated on the submitted drawings, no works shall commence on site unless otherwise agreed in writing until a Rights of Way improvement plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor and in accordance with Policies 5 and 21 of Hertfordshire's Local Transport Plan (2018).

#### 6.11.5. Rights of Way (Part B)

Prior to occupation of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) shall be completed to the written satisfaction of the Local Planning Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor and in accordance with Policies 5 and 21 of Hertfordshire's Local Transport Plan (2018).

#### 6.11.6. Construction Traffic Management Plan

Prior to the commencement of the development for which full planning permission is granted, a detailed Construction Traffic Management Plan relating shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development for which full planning permission has been granted shall only be carried out in accordance with the approved CTMP unless otherwise agreed in writing by the local planning authority. The plan shall be prepared in accordance with the Construction Logistics and Community Safety (CLOCS) Standard.

Pursuant to the above, prior to the commencement of any Parcel/Phase or Sub-Phase, a detailed Construction and Environmental Management Plan (CEMP) for that Parcel/Phase or Sub-Phase, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the construction of any Parcel/Phase or Sub-Phase shall only be carried out in accordance with the approved CEMP for that Parcel/Phase or Sub-Phase unless otherwise agreed in writing by the local planning authority.

The plan shall include the following:

- i. The construction programme;
- ii. Clear access strategy for construction vehicles that avoids conflicts with pedestrians, cyclists, public transport and existing and future residents;
- iii. Hours of operation;
- iv. Phasing of the development of the site, including all highway works;
- v. Construction vehicle numbers, type, routing;
- vi. Traffic management requirements;
- vii. Cleaning of site entrances, site tracks and the adjacent public highway;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Details of any highway works necessary to enable construction to take place, including temporary access works;

- x. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These shall demonstrate how safe and unobstructed access will be maintained at all times or be temporarily closed or extinguished.
- xi. Details of servicing and delivery, including details of site access, compound, welfare facilities, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- xii. Where works cannot be wholly contained 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 and proposed traffic management;
- xiii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- xiv. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- xv. Details of public contact arrangements and complaint management;
- xvi. Construction waste management proposals;
- xvii. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xviii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xix. Measures to be implemented to ensure wayfinding for both occupiers of the site and or those travelling through it.

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).

#### 6.11.7. Removal of vehicular Highway Rights: Lye Lane

No development shall commence until such time as a Traffic Regulation Order to remove all highway rights vehicular rights over the land as illustrated on drawing number 22147/007 Rev C is successfully obtained.

Reason:

To ensure construction of a satisfactory development and in accordance with Policy 12 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 6.11.8. Estate Roads – Outline

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

Reason:

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

#### 6.11.9. Existing Access – Closure

Prior to the first occupation of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 22142/007 Rev C only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason:

To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 6.11.10. Detailed Highways Plans – Outline

Prior to the commencement of the development, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications for each phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

Reason:

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

#### 6.11.11. Phasing Plan – Outline

Notwithstanding the information contained in the Transport Assessment, no development shall Commence in respect of any Development Parcel or Strategic Engineering Element until a Site Wide Phasing Plan has been submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements:

Development parcels;

Major distributor roads/routes within the site, including timing of provision and opening of access points into the site;

Strategic foul surface water features and SUDS;

Open space; and

Environmental mitigation measures.

No development shall commence apart from enabling works and strategic engineering elements, unless, agreed in writing by the Local Planning Authority until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

#### 6.11.12. Travel Plan – Outline

No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan and dated (April 2023) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 6.11.13. Cycle Parking – Outline

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 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).

HIGHWAY INFORMATIVES:

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) 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/development-management/highways-development-management.aspx>

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

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

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

- i. Approved Travel Plan(s), with individual monitoring fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development;
- ii. Sustainable Travel Voucher;

iii. Dedication of new footway on the southern side of The Noke roundabout and new access road within the site; and

iv. Upgrade of existing bus stops on the North Orbital Road.

The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2021) for schemes in the local area that accord with the three CIL tests.

AN5) Construction standards for works within the highway: 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 Sections 38 and 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 website:

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

AN6) The Public Right(s) of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:

- The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works; safe passage past the site should be maintained at all times;
- The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete), should be made good by the applicant to the satisfaction of this Authority; and
- All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

COMMENTS:

6.11.15. The applicant seeks planning permission for the following development:

Copsewood Lye Lane Bricket Wood Hertfordshire

Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works

Introduction

6.11.16. The proposed development is located to the west of the How Wood locality in the St Albans district of Hertfordshire. The site is situated on the periphery of the urban area and may presently be described as semi-rural in character.

6.11.17. To the north, the site is bounded by the North Orbital Road which is a principal, A class road and a primary distributor road in the Hertfordshire roads hierarchy. To

the west, the site is bounded by Lye Lane, which is an unnumbered classified road and a local access road in the Hertfordshire roads hierarchy. To the east and south the site is bounded by buildings associated with Burston Garden Centre/Nursery. The site is therefore positioned close to both key distributor roads within Hertfordshire and also the Strategic Road Network.

- 6.11.18. The Highway Authority note the submission of materials in support of the planning application including the Illustrative Landscape Masterplan, Planning Statement, Transport Assessment and Travel Plan.
- 6.11.19. The Highway Authority also note the pre-application engagement initiated by the applicant, including the submission of a Scoping Note and follow up meetings on highways and transportation matters with the transport consultant and planning consultant. The resulting Transport Assessment is considered to reflect the discussions held at the pre-application stage including agreement on the scope of the assessment works.
- 6.11.20. The Highway Authority wish to note also the submission of the Transport Assessment Addendum, dated October 2023. This document, the result of extensive engagement between the Highway Authority and the applicant's transport consultant seeks to consolidate all of changes made since the preparation of the Transport Assessment and considers in more detail the off-site highways works and mitigation which seeks to align with wider plans being brought forward by the Highway Authority.

#### Sustainability

- 6.11.21. The site is located on the edge of the urban area of both How Wood and Chiswell Green. Some limited local facilities and amenities are available to the site within approximately 1km of the site, for example in the Chiswell Green local area.
- 6.11.22. Bus services are available on the North Orbital Road, the main service being the number 321 which provides a link between Luton and Watford. A half-hourly service operates for large parts of the day until mid to late evening where hourly services are available.
- 6.11.23. The Highway Authority note that all applications are assessed against policies contained within the adopted Local Transport Plan 4 (LPT4). There are a number of policies contained within the document, but underpinning all other policies is Policy 1, as below:

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel;
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs;
- Powered two wheeler (mopeds and motorbikes) user needs; and
- Other motor vehicle user needs

- 6.11.24. The site is bounded to the south by Right of Way ST STEPHEN 018 which is a footpath.



6.11.25. The Highway Authority has assessed the Transport Assessment against the policies contained within LPT4.

#### Public Transport

6.11.26. As noted above, the nearest bus routes are the numbers 321 and 635. This is outlined in Section 3 of the TA.

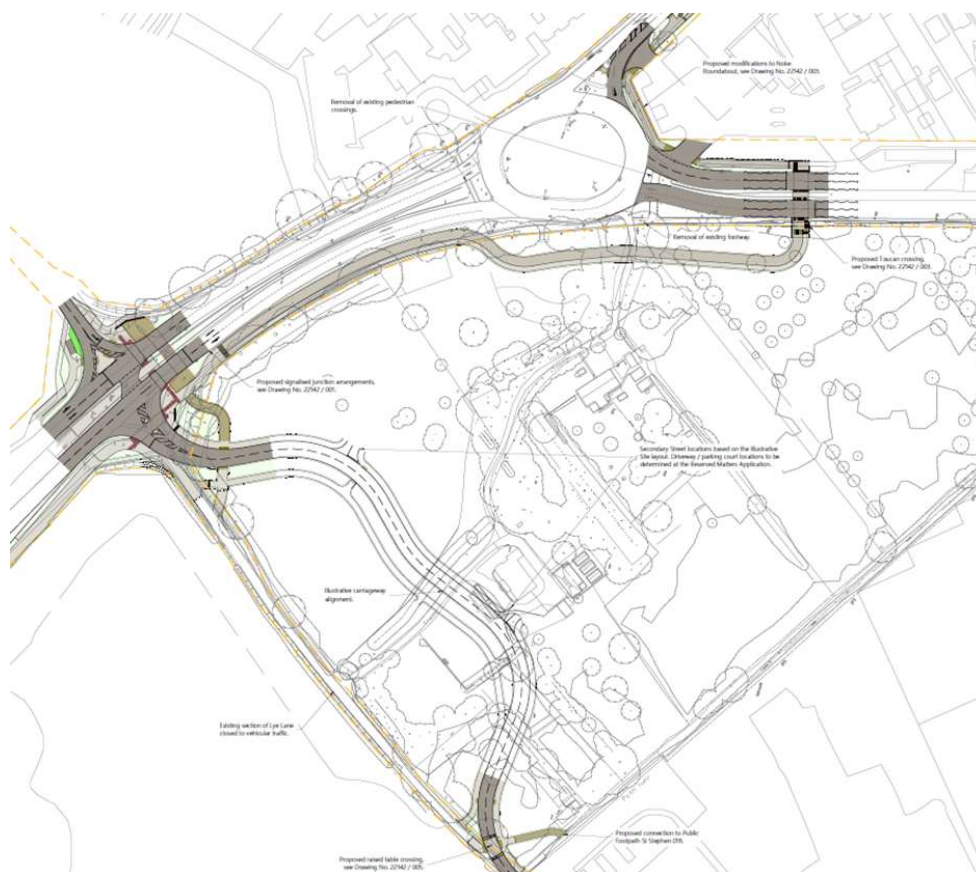
6.11.27. The bus services available to the site are considered to provide a good level of service, in particular for trips between Luton and Watford.

6.11.28. Given the site's proximity to good quality bus routes which provide access into adjoining local service centres within a reasonable journey time, the overall sustainability of the site is considered satisfactory.

#### Access

6.11.29. The Highway Authority has discussed in detail the access strategy with the applicant's transport consultant.

6.11.30. The proposed overarching access strategy into the site is illustrated on drawing number 22142/002 Rev J, an extract of which is illustrated below.



6.11.31. As illustrated, the proposals seek that the present alignment of Lye Lane in the area of interest is stopped up for vehicles. A new section of Lye Lane will provide through access to the existing vehicular movements as well as access into the proposed development site. This new section will also become part of the public highway.

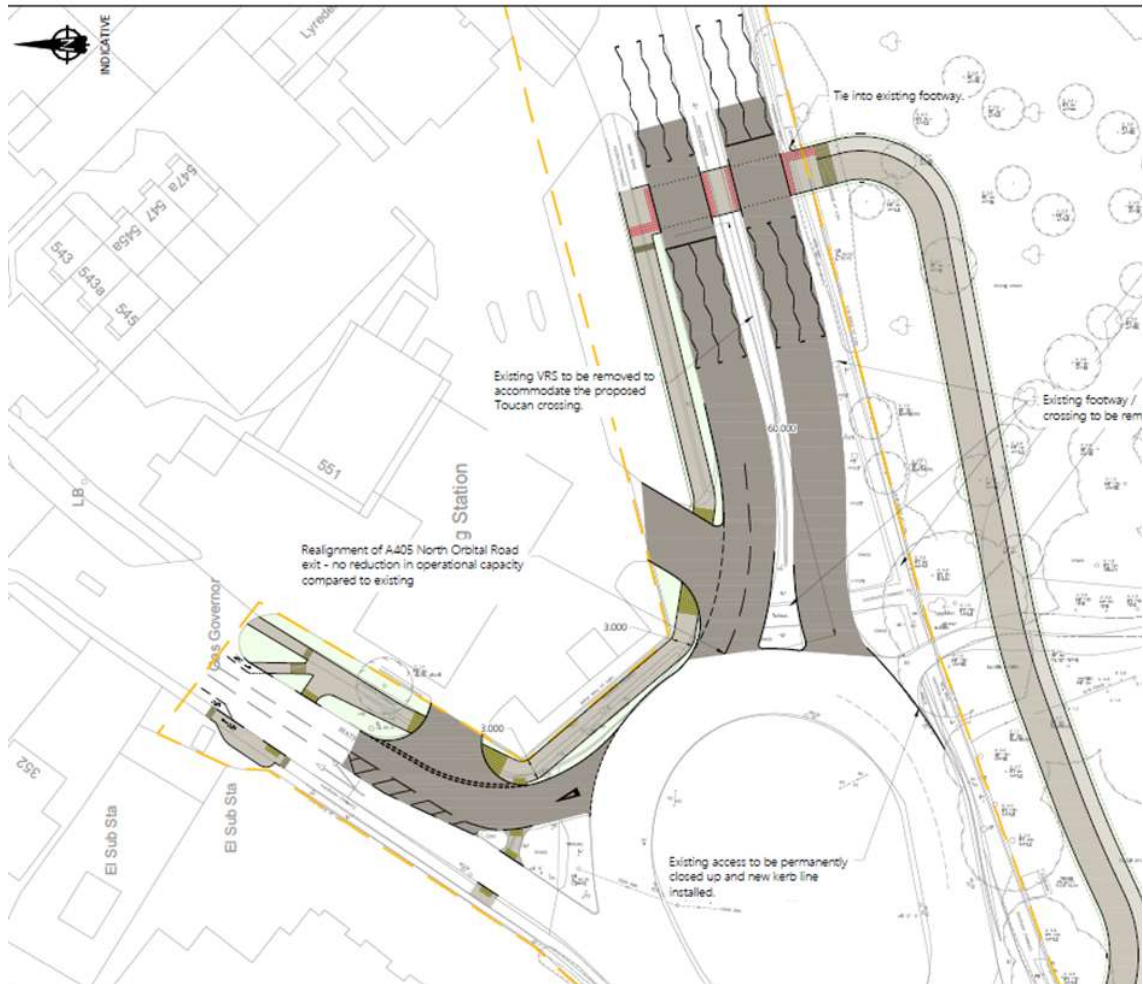
6.11.32. Access into the site will be provided from this realigned section of Lye Lane. As part of the reserved matters application, the internal access road dimensions will need to be agreed with the Highway Authority. The Highway Authority

recommend consulting the emerging Hertfordshire County Council Place and Movement Design Guide in this regard to the specification of the realigned Lye Lane and internal site access roads.

- 6.11.33. The existing section of Lye Lane (between the site's south west corner and the A405) will be closed to vehicular traffic. It will remain open for non-motorised users.
- 6.11.34. The existing access off the Noke roundabout into the site will need to be closed. All such works should be undertaken by way of a Section 278 agreement.
- 6.11.35. It is noted that an agreed construction (and phasing), strategy will be necessary in order to manage the closure of Lye Lane and the reconfigured Lye Lane/North Orbital Road junction in a manner which causes minimal disruption to the local highway network. The realigned section of Lye Lane should be able to be built whilst the existing section remains open, with the construction/phasing plan setting out how this could work operationally.
- 6.11.36. The Highway Authority is content in principle with the access strategy as illustrated.

#### Off-Site Highway Works

- 6.11.37. The Highway Authority note that the Transport Assessment sets out a package of off-site highways works. These are extracted below from Section 9 of the Transport Assessment.
- 6.11.38. The Highway Authority is content in principle with the above off-site highways works. The proposals seek to enhance the active travel links from the site, in particular with the provision of a Toucan crossing on the Noke roundabout which will allow access up to the Chiswell Green locality. This is a key element contributing towards the sustainability of the site and making the development acceptable in planning terms and in compliance with LTP 4 Policy 1.
- 6.11.39. As shown on drawing number 22142/003 Rev G the proposals include enhancements to the footway around the Petrol Filling Station which is to be upgraded to a shared footway/cycleway. The aforementioned enhancements will also tie into the Hertfordshire County Council plans as per the Local Cycle Walking Improvement Plan (LCWIP) which seeks a corridor of improvements between Chiswell Green and St Albans. The improvements as illustrated in drawing number 22142/003 Rev G complement such proposals and will afford residents of the development access to a more comprehensive active travel corridor for travel by sustainable modes. An extract of this drawing is shown below:



6.11.40. The proposals also seek to accrue wider benefits to non-motorised users but removing traffic on an existing section of Lye Lane, with the incorporation of a Pegasus crossing on the Lye Lane/North Orbital Road junction.

6.11.41. The above works should be delivered via a Section 278 agreement (and planning condition).

#### Walking and Cycling

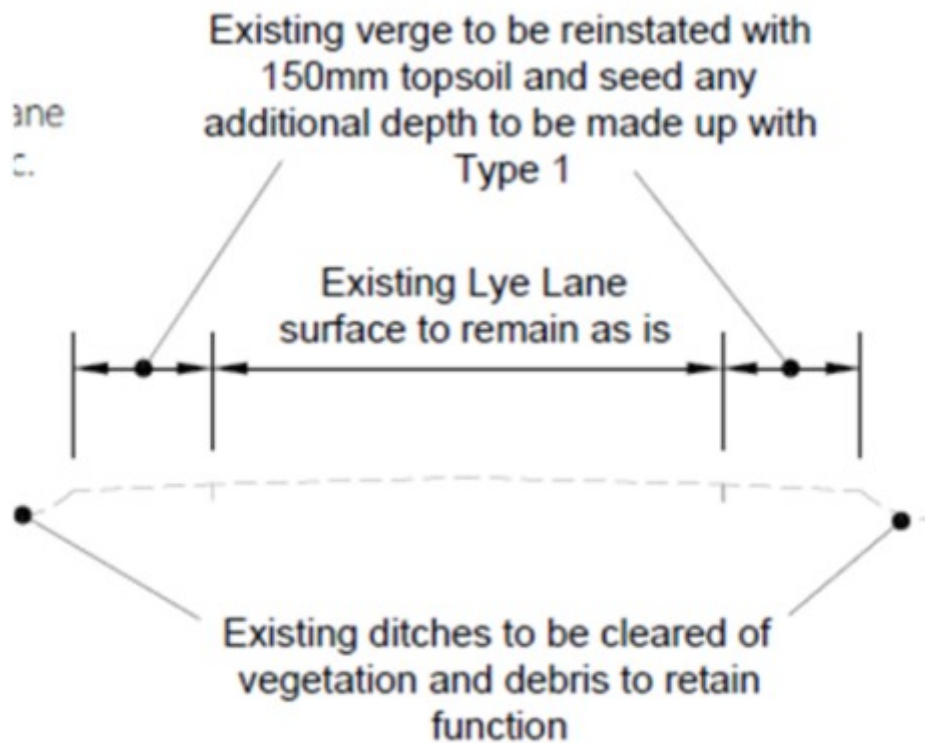
6.11.42. As set out above, walking and cycling towards Chiswell Green will be significantly improved, with the provision of a Toucan crossing and also enhancements around the Petrol Filling Station which are designed to tie into the LCWIP scheme when this is developed further (by Hertfordshire County Council).

6.11.43. Although the planning application is at outline stage with all matters reserved except for access, the site is considered permeable for active travel links. This will include connections with the RoW number 18 on the site's south-eastern boundary and also the proposed closed section of Lye Lane. The latter will be under the control of HCC's Countryside Rights of Way (CRoW) team and will be enhanced as per the cross section as illustrated on drawing number 22142/005 Rev J.

6.11.44. The proposed part closure of Lye Lane as per this section will afford pedestrians, cyclists and equestrians a wide corridor for their activities and will significantly enhance the Rights of Way network in this area. As detailed on drawing number 22142/005 Rev J some remedial work will take place on this closed (to motorised traffic) section of Lye Lane including to the verge areas and removal of any debris/vegetation from the ditches. Kent Carriage Gap restrictions

will be implemented in order to ensure that this section is used in accordance with its proposed non-motorised status.

6.11.45. An extract of the proposed non motorised section of Lye Lane and an example of a Kent Carriage Gap arrangement is illustrated below:



Typical section Lye Lane closed to vehicular traffic

6.11.46. Importantly, it is also noted that the reconfigured Lye Lane/A405 junction will incorporate a Pegasus crossing. The Highway Authority note the positive



comments from the British Horse Society and Ramblers regarding these proposals.

6.11.47. The applicant also seeks to provide an LTN 1/20 compliant footway/cycleway along the southern side of the A405 North Orbital Road from the B4630 Watford Road to M25 J21A. This improved active travel infrastructure will comprise a 4.0-metre wide cycleway, 2.0-metre wide footway, with managed landscaped margins on both sides, as illustrated on drawing number 22142/004 Rev C. The provision of this infrastructure, including enhancements to the pedestrian/cyclist links on the south side of The Noke roundabout will afford benefit to the site's residents and also the strategic cycle network in the area.

#### Trip Generation/Distribution

6.11.48. The Highway Authority note the trip generation and distribution exercise as presented within Chapter 6 of the TA.

6.11.49. The Highway Authority is content with the methodology and outputs of this exercise.

6.11.50. The trip rates and generation are set out below for the proposed housing on the site.

**Table 6.5** AM & PM Peak Trip Generation – 'Houses Privately Owned' (190-Units)

Mode	AM Peak (08.00 – 09.00)				PM Peak (17.00 – 18.00)			
	Arrivals		Departures		Arrivals		Departures	
	Trip Rate	No. Trips	Trip Rate	No. Trips	Trip Rate	No. Trips	Trip Rate	No. Trips
Vehicle Driver	0.116	22	0.512	97	0.428	81	0.173	33
Vehicle Passenger	0.006	1	0.027	5	0.022	4	0.009	2
Public Transport	0.02	4	0.086	16	0.072	14	0.029	6
Pedestrian	0.007	1	0.033	6	0.027	5	0.011	2
Cycle	0.001	0	0.006	1	0.005	1	0.002	0
Other	0.003	1	0.015	3	0.013	2	0.005	1
<b>TOTAL</b>	<b>0.154</b>	<b>29</b>	<b>0.679</b>	<b>129</b>	<b>0.568</b>	<b>108</b>	<b>0.225</b>	<b>43</b>

6.11.51. It is noted that the site has a consented use as a hotel and therefore it is acceptable to make an assessment of the net impact as illustrated below:

Table 6.6 Net Change in Daily Vehicular Traffic Generation (06:00 – 23:00)

Scenario	Arrivals	Departures	Total Two-Way
Consented Site Operation	390	396	786
Proposed Site Operation	514	528	1,042
NET IMPACT	124	132	256

During both the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods, it is anticipated that there would be a moderate increase of 43 two-way vehicular movements. This level of increase equates to slightly below an additional vehicular movement every minute during the AM and PM peak period. Such an increase is considered to be immaterial and, as a consequence would have a negligible impact on the local highway network particularly to the conditions of amenity, capacity, and safety.

- 6.11.52. In terms of impact over and above the consented use, whilst this is higher, it is considered that there will be not be a severe impact over and above should the site have been used as a hotel.
- 6.11.53. During peak times traffic congestion is a common feature of the Noke Hotel roundabout. The congestion is predominantly caused by delays at M25 J21a. It should be noted that as part of the Strategic Rail Freight Interchange improvements to J21a (traffic signals) is programmed for next year.
- 6.11.54. In addition, it should be noted that the adjacent pending Burston Nurseries access works (also signalling the existing junction) includes the introduction of a 50mph speed limit from J21a to Park Street roundabout. Therefore, this proposal will be with a new reduced 50mph speed limit.
- 6.11.55. It is also noted that trip profile of the residential use must be considered insofar as the prospective residents will need access to local facilities and amenities and as such, off-site mitigation will be important to making the site sustainable. The applicant's proposals are considered to make the development sustainable in transport terms given that a new link will be provided up to the Chiswell Green locality and also enhancements to the cycle infrastructure over a wide area adjoining the site. The works as proposed are also considered to have a wider public benefit.

#### Layout

- 6.11.56. It is noted that the layout of the site is a reserved matter. The Highway Authority will review the detailed highway layout plans as and when they come forward, see also the recommended planning condition.
- 6.11.57. This notwithstanding, the draft indicative layout as supplied illustrates at a high level a suitable form of layout that is proposed with a good degree of permeability to the adjoining local highway and Rights of Way network.

#### Dedication/Restrictions of Highway Land

- 6.11.58. As noted, a key element of the scheme is the partial stopping up of Lye Lane in order to provide a non-motorised route on the existing alignment, whilst diverting vehicles and site traffic into the applicant's land.

- 6.11.59. Such highways work will require both the restrictions and dedication of highway land. Drawing number 22142/007 Rev C, Land Dedication/Stopping Up Plan, illustrates the proposals.
- 6.11.60. In addition to the works on Lye Lane and the new public highway within the site, the drawing also illustrates the dedication of new highway (within the site) to the south of The Noke roundabout. As the drawing details, this is in order to facilitate a proposed shared pedestrian/cyclist route.
- 6.11.61. All of the above proposals will need to be subject to a planning obligation within the Section 106 agreement.

#### Assessment

- 6.11.62. It is noted that the applicant is seeking substantial changes to the Lye Lane/North Orbital Way junction in order to facilitate the site's access strategy and the construction of a new alignment of Lye Lane for vehicular trips whilst retaining the existing section for non-motorised modes only.
- 6.11.63. It is also noted that the Noke roundabout will be amended to include a Toucan crossing.
- 6.11.64. The Highway Authority notes the existing and heavily trafficked nature of the North Orbital Road as it connects in the westbound direction to the M25. The section is known for significant levels of queuing in the peak periods. To this end, the Highway Authority requested additional surveys to establish a realistic profile of the queuing back from the M25 junction, in particular commenting on the survey methodology in terms of counting slow moving vehicles as part of a wider queue. The Highway Authority is content that the proposed access junction to the A405 is able to facilitate satisfactorily vehicles leaving Lye Lane in order to join the A404 North Orbital Road (S).
- 6.11.65. The Highway Authority is therefore content that the development may be satisfactorily facilitated on the adjoining local highway network.

#### Contributions

- 6.11.66. St Albans District Council does not presently have an adopted Community Infrastructure Levy (CIL). Therefore, contributions would be sought via the S106 agreement using HCC's Guide to Developer Infrastructure Contributions (2021).
- 6.11.67. HCC's Guide to Developer Infrastructure Contributions (2021) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). The Highway Authority uses the toolkit in conjunction with the three CIL tests, noted below:
- i. necessary to make the development acceptable in planning terms
  - ii. directly related to the development; and
  - iii. fairly and reasonably related in scale and kind to the development.

The Highway Authority will seek, wherever possible, to secure highway works via planning Condition and s278 agreement. The HCC Guide to Developer Infrastructure Contributions used by the Highway Authority may be accessed via the below link:

Guide to Developer Contributions ([hertfordshire.gov.uk](http://hertfordshire.gov.uk))

<https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/property/planning-obligations-guidance.aspx#developercontributions>

6.11.68. First strand (works to be undertaken under s278):

- Access works to Lye Lane;
- Improvement works to the Noke roundabout including new Toucan crossing and pedestrian/cyclist enhancements;
- Improvement works to the North Orbital Way south side to facilitate a LTN 1/20 compliant shared route; and
- Stopping up of existing site access south of the Noke roundabout and formation of a new footway.

6.11.69. First strand (works to be undertaken under s106):

#### Bus Infrastructure Improvements

HCC would seek a contribution towards the enhancement of the existing bus stops operating on the North Orbital Road. The total cost for this development would be up to £20k

#### Travel Plan

Approved Travel Plan(s), with individual monitoring fees in accordance with the current HCC Travel Plan guidance, as linked below:

<https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>

The above guidance was published in March 2020 and includes fees for evaluation and support of both residential and workplace Travel Plans and also School Travel Plans. For residential and workplace Travel Plans, the Evaluation and Supporting Fee is £6,000 (per use) or £1,200 p.a. over five years and for School Travel Plans, £1,500 p.a. over five years.

Detailed information regarding these costs is provided in the aforementioned HCC guidance document.

#### Sustainable Travel Contribution

The Highway Authority seeks a Sustainable Travel Contribution as per the HCC Travel Plan Guidance (2020) document, see below for reference:

<https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>



**Table 1: Residential travel voucher incentives for residential developments**

All residential developments (including in mixed-use development)	Unit type	Minimum value per unit
	Flat	£50
	House	£100

Voucher values will be index-linked to RPI dated from May 2014 (date of first adoption of this guidance).

As per the guidance document, the Sustainable Travel Voucher may be procured as follows:

“Provision of the incentives is the responsibility of the developer, not the county council unless expressly agreed and secured through a section 106 obligation with necessary developer contribution. However, the county council may be able to support with the management (negotiation, production and reimbursement mechanism) of multi-operator bus vouchers through its Intalink Enhanced Partnership at cost to the developer.”

As per Table 1 above, a contribution of 190 units \* £100 is required, equating to £19,000. It is envisaged that vouchers could be used flexibly, be it for a contribution towards a bicycle or equipment, or for use on local buses. However, the Travel Plan team can assist with coordination of a larger funding pool should this be available and liaison, for example, with public transport operators. The contribution seeks to encourage travel by sustainable modes and as such is consistent with LTP4.

#### 6.11.70. Second Strand (s106):

As per the Hertfordshire County Council Guide to Developer Infrastructure Contributions, issued 2021, the guidance notes that based on current evidence, that each non-car driver trip should contribute £2,133 to S106 Strand 2 contributions, which translates to £6,826 per each average residential dwelling.

- 190 x £6,826 = £ 1,296,940 (excluding indexation)

The Highway Authority is content that the cost of the Strand 1 schemes, particularly as this includes off-site infrastructure works that are consistent with HCC plans on Watford Road and Chiswell Green Lane (and therefore have a wider public benefit), to be deducted from the aforementioned headline figure.

#### 6.11.71. Approach to Strand 2 Contributions

It is noted that the figures for Strand 2 are set out as a headline figure, as calculated from HCC’s Guide to Infrastructure Contributions which is an adopted document.

It should be noted that HCC will not seek the application of this figure in addition to the Section 106 contributions and the implementation of off-site works via Section 278 as outlined for Strand 1.

For any given development, the contributions payable for Strand 1 will be taken into account when considering the required figures for Strand 2 works.

The Highway Authority has requested from the transport consultant, valuations of works that are considered to have a wider public benefit.

Description of Works	Value offset against S106 Obligation
Pegasus Crossing	£300,000
A405 'Active' Travel Corridor Works	£1,165,000
A405 Toucan Crossing & B4630 Watford Road ATC Tie-In	£700,000
<b>TOTALS</b>	<b>£2,165,000</b>

Source: Milestone

As set out above, given that the off-site highways works which may be considered to have a wider public benefit are considered to have a higher delivery cost than the theoretical Strand 2 contribution, the Highway Authority is not seeking a Strand 2 contribution towards the cumulative impact of the development.

#### Schemes

- 6.11.72. HCC have identified schemes from the South-Central Hertfordshire Growth and Transport Plan document which are of relevance for the development site. The Highway Authority consider that such interventions will promote sustainable modes of travel to and from the site in accordance with LTP4.
- 6.11.73. In the immediate vicinity of the site and of direct relevance to the Copsewood site is the promotion of the Chiswell Green Corridor Active Travel Works. The Highway Authority is seeking to promote improvements to active travel and connectivity to and from major settlements along this corridor. It is noted that the improvements that the applicant is proposing to the Noke roundabout (in order to make the development acceptable in planning terms), are complementary to these works. This is of particular relevance given the location of the development on the edge of the urban area and seeking to facilitate active travel connections to adjoining settlements by modes other than the private car.
- 6.11.74. The details from the Growth and Transport Plan are included for ease of reference.

#### Package 35 –Chiswell Green Corridor Active Travel Improvements

The overarching aim of Package 35 is:

To improve connectivity between Chiswell Green, Park Street and St Albans and reduce through traffic on the Watford Road corridor.

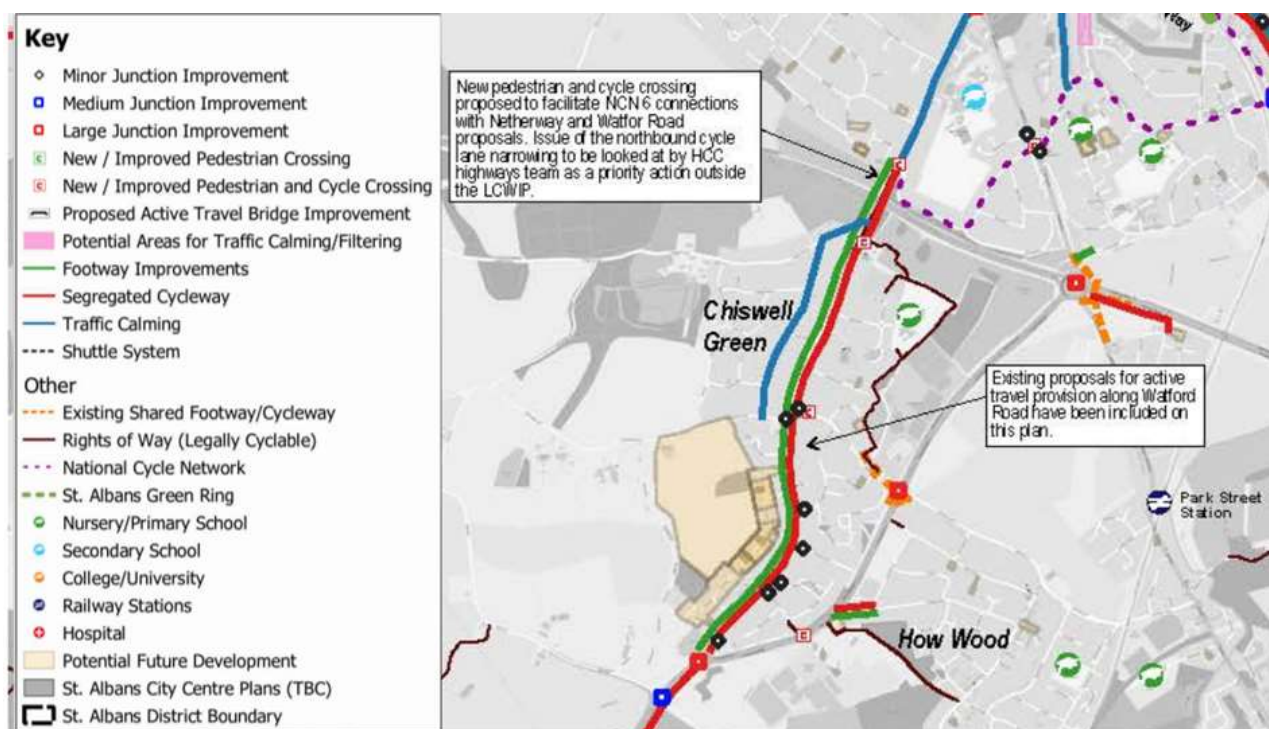
The Package consists of:

- i. Improvements along the B4630 Watford Road with the aim of discouraging through traffic (i.e. trips which neither begin nor end in Chiswell Green), ensuring capacity is given to other modes of transport; and
- ii. Improvements along the A405, including roundabout upgrades at the A414/A405/A5183 Park Street Roundabout and at the B4630 Watford Road/A405 Noke Roundabout.

Appendix B of the document sets out that intervention SM200 is estimated to have a value of works of between £2.5m to £5m, see below extract:

SM200	PK35	-	-	B4630 Watford Road Improvements	St Albans City & District	£2.5million-£5million	2-5 years	17STAtc, St Albans-Watford (ex 114STA_WAT)
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The work undertaken for the Growth and Transport Plan is also reflected in the more detailed St Albans Local Cycling and Walking Infrastructure Plan (which seeks to design and implement a cohesive package of works), with an illustration of the proposals in the Chiswell Green and How Wood areas shown below.



The above information is presented in order to confirm that the applicant's proposals align with Hertfordshire County Council aspirations. Given that the applicant's proposals may be considered to tie in with the GTP and LCWIP scheme for the Chiswell Green corridor, the Highway Authority is content that the applicant's proposals in and around the Noke roundabout are consistent with HCC plans and therefore a further Strand 2 contribution is not applicable.

### Summary

- 6.11.75. The Highway Authority has reviewed the Transport Assessment (dated April 2023) in support of a residential led development on land to the south of the Noke roundabout and east of Lye Lane.
- 6.11.76. The Highway Authority note extensive post application engagement with the applicant's transport consultant on matters including off-site highways works, junction modelling and the strategy for Lye Lane.

- 6.11.77. The results of this engagement are set out within the Transport Assessment Addendum dated October 2023.
- 6.11.78. Based on this work, the Highway Authority is content with the principle of the development and the junction access strategy.
- 6.11.79. A key element of making the development acceptable in planning terms and compliant with LTP4 is the package of mitigation works on the Noke roundabout, Lye Lane and the North Orbital Road. As set out within this response, the proposals are consistent with LTP4 and the GTP.
- 6.11.80. In summary, the Highway Authority does not wish to restrict the grant of planning permission, subject to the aforementioned planning conditions and Advisory Notes.

## 6.12. HCC Landscape

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

### NATIONAL PLANNING POLICY FRAMEWORK

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

### LOCAL DEVELOPMENT PLAN

- 6.12.5. ST ALBANS CITY & DISTRICT LOCAL PLAN (SAVED POLICIES 1994)
- Policy 1 Metropolitan Green Belt
  - 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 143A Watling Chase Community Forest

- 6.12.6. Design Advice Leaflet No.1 – Design and Layout of New Housing
- 6.12.7. Valued landscape/biodiversity/geodiversity – Yes, Priority Habitat (Traditional Orchards), (Deciduous Woodland)
- 6.12.8. Woodland / Tree Preservation Orders – No. 1385 (Individual Trees: T1 Sycamore, T2 Sycamore, T3 Lime, T4 Oak, T5 Lime, T6 Sycamore, T7 Sycamore, T8 Sycamore and Groups: G1 4 Sycamore, G2 6 Lime 2 Oak 1 Sycamore)

#### LANDSCAPE CHARACTER ASSESSMENT, STRATEGY & GUIDELINES

- 6.12.9. The site lies within landscape character area Bricket Wood, landscape character is described as ‘An area of mixed land uses and transitional character, including considerable woodland, unrestored mineral workings, educational, industrial, horticultural, and arable land. The area has undergone significant change in the 20th century and is impinged upon by settlement at Bricket Wood and How Wood, together with a marked severance by the M25. The historic pattern is well preserved in Bricket Wood Common, but eroded in many other locations, showing poor management and some dereliction.
- 6.12.10. The condition is assessed as Strong and the strength of character is assessed as Strong, the overall strategy for managing change is to Safeguard and Manage.
- 6.12.11. Of relevance to the proposed development the guidelines for managing change include:
- Promote the creation of additional woodlands, particularly with a view to visually integrating the intrusive motorways, urban fringe development and former mineral sites
  - Promote a clear strategy for the visual and noise mitigation of all motorways to positively integrate these corridors into the local landscape character

#### LANDSCAPE & VISUAL IMPACT ASSESSMENT

- 6.12.12. Landscape and Visual Impact Assessment, April 2023, PRI24055lvia (LVIA)

#### LANDSCAPE

#### LVIA 8.4 – 8.7

▪ In terms of landscape character areas, the site lies within the ‘Bricket Wood’ landscape character area, and in close proximity to the ‘St Stephens Plateau’ area. The LVIA judges that ‘The site does not relate strongly to either of these character areas, as it sits on the edge, but is influenced by both,’ and concludes that the proposals will have a minor (adverse?) impact on the character areas.

This judgement is challenged, it is put forward that the site and its immediate surroundings do strongly reflect the character of the Bricket Wood, which includes the impingement of settlement, severance of the M25, and poor management and dereliction, as noted in the landscape character assessment.

At a strategic level, the site is part of a wider green swathe, with some scattered small-scale development, that maintains a gap between the settlement of How Wood, and the M25 corridor and Bricket Wood beyond, and there is concern for the potential incremental loss of this swathe due to change. However, that said,

the site itself is relatively well related to the existing settlement due to its enclosure by the A405 to the west, and the industrial estate to the east, and Lye Lane providing a logical limit to the south.

▪ In terms of the site and its immediate surroundings the LVIA judges that ‘the site is currently in part residential, with a degree of other landscape habitats and remnant domestic uses. The proposed residential development would be of a similar baseline characteristic, but due to the scale of change, from a single storey, single dwelling, to several larger units spread throughout the site, a change in landscape character will be appreciated,’ and concludes that the impact is moderate (adverse?).

This judgment is challenged, and it is put forward that the magnitude of change is much greater, we do not agree that the proposed residential would be of a similar baseline characteristic but indeed represents a fundamental change from a predominantly open and verdant area to suburban development with associated highly engineered drainage and highways infrastructure.

## VISUAL

### LVIA 8.9-8.10

▪ The LVIA concludes that visual effects will be more significant from along the site boundaries, between moderate and major (adverse?), in particular from users of the A405, residences along the boundary, users of Lye Lane and PROW St. Stephen 018. From the wider area views will not be available/negligible, except for a minor (adverse?) effect on a section of PROW to the north (viewpoint 8).

This assessment is supported, providing that the mitigation assumed by the LVIA is actually delivered (see below). It is agreed that the majority of views will be from in close proximity, along the site boundaries. Views will be softened by the existing and proposed boundary planting to an extent, however there will be open views of the new major road junction and access into the site from the A405, including the access points for the cycle link, and into the site access from Lye Lane to the south. The assessment of viewpoint 4 from the A405 also identifies some views of the proposed buildings.

## MITIGATION

▪ As raised within the previous pre-application advice, there remains concern that landscape mitigation measures (LVIA 6.3 onwards) that have informed the LVIA, and reduced residual effects, have not been carried forward onto the parameter plan 6 (PP6) or landscape masterplan. It is critical that these elements are secured now to ensure that they are positively planned for and delivered in the following stages. These measures include:

– ‘Retaining the existing site boundary vegetation and including additional native species which are prevalent in the local area. This is to provide dense vegetative features along all the site boundaries’ and ‘Setting the residential properties away from all the site boundaries to provide enough space for mitigation planting to establish and be maintained.’

The masterplan includes a label confirming new supplementary along the A405 boundary, however, it is not clear that any will be delivered along the other boundaries with Lye Lane or the PROW. PP6 shows the boundaries with a ‘Landscape Buffer’ however it is not detailed what this will include. The buffer

along the PROW appears extremely thin, it is queried if there is space here for planting to be established and maintained.

It is strongly advised that the PP6 and description of 'Landscape buffer' is amended to include reference to provision of structural landscape mitigation planting. The minimum width of buffers along Lye Lane and the PROW should also be provided.

– 'Tree-lined corridors will be provided along the principal roads through the site, designed in a way to create sustainable planting areas for the proposed street trees.'

Avenues of street trees are shown on the masterplan however the majority of these are located within private front gardens and driveways, some in locations that may conflict with residents trying to manoeuvre in and out of their parking spaces and are therefore at risk of being removed by residents. There needs to be a much more robust approach to street trees within the public realm that ensures they are protected and managed in the long term.

The parameter plan 6 shows areas of built development to include 'incidental landscape features.' It is advised that this is not clear enough and there needs to be explicit reference to the provision of avenues of street trees.

– 'Cycle path along the A405 to...partly come into the site behind the existing trees, to ensure all of the existing vegetation along the A405 boundary can be retained, as far as possible.'

The cycle link (western end) as shown on the masterplan appears to conflict with a tree (including its root protection area) subject to a tree protection order as shown on PP6.

– 'Create an area of open space to allow for the retention and management of the existing (former) orchard in the northeastern part of the site. Replacement orchard planting will be delivered to supplement this and mitigate for trees which have been lost.'

The delivery of a community orchard is commendable, however the realistic delivery of this needs to be properly thought through. It is likely to require a specialised management regime, how will this be done? How will the produce be used? What ancillary structures will be required – storage shed? How will these be safeguarded, there is very little overlooking from neighbouring properties. How will the community take ownership and access the site? The PP6 makes no reference to the orchard, and neither the masterplan or PP6 show any strategic pedestrian/cycle links through the site or from the wider area to this space.

The PP6 needs to be updated to show the orchard and demonstrate how it sits within a wider green infrastructure network – see comments under Green Infrastructure below.

– 'Significant new tree planting will be provided throughout the site...to reflect the wooded character of the local landscape and community forest designation.'

PP6 shows the majority of the site covered by built development with 'incidental landscape features' – advise this into robust and needs greater clarity on the typology of planting within these areas – ie structural tree, shrub and hedgerow planting, and street trees as discussed above.



- 'Locating principal public open space and play area centrally within the site for greater accessibility for the community.'

As raised at the pre-application stage there is strong concern for the character and function of the central open space, which is dominated by a substantial utilitarian SuDS attenuation, basin and the remaining open space and play provision is pushed into the space left over within the existing trees to be retained root protection areas. A much more positive approach to the provision of public open space (not just retrofitted to left over space) is required and should include a hierarchy of open space types, each with its own distinct character and function. How does this space strategically link with the orchard space and sit within a wider green infrastructure network – see comments under Green Infrastructure below.

## ACCESS

- 6.12.13. Proposed A405 North Orbital / Lye Lane / Noke Lane Junction Improvements Inc. Pegasus Crossing 22142/001 Rev C
- 6.12.14. Proposed Lye Lane Diversion 'Active Travel Improvements on A405 North Orbital Road 22142/002 Rev C
- 6.12.15. Proposed Lye Lane Diversion / Junction Improvements 22142/005 Rev B

## ARBORICULTURAL IMPACT ASSESSMENT

- Arboricultural Report, David Clarke, 2023
- Tree Protection Plan, April 2023 LCLLBWH/TPP 010 B2
- Tree Removal Plan, April 2023 LCLLBWH/TRP 010 B1
- The proposed Lye Lane diversion / junction directly affects a substantial part of the root protection area of a sycamore tree subject to a tree preservation order. The Arboricultural Impact Assessment and Method Statement identifies this tree (T29 condition B – worthy of retention), however the Tree Removals Plan appears to show it as removed. It is strongly advised that the St Albans authority tree officer is consulted.
- The proposed active travel improvements, where they come into the site, affect a number of existing trees and their root protection areas, including trees subject to a tree preservation order shown as G3 and G4 on the tree protection plan. The proposed pathway directly affects a substantial area of the G4 TPO trees' root protection area, the tree protection plan shows 'ground protection – no dig surfacing' measures here, however due to the relatively large extent of disturbance it is advised to seek the opinion of the St Albans authority tree officer.

## LANDSCAPE PARAMETERS

See also comments under 'mitigation' above.

- 6.12.16. GREEN INFRASTRUCTURE NETWORKS & OPEN SPACE HIERARCHY
- As previously advised - It is not clear how the green infrastructure (GI) and open space networks integrate with any proposed habitat networks, surface water management features, or existing and proposed non-vehicular movement network and destinations within the site and surrounding area. At the outline/full application



stage contextual and site survey and analysis, and parameter plans should be provided to demonstrate these aspects.

- With regards to PP6 it is appreciated that the minimum extent of GI is shown however there remains concern that the GI is constrained to an isolated area predominantly within the root protection area of the retained trees at the centre of the site. Connectivity is a fundamental principle of GI and there is concern for the lack of any strategic green networks permeating throughout the site, to integrate the aspects as detailed in the bullet point above.

#### 6.12.17. NOISE MITIGATION MEASURES

- It is understood that acoustic fencing is required along northern part of A405 boundary – we cannot see any reference to this on the PP6 or landscape masterplan.

As previously advised, it is advised that noise mitigation measures should be landscape-led and planned for from the start of the layout and design process – not retrofitted. Acoustic fencing / bunds and other incongruous attenuation features should be avoided in favour of a considered, optimal building and open space arrangement, and structural planting.

#### 6.12.18. SUDS ATTENUATION BASIN

- We note that the proposed Basins will fill up between 758mm for basin 1 and 1.3m for basin 2 during the 1 in 100 year +40% rainfall event. This will render the basins inaccessible for any type of multi-use functionality.

The LVIA (p35) refers to the provision of marginal planting species and habitat for wildlife, however it is our understanding that the basins will not have any permanent water and therefore will not be able to support this type of habitat. It is noted that the basins are shown as grassland on the masterplan.

#### 6.12.19. CONCLUSION

ACCESS – Concern for impact upon two trees subject to tree preservation orders – advise seek opinion of St Albans tree officer.

PARAMETERS – too weak – need to serve to secure important landscape/visual mitigation as assumed in the LVIA and demonstrate a green infrastructure led approach, as discussed in detail above.

#### 6.13. HCC Minerals and Waste

6.13.1. I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Waste

6.13.2. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

6.13.3. 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.'

6.13.4. The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition. Many of the policy requirements can be met through the imposition of planning conditions.

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

6.13.6. 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.

6.13.7. A development of this size would require consideration of the need to minimise wastes generated during demolition, construction and 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.

6.13.8. 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.

6.13.9. As a minimum, a SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principal 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)

#### 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)

#### 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

6.13.10. If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

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).

6.13.11. 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.

## Minerals

- 6.13.12. In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in the adopted Minerals Local Plan Review 2002 – 2016 (2007). 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 potential superficial sand/gravel deposits in the area on which the application falls.
- 6.13.13. 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.
- 6.13.14. 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.
- 6.13.15. 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.
- 6.13.16. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of sand and gravel deposits within the developments, should they be found when creating the foundations/footings and be of a suitable quality. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 6.14. HCC Public Health
- 6.14.1. Thank you for the opportunity to comment on the above outline planning application.
- 6.14.2. For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance , Public Health England's Spatial Planning for Health evidence resource and the NHS England 'Putting Health into Place, 10 Principles' Guidance document 2019 .This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the wider determinants of health as a diverse range of social, economic and environmental

factors which influence people's mental and physical health, and would demonstrate that an application for development has been positively prepared.

#### National and Local Policy

- 6.14.3. The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 92 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 92c).
- 6.14.4. Paragraph 93b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.
- 6.14.5. The Hertfordshire Health and Wellbeing Strategy 2022 – 2026 sets out the vision and strategic priorities for improving health and wellbeing and reducing health inequalities in the County. This strategy outlines three key overarching ambitions and six themed strategic outcomes we are collectively aspiring to in Hertfordshire.
- 6.14.6. Specific Comments on the Proposal:

1. Air quality:

Public Health advises that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

I defer to the St. Albans Environmental Health team to ensure that development will not create air quality problems. In particular, I seek reassurance that this development will not contribute to a worsening of local air quality that may lead to poor health outcomes (through exposure) for the existing community living in the vicinity, or for new and vulnerable populations (such as the elderly or young children).

The Planning Authority may wish to consider the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health. The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement 2 focussed on planning applications.

2. Indoor air quality: Exposure to poor indoor air quality can impact negatively on health. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149) .

3. Creating access for all: To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).

4. Adoption of active travel behaviours from the new occupants:

We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

5. Active Design: The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>. In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. The planning authority may wish to consider this by way of a condition to request details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. Public Health strongly advises the developer to consult Sport England on this application.

6. Affordable Housing: having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It isn't clear how and where the affordable housing will be provided. It is, without a doubt, crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation. It should also have equal access to the green space provided.

7. Provision of healthy, affordable food: We seek to encourage affordable, healthy food choices and a balance in the range of food outlets occupying the retail space to enable individuals to make healthy choices, whilst promoting local commercial diversity. The environment in which we live, work and play has a considerable influence on our food choices. Easy access to affordable, healthy food choices can help to support a balanced diet and prevent unhealthy weight in the population. We look to the local planning authority to consider licencing restrictions for food outlets within this development to provide a balance of food choices available.

8. Contributions towards modal shift and active recreation: We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel.

9. Charging points for electric vehicles: To encourage the use of cleaner vehicles, electric charging points should be provided for all new residential and non-residential buildings with associated parking.

10. Car club: We would like to see the developer making a contribution to setting up a car club.

11. Safe crossing points beyond site perimeter: to encourage residents to use active travel, a key indicator will be perceptions of safety. Safe crossing points will encourage behaviour change for residents to use active travel in favour of car usage. It is not clear from the plans if there are safe crossing points on nearby roads to the proposed site.

- 6.14.7. We recommend that a Health Impact Assessment (HIA) is undertaken for developments in excess of 100 residential units. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. HIA can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.
- 6.14.8. In November 2019, Herts County Council adopted a HIA Position Statement. This sets out when a HIA should be undertaken and frameworks to use for each stage of the HIA process. The Position Statement includes guidance on the quality assurance framework that will be used to assess HIAs that are submitted with planning applications. The HIA Position Statement and supporting appendices can be downloaded from the weblink below:  
<https://www.hertfordshire.gov.uk/healthyplaces>
- 6.14.9. Public Health notes that the developer has not submitted an HIA report alongside the planning application. Therefore, Public Health requests a planning condition to be imposed requiring HIA to be submitted and approved. A suggested planning condition is as follows:

*“No development shall commence until an HIA report is submitted and approved in writing by HCC Public Health to demonstrate both the positives of the proposal as well as identifying any unintended consequences for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development.”*

*Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the borough.*

6.15. HCC Spatial Planning and Economy

6.15.1. No comments received

6.16. Lead Local Flood Authority

6.16.1. In this case, the LLFA has not provided comments as third-party consultants were used to provide advice on this application. The comments of RAB on this application are set out below:

Planning Authority Comments

6.16.2. This technical review has been carried out by RAB on behalf of St Albans District Council. The applicant has submitted technical information in support of this development.

6.16.3. The applicant has submitted the reserved matters application covering access.

6.16.4. 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.

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 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 prepared by JNP Group of Consulting Engineers, dated March 2023 and with reference: S11880-JNP-XX-XX-RP-C-0001.

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 3.9l/s that is the site-specific QBAR for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change, in line with the Flood Risk Assessment and Drainage Strategy prepared by JNP Group of Consulting Engineers, dated March 2023 and with reference: S11880-JNP-XX-XX-RP-C-0001.

d. 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 and at the proposed invert level(s) of the infiltration SuDS feature(s). 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.

e. If the development is discharging to a drainage system maintained/operated by another authority or landowner, confirmation of consultation and the acceptability of any discharge to their system should be presented for approval.

f. 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.

g. 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.

h. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site, in accordance with the Environment Agency Guidance "Discharges to surface water and groundwater: environmental permits".

i. 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.

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



k. 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.

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.

6.16.5. 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.

#### 6.17. HCC Water Officer

6.17.1. This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use at all times.

#### 6.18. Environmental Compliance

6.18.1. I have reviewed both the Noise and AQ reports and have no further comment providing the outlined mitigations to achieve compliance with the relevant standards are adhered to.

#### 6.19. Land Contamination

*Initial Response 15/01/2024*

6.19.1. I have inspected the Phase 1 Geo-technical Report JNP –S11880 for the above site and I am in agreement with the JNP Group recommendation for further targeted sampling and testing at the site.

*Further Response 23/01/2024*

6.19.2. In addition, the National Planning Policy Framework requires the following:

6.19.3. The site is made suitable for its intended use, taking account of all ground conditions arising from former activities; pollution arising from former activities;

pollution arising from previous uses and proposals for mitigation, including land remediation.

- 6.19.4. Should remediation be required; as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 6.19.5. We do have step- wise standard conditions for Remediation Statement, Verification Report should further investigation indicate the requirement for it. Should this wait for further information or do you believe that it should be applied at this stage?

*Further Response 14/02/2024*

- 6.19.6. Request for Contaminated Land Conditions:

A Desk Study for the above site has already been submitted so no requirement for a Condition covering that but further site evaluation is required as in following Conditions:

SITE INVESTIGATION.

Condition:

- 6.19.7. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS 10175:2011 + A2:2017 Investigation of potentially contaminated sites-Code of Practice.

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

- 6.19.8. 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 National Planning Policy Framework.

OPTIONS APPRAISAL AND REMEDIATION STRATEGY.

Condition:

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

- 6.19.10. 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 National Planning Policy Framework.

VERIFICATION REPORT.

Condition:

- 6.19.11. 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 prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 6.19.12. 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 National Planning Policy Framework.

#### REMEDIATION

Condition:

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

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

- 6.19.14. 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 National Planning Policy Framework.

#### UNSUSPECTED CONTAMINATION.

Condition:

- 6.19.15. 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 LPA. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared subject to the approval of the LPA. 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 LPA prior to the occupancy of any buildings.

- 6.19.16. 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 National Planning Policy Framework.

#### INFORMATIVE

Contaminated Land

- 6.19.17. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.20. Herts Valley Clinical Commissioning Group/ Hertfordshire and West Essex Integrated Care Board (HWE ICB)
- 6.20.1. Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.
- 6.20.2. The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.5m. in Hertfordshire and west Essex.
- 6.20.3. The HWE ICB works in partnership with health providers, local authorities, and other organisations to:
- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
  - tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
  - get the most out of local health and care services and make sure that they are good value for money.
  - help the NHS support social and economic development in Hertfordshire and west Essex.

#### Assessment of impact on existing Healthcare Provision

- 6.20.4. The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in and around the vicinity of Bricket Wood.
- 6.20.5. The proposed development would deliver 190 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 456 new patient registrations.
- 6.20.6. Within the HWE ICB there are 35 Primary Care Networks (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. As such a doctors' general practitioners' surgery may include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals. The PCNs that covers Bricket Wood and under which this development falls has a combined patient registration list of 73,839, which is growing.
- 6.20.7. Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: it is the quickest journey, accessible by public transport or is in walking distance), parking provision, especially for families with young children and for older adults.

- 6.20.8. Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.
- 6.20.9. As a result of significant growth proposed in Local Plans, the HWE ICB expects applications to close lists to increase. It is therefore important that new developments make a financial contribution to mitigate any primary health care impacts the development will have.

#### Healthcare Needs Arising from the Proposed Development

- 6.20.10. Development at Copsewood Lye Lane Bricket Wood Hertfordshire will have an impact on primary/secondary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.
- 6.20.11. The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the primary/secondary health care impacts from this development, has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Saffron Walden and its vicinity, or other development proposals in the area.

Cost calculation of additional primary healthcare services arising from the development proposal

- 6.20.12.  $456 \text{ new patient registrations} / 2000 = 0.228$  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"

$0.228 \times 199 \text{ m}^2 = 45.372 \text{ m}^2$  of additional space required

$45.372 \text{ m}^2 \times \text{£}5,410^* \text{ per m}^2 = \text{£}245,462.52$  (\*Build cost; includes fit out and fees)

$\text{£}245,462.52 / 190 \text{ dwellings} = \text{£}1,291.908$  per dwelling

Total GMS monies requested:  $190 \text{ dwellings} \times \text{£}1,291.908 = \text{£}245,463.00$  (rounded up)

- 6.20.13. The HWE ICB therefore requests that this sum is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 planning obligation. A trigger point of payment on occupancy of the 1st Dwelling is also requested.
- 6.20.14. If planning permission is granted, the HWE ICB propose to focus Section 106/CIL monies Midway Surgery or Park Street Surgery in Bricket Wood.
- 6.20.15. Midway Surgery has an identified need for additional space and for compliant premises. The current surgery premises cannot facilitate new patients arising from new developments in the area, with the age, condition and tenure of the existing premises a further constraint
- 6.20.16. Following 'joined up' working with the St Albans, we are working with the practice to extend their current practice.
- 6.20.17. The practice are working together with the HWE ICB premises team to present a viable feasibility business case for the Midway Surgery to extend into

new and improved space. A full business case is currently being drawn up, which will require approval by the HWE ICB and NHS England.

6.20.18. With regard to the Park Street Surgery, the HWE ICB will explore re-configuring, extending or relocating the GP premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.

Cost calculation of additional secondary healthcare services arising from the development proposal.

6.20.19. Mental Health costs:

190 residential units x £201.75 = £38,332.50

Total Community monies requested: 190 dwellings x £201.75 = £38,333.00 (rounded up)

6.20.20. If planning permission is granted, the HWE ICB propose to focus Section 106/CIL monies Warren Court in Abbots Langley.

6.20.21. Cost calculation of acute healthcare services arising from the development proposal

Acute costs:

190 residential units x £182.03 = £0.00

Total Acute monies requested: 190 dwellings x £182.03 = £0.00 (rounded down)

6.20.22. In terms of identifying a project in full at this stage, please note:

- All projects are subject to Full Business Case approval by the HWE ICB and NHS England.
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and which demonstrates value for money.
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is vital.
- A project identified and costed in response to the planning application may not meet the objectives of 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.

6.20.23. In conclusion, in its capacity as the primary healthcare commissioner with full delegation from NHS England, the HWE ICB has identified a need for additional primary healthcare provision to mitigate the impacts arising from the proposed development. The cost calculation, set out above are those that the HWE ICB and NHS England deem appropriate having regard to the formulated needs arising from the development.

6.20.24. The HWE ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning

obligations, as set out in the NPPF. Further, NHS England and the HWE ICB reserve the right to apply for S106/CIL monies retrospectively and the right to amend and request that this be reflected in any S106 agreement.

6.20.25. Subject to certainty that primary healthcare will form part of the development, with developer contributions secured, as set out above, the HWE ICB does not raise an objection to the proposed development.

6.20.26. The HWE ICB looks forward to working with the Council and applicant to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of receipt of this letter.

#### 6.21. Legal and Democratic Services

6.21.1. No comments received

#### 6.22. Health and Safety Executive

6.22.1. Advice : HSL-230822112138-75 Does Not Cross Any Consultation Zones

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

#### 6.23. Housing

6.23.1. I am pleased to note the proposed delivery of a policy compliant scheme in terms of affordable housing.

6.23.2. I await further details of the proposed size mix and would anticipate this would reflect the mix of market housing. In addition I would expect smaller properties to be delivered as shared ownership and the larger family sized properties to be delivered for rent to applicants from the Council's Housing Register.

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

#### 6.24. National Highways

6.24.1. The initial responses of National Highways (dated 22/06/2023, 30/06/2023, 11/08/2023) advised that the application was not determined until further work had been carried out, and therefore issued holding responses.

*Further response dated 10/11/2023*

6.24.2. Referring to the consultation dated 1 June 2023 referenced above, in the vicinity of the M25 that forms parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

6.24.3. Highways Act 1980 Section 175B is not relevant to this application.

- 6.24.4. This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.
- 6.24.5. Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

#### Annex A National Highway's assessment of the proposed development

- 6.24.6. National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a 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 we work 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.
- 6.24.7. National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.
- 6.24.8. This application is for the residential development of up to 190 homes and associated works (with all matters reserved apart from access).
- 6.24.9. The SRN in the vicinity of the proposed development is the M25. The site is approximately 500m north of the M25 Junction 21A. M25 J21A regularly experiences congestion during peak hours with significant queues forming on the off-slips, which on some occasions stretch back onto the M25 mainline carriageway.
- 6.24.10. With reference to our latest official response to this application dated 30th June 2023, we requested the model data for the M25 J21A model, including video survey data used, to be provided. We also requested clarification regarding the labelling of slip roads at M25 J21A.
- 6.24.11. Since then, we had a meeting on 9th August 2023 with Milestone Transport Planning (MTP), consultant of the applicant, to discuss our requests. A follow-up meeting was held in early September.
- 6.24.12. We received Technical Note IV – M25 Junction 21a from MTP on 31st October 2023. Supplementary information was also received via email from MTP on 6th November 2023. The text below details our observations, comments, and feedback regarding the Technical Note IV and supplementary documents in the email.

#### Junctions 10 – ARCADY Model Created for the M25 J21A

- 6.24.13. We have reviewed the model and note that it is an improvement on the previously submitted version. We remain unconvinced that the model is fully able to replicate the operation of the existing junction. Nonetheless, the model can now be considered sufficient to demonstrate to us the proposed development's traffic impact on the SRN, the M25 off-slips in particular.



- 6.24.14. It is acknowledged that the proposal could place only a limited amount of traffic on the key approaches, and we accept that the additional traffic is likely to have insignificant impact on the operation of the M25 J21A during the sensitive weekday AM and PM peak hours. For the worst-case PM period when people are returning home to the proposed residential site, there is almost no change to the queues presented for the M25 westbound off-slip, and an increase in 7 PCUs on the eastbound off-slip.
- 6.24.15. Whilst we do not fully accept the traffic model, the impact of the proposals on the SRN has been sufficiently demonstrated. Importantly, we would expect and require that this junction model to be totally revalidated and calibrated with new survey data, should it ever be used again in the future.

#### Traffic Impact

- 6.24.16. At present, long queues can be observed at times on the M25 J21A westbound off-slip. Under the mitigation scheme from the committed Rail Freight Interchange (RFI) proposal, the M25 J21A will be fully signalised. The introduction of traffic signals to this roundabout will assist to control vehicle queues, ensuring that any off-slips queues do not extend onto the M25 mainline.
- 6.24.17. We note that MTP has provided a LinSig model attempting to demonstrate how the committed improvement scheme associated with the RFI might operate in the future. This model cannot be accepted due to fundamental flaws in the calibration.
- 6.24.18. However, we acknowledge that the committed improvement scheme to the M25 J21A will provide additional capacity and a greater control over off-slip queues and delays. With reference to the worst-case scenario without the committed improvement scheme to the roundabout, as discussed in the previous section, we expect the upgraded, mitigated M25 J21A roundabout and slip roads would be able to cater for additional traffic from this proposal.
- 6.24.19. Considering above, despite the unacceptability of the models, we could come to the position to anticipate insignificant potential traffic impact from this development proposal on the SRN.

#### Recommendation

- 6.24.20. We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

#### Standing advice to the local planning authority

- 6.24.21. The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.
- 6.24.22. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

6.24.23. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

6.25. Parking

6.25.1. No comments received

6.26. Spatial Planning

6.26.1. Recommendation – Neutral

ADVICE/ COMMENTS

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

6.26.3. There have been discussions with Development Management colleagues regarding the package of measures / benefits that form an important part of their overall assessment as to whether 'very special circumstances' exist.

Principle of Development

Relevant Policy

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

6.26.5. Local Plan (Saved 2007) Policy 1 'Metropolitan Green Belt' states:

6.26.6. *"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:*

6.26.7. *a) mineral extraction;*

6.26.8. *b) agriculture;*

6.26.9. *c) small scale facilities for participatory sport and recreation;*

6.26.10. *d) other uses appropriate to a rural area;*

6.26.11. *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.*

6.26.12. *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."*

The NPPF states:

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

6.26.14. *153. 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.”*

- 6.26.15. The St Stephen Parish Neighbourhood Plan 2022 sets out in Policy S1 ‘Location of Development’:

*“3. Residential development which meets either the exceptions to inappropriate development in the Green Belt as set out in paragraphs 145 and 146 of the National Planning Policy Framework, or demonstrates very special circumstances, as set out in paragraph 147 of the National Planning Policy Framework, will be supported. Where very special circumstances can be demonstrated, development of the following types will be supported:*

*affordable housing; or*

*smaller units for younger people; or*

*properties tailored to the ageing population; or*

*provision of additional community benefit”*

- 6.26.16. 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

- 6.26.17. The SKM Green Belt Review comprises:

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

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

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

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

- 6.26.18. The site is identified as part of GB26 'Green Belt Land to North of Bricket Wood' in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

*“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”*

- 6.26.19. It is acknowledged however that the site to which this application relates covers a smaller area than GB26.

Call for Sites - 2021

- 6.26.20. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as being the westerly part of site STS-04-21 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 did not take into account Green Belt constraints.

Arup St Albans Stage 2 Green Belt Review June 2023

- 6.26.21. The Arup Stage 2 Green Belt Review Annex Report 2023 identifies the site within sub-area SA-131. The sub-area's Green Belt Purpose Assessment summary reads:

*“The sub-area performs moderately against the purposes overall. The sub-area does not meet purposes 1 criteria (a) or 4; and performs weakly against purpose 2, and moderately against purpose 3.”*

- 6.26.22. The sub-area's Wider Green Belt Impacts assessment summary reads:

*“Overall, the sub-area plays an important role with respect to the strategic land parcel, and its release in isolation or in combination would harm the performance of the wider Green Belt.”*

- 6.26.23. The sub-area's concluding Categorisation and Recommendation reads:

*“The sub-area performs moderately against NPPF purposes and makes an important contribution to the wider Green Belt. Not recommended for further consideration.”*

Housing

- 6.26.24. This application proposal is for up to 190 residential dwellings.

Housing Land Supply

- 6.26.25. It should be noted that the NPPF December 2023 introduced a new requirement for some LPAs to annually identify and update a four year housing land supply position, applying for two years from the revised Framework's publication. Paragraphs 77 and 226 of the revised NPPF state that this

requirement applies to certain authorities which have an emerging Local Plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need; this includes SADC.

6.26.26. SADC currently has a housing land supply of 1.7 years from a base date 1 April 2023. It is acknowledged that 1.7 years is substantially below the required 4 years.

Housing and Affordable Housing Need

6.26.27. The GL Hearn South West Herts – Local Housing Need Assessment (LHNA) was published on 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.

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

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

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

Source: Census/CoRe/Projection Modelling and affordability analysis

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

**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.

- 6.26.29. The Planning Statement in 7.2.1 sets out that affordable housing will be provided at 35% of all units, with an indicative tenure mix of 2:1 in favour of rented accommodation, although the detailed mix will be agreed with the Council. The proportion of affordable housing 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

- 6.26.30. The proposal includes 3 units as self-build plots. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2023 the figure was 812, comprising 799 individuals and a total of 13 people within 3 associations. The 2023 Authority Monitoring Report shows a total of 197 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.

<sup>[1]</sup> Paragraph: 011 Reference ID: 57-011-20210208 Revision date: 08 08 2021

## Housing Summary

- 6.26.31. It is clear that there is no 4 year land supply and that very substantial weight should be given to the delivery of the proposed housing. It is also clear that there is a need for affordable housing and self-build plots and very substantial weight should be given to the delivery of the proposed affordable housing and self-build plots.

## Other Matters

- 6.26.32. There have been discussions with Development Management colleagues regarding the package of measures / benefits that form an important part of their overall assessment as to whether 'very special circumstances' exist.

## Overall Conclusion

- 6.26.33. It is considered clear that a number of significant harms and significant benefits would result from this proposed development. The SKM Green Belt Review considered that overall parcel GB26 does partly contribute to preventing neighbouring towns from merging, and in addition makes a significant contribution to maintaining the existing settlement pattern.
- 6.26.34. The Arup Stage 2 Green Belt Review 2023 notes, in relation to sub-area SA-131: *"The sub-area performs moderately against NPPF purposes and makes an important contribution to the wider Green Belt. Not recommended for further consideration."*
- 6.26.35. It is clear that there is no 4 year land supply and that very substantial weight should be given to the delivery of the proposed housing. It is also clear that there is a need for affordable housing and self-build plots and very substantial weight should be given to the delivery of the proposed affordable housing and self-build plots.
- 6.26.36. There have been discussions with Development Management colleagues regarding the package of measures / benefits that form an important part of their overall assessment as to whether 'very special circumstances' exist.
- 6.26.37. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality this recommendation is Neutral.

## 6.27. St Stephens Parish Council

### *Initial Comments June 2023*

- 6.27.1. Unsustainable development in a green belt location for which no very special circumstances exist. Request Call in if not referred to committee by officers.

### *Further comments December 2023*

- 6.27.2. Unsustainable development in a green belt location for which no very special circumstances exist. Request Call in if not referred to committee by officers.

## 6.28. Thames Water

### *Initial comments 01/06/2023*

### Waste Comments



- 6.28.1. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.28.2. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

*Further comment 15/06/2023*

#### Waste Comments

- 6.28.3. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 6.28.4. 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.
- 6.28.5. 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.
- 6.28.6. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.
- 6.28.7. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://eu-west-1.protection.sophos.com?d=thameswater.co.uk&u=aHR0cHM6Ly93d3cudGhhbWVzd2F0ZXluY28udWsvZGV2ZWxvcGVycy9sYXJnZXItc2NhbGUtZGV2ZWxvcG1lbnRzL3BsYW5uaW5nLXlvdXItZGV2ZWxvcG1lbnQvd29ya2luZy1uZWYyLW91ci1waXBlcw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=TzhlSDIRWnlx>



bkwvbHk0bE9hVmxBdXZudlhycEludFFWUUtUcXRQZkVRTT0=&h=40a95aada6f9459c80466505aaf1711f&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGKjGJXJiJpzD8DiP9r-uzjLvC1jm6t0B1Q

## Water Comments

- 6.28.8. 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.
- 6.28.9. 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 mVybml1bnQvcHVibGJjYXRpb25zL2dyb3VuZhdhdGVyLXByb3RlY3Rpb24tcG9zaXRpb24tc3RhdGVtZW50cw==&i=NWQ1ZmMwOTQxNGFiNmYxMGEyYjA0MGY3&t=WDJOQjJQSVdwNzZGTEdrbWdzWmMyUXJvWmxzQ3Yzd1d2Q3ExME5HR0ZxYz0=&h=40a95aada6f9459c80466505aaf1711f&s=AVNPUEhUT0NFTkNSWVBUSVbsUj4wVKMGKjGJXJiJpzD8DiP9r-uzjLvC1jm6t0B1Q>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

## 6.29. Trees and Woodlands

### *Initial comments 18/05/2023*

- 6.29.1. There is a TPO affecting the site but not affecting the proposed access in the western corner.
- 6.29.2. The access will see the loss of trees and hedgerow which is unavoidable, tree protection details submitted are acceptable to protect the retained trees and must be in situ prior to any development on site.
- 6.29.3. No further comments

### *Further comments 13/06/2023*

- 6.29.4. Statutory Protection: Tree Preservation Order (TPO 1385 <https://www.stalbans.gov.uk/sites/default/files/documents/publications/planning-building-control/tree-preservation-orders/TPO01385.pdf> )
- 6.29.5. This is a major application and will be dealt with by HCC. There is a TPO on the site referenced above, further details to be provided under the service level agreement.

### *Further comments 12/02/2024*

- 6.29.6. The details provided in the arb report for tree protection are acceptable, and there are no objections on the removal of the Sycamores as stated in section 6.13 of the report.
- 6.29.7. The landscaping and replacement tree(s) will compensate over time for its' loss.

### 6.30. Waste Management

- 6.30.1. Thank you for forwarding these plans for our consideration.
- 6.30.2. The layout has 4 dead ends with no apparent turning circle or hammerhead. Our teams would only be able to drive and reverse along these roads which is not acceptable.
- 6.30.3. Alternatively, a bin collection point could be created at the top of each cul de sac. The collection point would need to be large enough to store a minimum of 2x 240lt bins per property on recycling collection week- also a minimum of 1x 55lt recycling box and a food waste caddy per property.
- 6.30.4. We do not support these plans with the current layout.

### 6.31. Herts Wildlife Trust

- 6.31.1. Objection: Biodiversity net gain not demonstrated, application not compliant with NPPF.
- 6.31.2. The ecological report and BNG assessment are excellent. However, I do not agree with one of the habitat classifications. This affects the BNG score and needs to be adjusted.
- 6.31.3. The modified grassland in the Ecological Impact Assessment is described as:
- 6.31.4. 5.2.1 The neglected and tall sward was dominated by False Oat-grass *Arrhenatherum elatius*, Cocksfoot *Dactylis glomerata*, Common Bent *Agrostis capillaris*, and with a minor component of Yorkshire Fog *Holcus lanatus* Perennial Rye-grass *Lolium perenne*, Red Fescue *Festuca rubra*, and Sweet Vernal Grass *Anthoxanthum odoratum*. While grasses heavily dominated the sward, several forbs were present, albeit with a sporadic distribution. These included Common Knapweed *Centaurea nigra*, Common Mallow *Malva sylvestris*, Common Ragwort *Jacobaea vulgaris*, Common Sorrel *Rumex acetosa*, Creeping Buttercup *Ranunculus repens*, Creeping Thistle *Cirsium arvense*, Field Bindweed *Convolvulus arvensis*, Field scabious *Knautia arvensis*, Lady's Bedstraw *Galium verum*, Meadow Vetchling *Lathyrus pratensis*, Nipplewort *Lapsana communis*, Perforate St. John's Wort *Hypericum perforatum*, Prickly Lettuce *Lactuca serriola* and Yarrow *Achillea millefolium*.
- 6.31.5. The grassland described above fits most closely with the NVC community MG1. MG1 is explicitly described in the UK Habitats Classification category of Other Neutral Grassland. The UK Habitats description states:
- 6.31.6. Other neutral grassland g3c5 *Arrhenatherum elatius* grassland.
- 6.31.7. Definition: neutral grassland with False Oat-grass dominant.
- 6.31.8. Landscape and ecological context: Lightly managed or unmanaged fields or road verges in lowland areas
- 6.31.9. Species: This category is equivalent to NVC community MG1. Total grass cover is usually between 50 and 75% with abundant False Oat-grass. Cock's-foot is also constant.
- 6.31.10. When the metric is corrected the net loss – not considering the impact on priority habitat lowland acid grassland, is -11.74% or -4.55 habitat units. NPPF

requires that development achieves a biodiversity net gain. The Environment Act sets this at a minimum of 10% of the baseline value. Therefore the development is currently 8.427 units short of providing a net gain – not including the priority habitat loss. This is not compliant with policy and should not be approved in its current state.

6.31.11. To be compliant with policy the applicant would need to provide details of a biodiversity offset for the required amount which satisfied the trading rules of the metric. Alternatively the LPA may wish to negotiate a commuted sum to provide the required amount of units on behalf of the applicant. This would need to be fully costed for 30 years, supported by a biodiversity offset management plan and secured by S106 agreement.

6.31.12. The metric is not designed to compensate for the loss of priority habitat or very high distinctiveness. Priority habitat (lowland acid grassland- v. high distinctiveness) has been recorded on site. NPPF states:

6.31.13. 180. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

6.31.14. The LPA will have to decide if it is appropriate to seek compensation for this habitat or refuse the application. The isolated and vulnerable nature of the habitat would suggest that it is reasonable to seek compensation. The metric states that any loss of this habitat is unacceptable, but if it is to be considered then bespoke compensation is required. Very high distinctiveness habitats include this habitat and Ancient Woodland. Natural England approved Ancient Woodland compensation in conjunction with HS2 at a quantum of 10 to 1. This means that for this scheme to be acceptable, a biodiversity offset scheme for the creation of 1.42 ha of lowland acid grassland must be provided to compensate for this loss. Alternatively an offsite biodiversity uplift equivalent to ten times the current unit score for the lowland acid grassland onsite would be sufficient. This would need to demonstrate how the uplift would occur, be secured for 30 years minimum and be supported by a bespoke uplift management plan. At present this has not been provided and so the application should not be approved in its current state.

6.31.15. All other elements of the ecological report are acceptable, e.g. bat mitigation and compensation measures and could be secured by condition if all other matters are resolved.

6.31.16. If you would like to discuss any of the above please get in touch.

## 6.32. Ramblers

6.32.1. The Ramblers is a national charity which works to protect the countryside and to safeguard and enhance the places where people walk. In this application it is necessary to balance the harm to the green belt and the open countryside against the proposed enhancement to the network of routes for walkers, cyclists and horse riders.

6.32.2. This proposal is for inappropriate development in the green belt. Although there is planning consent for a hotel on the southern part of the site the proposed development will develop that part of the site more extensively and will extend into

the northern part of the site. It will do more harm to both the green belt and the undeveloped countryside.

6.32.3. On the other hand the application includes a number of proposals which will have benefits for walkers, cyclists and horse riders. We now consider these in the order of paragraph 6.13 of the Design and Access Statement.

a) Toucan crossing of A405 near roundabout

6.32.4. It is misleading to say that the nearest safe crossing of the A405 is the footbridge at Tippendell Lane as a new signal controlled crossing will be provided as part of the retirement village development on the Burston Garden Centre site. This crossing will provide a route for existing Chiswell Green residents to the garden centre, How Wood local centre, Park Street Surgery and How Wood Station.

6.32.5. However it is true that the proposed new Toucan crossing would provide a safe route to local facilities such as the Little Waitrose, Starbucks and the Chiswell Green local centre for residents of the new development. It would also provide a safe connection for all walkers and cyclists between the Watford Road and the footpath/cycle track along the eastern side of the A405. This is a significant benefit for the general public.

b) Pinchpoint widening in Watford Road

6.32.6. This would only be a major benefit if the proposals for extensive changes to the cycling facilities along the Watford Road are eventually implemented.

c) Pegasus and Toucan Crossing at Noke Lane Junction

6.32.7. This would be a major benefit for walkers, cyclists and horse riders. The perceived danger of crossing the A405 at this point acts as a significant deterrent to all those who walk, cycle and ride but who have discretion about the routes they can chose. There are many potential circular routes linking Lye Lane, Noke Lane and the public rights of way which join them but the risks of this unprotected crossing mean that they are seldom used.

6.32.8. But some people have to cross the road at this point regardless of the risks for instance if they need to use the adjacent bus stops. This is particularly true of staff, residents and visitors to the care homes in Lye Lane many of whom either do not have their own cars or are no longer able to drive them.

6.32.9. A safe crossings at his point is included as suggestion 6/025 in the HCC Rights of Way improvement Plan (ROWIP).

d) Footway/cycleway alongside the A405

6.32.10. This would be a significant benefit to both walkers and cyclists. The existing footway is too narrow for shared use but the heavy traffic on the A405 means that cyclists are strongly tempted to cycle on the footway.

6.32.11. However the fact that it does not extend northward to the junction with FP18 is regrettable. The LCWIP and ROWIP both envisage a footway/cycleway along the eastern side of the A405 from Tippendell Lane to Lye Lane and onward to Garston. There are already plans to provide this route alongside the consented development in Orchard Drive and the owners of Burston Garden Centre have indicated their willingness to improve the stretch in front of their premises at some future date.

- 6.32.12. If the stretch from the Toucan crossing to FP18 is not provided as part of this development it could become a permanent missing link in the A405 cycleway.
- 6.32.13. To ensure that this footway/cycleway is available to the public in perpetuity it is essential that it is either an adopted highway or a dedicated formal Cycle Track over its entire length. This is a particular concern where it runs through the proposed development site and not at the side of the A405 carriageway.
- e) Footway/cycleway to M25
- 6.32.14. There is already a substandard shared footway/cycleway along this stretch of the A405. The proposed improvements would be beneficial.
- f) Diversion of Lye Lane through the site and g) Creation of safe route along Lye Lane
- 6.32.15. Taken together these would provide significant benefits for walkers, cyclists and horse riders. It would provide a traffic free route from the new bridleway being created as part of the Burston development to the new safe crossing to Noke Lane enabling new circular routes for all users. But equally important it would provide a safe route for staff, residents and visitors of the Lye Lane care homes to the bus stops on the A405.
- 6.32.16. It will however be essential to ensure that the diverted Lye Lane is an adopted highway and that the bypassed section of Lye Lane is stopped up for motorised traffic both legally and physically to ensure that it does not become an unofficial caravan site or a venue for fly tipping.
- h) New signalised junction at Lye Lane/A405
- 6.32.17. The benefits for walkers, cyclists and horse riders have already been discussed under c) above
- 6.32.18. In summary the proposals in this application would have very significant benefits for walkers, cyclists and horse riders. They must be balanced against the harm to the green belt and the open countryside from the inappropriate development.
- 6.32.19. Providing all of the proposals in paragraph 6.13 of the Design and Access Statement can be guaranteed in any planning permission – preferably with the footway/cycleway along the A405 extended northwards to FP18 – the Ramblers takes a neutral position on this application.

### 6.33. British Horse Society

- 6.33.1. Whilst we would normally comment on the use of land within the metropolitan green belt, we acknowledge that the site has already received planning permission for a hotel complex.
- 6.33.2. We would, however, like to comment on the proposed highway improvements, particularly the proposed provision of a Pegasus crossing, for the benefit of non-motorised users. This is a very positive and welcome proposal.
- 6.33.3. We must turn the clock back to 1971-1972. The highway authority, Hertfordshire County Council, were making substantial 'improvements' to the A405 at this location. The M25 and Junction 21a had not been constructed at this time.

- 6.33.4. My predecessor, Mrs Katie Oates, was in correspondence with the City of St Albans. I enclose a copy of her letter dated 1<sup>st</sup> October 1971 and the response from the City of St Albans, passing responsibility for this issue to the Hertfordshire County Council.
- 6.33.5. Mrs Bovington of Wexhams, Lye Lane (with Stables) was also in correspondence with Hertfordshire County Council. I enclose the copy of a letter from the County Surveyor dated 30 March 1972, concerning the carriageway widening, in which he comments on the improvements currently being undertaken, including carriageway widening to provide a dual carriageway in each direction and an increased in speed limit to 70mph.
- 6.33.6. The County Surveyor acknowledges that ridden horses cross the A405 at this location – Noke Lane to Lye Lane and vice versa – and suggests that horse riders are re-routed along safer roads in the area. The County Surveyor fails to recognise that, wherever possible, horse riders use long established bridleways, but it is frequently necessary to cross a major road to achieve network continuity.
- 6.33.7. I succeeded Mrs Oates in 1973. Since that time I have been in continual dialogue with the appropriate authorities to establish a safe crossing at this locus for non-motorised users: walkers, cyclists and horse riders with safe onward links to the bridleway network. Initially, responsibility lay with the Highway Authority, which was sympathetic towards our requirements. The government has subsequently de-trunked the A405 and A414 and on-going responsibility passed to the Hertfordshire County Council. The County Council has been reluctant to provide any facilities that would impede the speed of ‘through’ vehicular traffic.
- 6.33.8. The position was further exacerbated circa 1986 with the opening of Junction 21a of the M25 motorway, along with attendant increased traffic flows.
- 6.33.9. Bridleway 2 (St Stephen) was re-aligned to follow the boundary of the M25 slip roads. Subsequently an Armco barrier was erected along the central reserve of A405. This prevented crossing the A405 at this point. Riders have subsequently followed the headland to Noke Lane. An appropriate application has been made to have this issue recognised on the Rights of Way Improvement Plan (ROWIP).
- 6.33.10. The current plan shows a ‘shared footway/cycleway’ on the eastern verge of the A405. This should be multi-user facility accommodating walkers, cyclist and horse riders. We have been in continuous dialogue with the highways authority concerning the link between Lye Lane and Bridleway 3 (St Stephen). The 1972 works previously referred to involved re-contouring and elevating the highway beyond ‘Copsewood’ to the entrance to Burston Nurseries, which only left a relatively narrow margin.
- 6.33.11. A Hertfordshire County Councillor between 2017 and 2021. In 2018 she allocated funding from Highways Locality Budget to clear vegetation on the eastern margin of the A405 between the M25 interchange and Lye Lane. With additional Government funding, the route was resurfaced between the M25 interchange and Burston Nurseries. This provided a safe and unencumbered route for walkers, cyclists and horse riders.
- 6.33.12. Attached is an extract from the Definitive Map of Rights of Way in Hertfordshire, marked with the routes by horse riders. [the attachments to this response can be viewed at <https://planningapplications.stalbans.gov.uk/planning/search->

6.33.13. In summary, the application, as presented with amendments to the highway verges, has many beneficial advantages for the public at large. I should be pleased to clarify or amplify any of the foregoing points.

6.34. Archaeology

6.34.1. Archaeological Recommendation: Archaeological monitoring and excavation.

1. Archaeological Assessment

No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological trial trench to complete the evaluation of the site followed by open area excavation if required and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

Reason:

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

2. Publication and Dissemination

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

Reason:

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

6.34.2. This advice is in line with paragraph 211 of the NPPF (2023).

Archaeological Background

6.34.3. The application comprises the outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works.

- 6.34.4. The Hertfordshire Historic Environment Record shows that the proposed development also lies within an area where multi-period deposits have been recorded. On the opposite side of the road a sequence of cropmarks are identified (HHER 10351-3). The site lies immediately adjacent the Area of archaeological significance identified on the constrain maps of the medieval manor and deserted medieval village at Burston Manor.
- 6.34.5. An archaeological assessment of part of the site has been submitted with the application, however, the remainder of the site will still require archaeological trenching. The evaluation identified that features were present within the area evaluated. The report found evidence of undated features including a possible cremation whose interpretation was not confirmed. Other features were identified, however these were undated.
- 6.34.6. The location close to the Burston manor and the deserted village indicates the potential for further occupation within this area.
- 6.34.7. The archaeological mitigation will include the completion of the archaeological evaluation to include the whole site followed by open area excavation of deposits identified.

## **7. Relevant Planning Policy**

### 7.1. National Planning Policy Framework

### 7.2. St Albans District Local Plan Review 1994:

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

### 7.3. Supplementary planning Guidance/Documents

Design Advice Leaflet No 1 – Design and Layout of New Housing

Affordable Housing SPG 2004

Revised Parking Policies and Standards January 2002

### 7.4. St Stephen Parish Neighbourhood Plan 2022:

POLICY S1	Location of development
POLICY S2	Housing Mix
POLICY S3	Character of Development
POLICY S4	Non-designated Heritage Assets
POLICY S5	Design of Development
POLICY S6	Minimising the Environmental Impact of Development



POLICY S7	Protecting Natural Habitats and Species
POLICY S10	Green Infrastructure and Development
POLICY S11	Improvements to Key Local Junctions And Pinch Points
POLICY S12	Off-street Car Parking
POLICY S13	Bus services and Community Transport
POLICY S14	Provision for Walking, Cycling and Horse-Riding
POLICY S17	Leisure Facilities for Children and Teenagers
POLICY S24	Broadband Communications

## 7.5. Planning Policy Context

- 7.5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.5.2. The development plan is the St Albans District Local Plan Review 1994 and the St Stephen Parish Neighbourhood Plan 2022 (SSPNP).
- 7.5.3. The NPPF 2023 is also a material consideration.
- 7.5.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

*For decision-taking this means:*

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

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

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

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

- 7.6. Paragraphs 224 and 225 of the NPPF reads as follows:

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

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

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

## 8. Discussion – issues of relevance

8.1. The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character
- Provision of Housing including Affordable and Self-Build Housing
- Provision of Open Space and Children’s Play Space
- Minerals
- Loss of Agricultural Land
- Ecology
- Highways and Sustainable Transport
- Economic Impacts
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance
- Other Matters including Matters Raised by Objectors / in Consultation Responses
- Planning Balance

### 8.2. Principle

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

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

8.2.3. A new Local Plan is underway but is at a very early stage. The NPPF in paragraph 48 states that weight can be given to emerging policies according to:

- “a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
- and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

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

- “49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by*

*predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*  
*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

- 8.2.5. Whilst a new Local Plan is being prepared, as noted in the following section of the report, only limited weight at most can be attached to it in decision making.
- 8.2.6. It noted that the policies of the new SSPNP, which was formally ‘made’ in July 2022, do not materially conflict with those of the NPPF and Local Plan in relation to the main planning issues for this application; it shows the site as within the Green Belt on the Policies Map, without any site-specific proposals for it. Policy S1 of the SSPNP requires ‘very special circumstances’ to exist for approval of inappropriate development in the Green Belt in the same way as the NPPF and Local Plan; and other policies relating to main planning issues are generally not materially at odds with the applicable NPPF and Local Plan policies.
- 8.2.7. It is further considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no draft Local Plan (which would be the plan to allocate significant sites of strategic scale) for the application to be premature to and because, in any event, the criteria set out in paragraph 49 of the NPPF are not satisfied here.
- 8.2.8. It is also important to note that the potential outcome of evidence being prepared for the new Local Plan or the likelihood of land being allocated or otherwise as a result of that evidence, must not be prejudged. No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.
- 8.2.9. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.
- 8.2.10. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:
- “For decision-taking this means:*  
*c) approving development proposals that accord with an up-to-date development plan without delay; or*  
*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole.”*
- 8.2.11. The Council cannot demonstrate a 4 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.
- 8.2.12. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).

8.2.13. Paragraphs 152 and 153 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:

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

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

8.2.14. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that ‘very special circumstances’ would exist, and in this eventuality planning permission should be granted.

8.2.15. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.

8.2.16. The remainder of this report goes on to consider the harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the above test in paragraph 153 of the NPPF, in order to determine whether very special circumstances exist in this case.

8.2.17. Assessment of other ‘in-principle’ matters such as loss of agricultural land, potential constraining of future use of the site for mineral working are considered in the relevant sections below. Assessment of these matters is in the context of ‘...any other harm resulting from the proposal’ in the aforementioned NPPF para 153 test, noting that it is fundamentally this test within which the proposal falls to be considered.

### 8.3. Green Belt Harm

8.3.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (Para 152 of the NPPF).

8.3.2. Paragraph 142 of the NPPF confirms that:

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

8.3.3. The national Planning Practice Guidance (PPG) states:

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

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

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

(Paragraph: 001 Reference ID: 64-001-20190722)

- 8.3.4. It is clear that the loss of Green Belt land here would be permanent. Whilst the overall application site area is around 6.5ha, the maximum extent of built development (as shown on the submitted parameter plan – revision d) is around 4.4ha.
- 8.3.5. Whilst this application is made in outline form with all matters reserved except for access, the submitted illustrative masterplan and parameter plan indicate the majority of the site would be redeveloped for housing. Areas of open space and landscape buffers would also be provided within the site. The exact layout of the development would however only be formally defined at reserved matters stage.
- 8.3.6. The parameter plan indicates that building heights across the development would be 2-2.5 storeys in height.
- 8.3.7. The redevelopment of this site for up to 190 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the PPG quoted above.
- 8.3.8. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, it is considered that the proposal would be harmful in terms of its landscape and visual impact.
- 8.3.9. However, it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.3.10. Harm to the openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant. Visually the proposed development when completed would be significantly different to the site as existing, and there would clearly be a significant increase in built form at the site compared to the current situation where there is no built form. The proposed development would have a permanent impact on the application site which could not be easily reversed, and when compared to the application site presently there would be an increase in the amount of activity generated. Accordingly, it is considered there would be significant harm to the openness of the Green Belt.
- 8.3.11. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:
- “a) to check the unrestricted sprawl of large built-up areas;*
  - b) to prevent neighbouring towns merging into one another;*
  - c) to assist in safeguarding the countryside from encroachment;*
  - d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

- 8.3.12. During the course of the application, a new Green Belt Review has been published to support the preparation of a new local plan for the District. The Arup St Albans Stage 2 Green Belt Review June 2023 entirely replaces Part 2 of the previous SKM Green Belt Review for the District. However, Part 1 of the SKM Green Belt Review identified the site as part of GB26 (Green Belt Land to North of Bricket Wood) in the Green Belt Review. The Principal Function / Summary for this parcel is as follows:

*“Significant contribution towards maintaining the existing settlement pattern (providing gaps between Chiswell Green, How Wood and Bricket Wood). Partial contribution towards preventing merging. Overall the parcel contributes significantly towards 1 of the 5 Green Belt purposes.”*

- 8.3.13. It is acknowledged however that the site to which this application relates covers a smaller area than GB26.

- 8.3.14. The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as being the westerly part of site STS-04-21 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 did not take into account Green Belt constraints.

- 8.3.15. The Arup Stage 2 Green Belt Review Annex Report 2023 identifies the site within sub-area SA-131. The sub-area’s Green Belt Purpose Assessment summary reads:

*“The sub-area performs moderately against the purposes overall. The sub-area does not meet purposes 1 criteria (a) or 4; and performs weakly against purpose 2, and moderately against purpose 3.”*

- 8.3.16. The sub-area’s Wider Green Belt Impacts assessment summary reads:

*“Overall, the sub-area plays an important role with respect to the strategic land parcel, and its release in isolation or in combination would harm the performance of the wider Green Belt.”*

- 8.3.17. The sub-area’s concluding Categorisation and Recommendation reads:

*“The sub-area performs moderately against NPPF purposes and makes an important contribution to the wider Green Belt. Not recommended for further consideration.”*

- 8.3.18. It is noted that this site is not included within the Regulation 18 Consultation Draft of the new Local Plan for the District, however, with particular reference to Paragraph 48 of the NPPF it is considered that only limited weight at most could be afforded to the Regulation 18 Consultation Draft at this time. However, Officers consider that significant weight can be afforded to the evidence base underpinning the preparation of the new Local Plan, including the new Green Belt Review considered above. It is considered that significant weight can be afforded to the new evidence base as it represents the most recent and comprehensive assessment of the Green Belt carried out by an independent consultancy under a recognised methodology.

- 8.3.19. 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 Arup Stage 2 Green Belt Review Annex Report against this criteria sets out that the sub-area is not at the edge of a large built-up area, in physical or perceptual terms. Officers would agree with this assessment, particularly noting that the site is separated from Chiswell Green by the A405 and the submitted parameter plan shows a landscape buffer (with a depth of at least 20m) along its entire boundary with the A405. On this basis, it is not considered that the proposal would result in the unrestricted sprawl of large built-up areas, and it is not considered that there would be conflict with this Green Belt purpose.

b) to prevent neighbouring towns merging into one another;

The Arup Stage 2 Green Belt Review Annex Report against this criteria states:

*“The sub-area forms a less essential part of the gap between Chiswell Green and How Wood; and Chiswell Green and Bricket Wood. As there is already an industrial park in the Green Belt between Chiswell Green and How Wood that immediately adjoins the sub-area to the south-east, the sub-area itself plays a limited role in limiting perceptual links between these neighbouring built-up areas. In addition, due to the presence of the M25, perceptual merging between the neighbouring built-up areas of Chiswell Green and Bricket Wood would be limited.”*

Officers would agree with the above assessment, and consider that the site would not result in the coalescence of Chiswell Green and How Wood. It is also considered that given the M25 (and the intervening field between the application site and M25), the development of this site would only lead to a particularly limited perception of coalescence between Chiswell Green and Bricket Wood. Therefore, it is considered that there would be limited conflict with this purpose.

c) to assist in safeguarding the countryside from encroachment;

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

*“Note: Unable to access site. This assessment has been completed largely from aerial photography.*

*Approximately 1% of the sub-area is covered by built form (excluding hardstanding). Built form is concentrated to the south-west of the sub-area, including a parking area (pertaining to a car rental business) and one isolated residential property, which are predominantly enclosed by dense tree lines. The majority of the sub-area comprises woodland and meadows. It appears that there is a high level of visual enclosure, with limited views to the surrounding countryside; and visual links to adjacent built form restricted to part of the north of the sub-area. Overall the sub-area has a largely rural character.”*

Officers would comment that a site visit has been undertaken to the application site during the course of determining this application, and it did not appear at that time that a car rental business was operating from the site. The application site at present, in line with the above commentary in the Arup Green Belt Review, currently has very little built development upon it. Whilst the planning history of the site is noted, whereby planning permission for a hotel was previously granted in the southern part of the site, it is nonetheless the case that this development would result in encroachment into the countryside. Officers consider therefore that whilst the development of this site would only have a relatively localised effect overall on the Green Belt, there nonetheless would be a moderate to high level of conflict with this purpose.

d) to preserve the setting and special character of historic towns;

It is not considered that the development of this site would have any impact on the setting and special character of the historic core of St Albans. No harm is identified in relation to this purpose. Indeed, the Arup Green Belt Review 2023 Annex Proforma Report explains the sub-area does not abut an identified historic place or provide views to a historic place and does not meet this purpose.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is not considered that the development of this site would in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development, and whilst sites may come forward via a new Local Plan, this process cannot be afforded any significant weight in decision making at this time. No harm is identified by Officers in relation to this purpose.

8.3.20. In respect of assessing the wider impact, the Arup Green Belt Review 2023 Annex Proforma Report states:

*At the more granular level, the sub-area performs similarly against purposes 1 and 4, and plays a lesser role against purpose 2, and makes a more significant contribution to purpose 3 compared to the strategic land parcel. As the sub-area is not located at the edge of a large built-up area, it does not contribute to checking unrestricted sprawl. Due to the small scale nature of the sub-area as compared to the strategic land parcel, it makes a less significant contribution to preventing neighbouring settlements from coalescing. The sub-area maintains a rural character despite its location immediately adjoining the built-up area and the North Orbital Road (A405), which has an urbanising influence. As the sub-area does not abut an identified historic place or provide views to a historic place, it makes no contribution to preserving a historic context.*

*The sub-area adjoins SA-129 and SA-130 to the east, SA-132 to the south, SA-134 to the west and SA-137 to the south-west. The removal of the sub-area in isolation would create a 'hole' in the Green Belt with only a thin strip of Green Belt along the North Orbital Road (A405) separating it from Chiswell Green. The high level of visual enclosure within the sub-area means that the perceptual impacts of a 'hole' in the Green Belt would be limited; however, this would still have overall negative impacts on the wider Green Belt as it would constitute a deterioration of the strategic role of the Green Belt.*

*In combination with SA-129, SA-130, SA-132, SA-134 and SA-137, the removal of the sub-area is likely to impact on the performance of the wider Green Belt, as it would constitute irregular and disproportionate sprawl of built-up areas and result in closing the entire gap between Chiswell Green and both How Wood and Bricket Wood; as well as an erosion of the strategic gap between St Albans and Watford.*

*In combination with other sub-areas in the wider cluster in which the sub-area is located (SA-128, SA-129, SA-130 and SA-132), the removal of the sub-area is likely to impact on the performance of the wider Green Belt, as it would constitute irregular and disproportionate sprawl of built-up areas and result in further closing of the gap between Chiswell Green and How Wood. Furthermore, it would represent a notable erosion of the gap between these settlements and Bricket Wood; as well as an erosion of the strategic gap between St Albans and Watford.*

*Overall, the sub-area plays an important role with respect to the strategic land parcel, and its release in isolation or in combination would harm the performance of the wider Green Belt.*

8.3.21. In relation to the above, Officers would comment that the Green Belt Review was prepared to support the Local Plan process, and therefore the considerations



taken into account by Arup are not wholly aligned with what needs to be taken into account from a development management perspective. Further, the Officers have carried out their own assessment of the contribution that this site makes, based on a detailed site visit, and have reached their own judgment as set out above.

- 8.3.22. To this end, for the purposes of determining this planning application, it is considered that the proposed development would have a limited conflict in respect of coalescence, and a moderate to high conflict in respect of safeguarding the countryside from encroachment. It is not considered that there would be any particular conflict with the other purposes of including land within the Green Belt.
- 8.3.23. However, to conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is harm to the Green Belt by inappropriateness, with additional substantial harm identified to Green Belt openness, and harm to the purposes of the Green Belt relating to the encroachment to the countryside, and to a limited extent in relation to coalescence. Substantial weight is given to this Green Belt harm in accordance with paragraph 153 of the NPPF. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.
- 8.3.24. Officers note the planning history of the site, and that a hotel scheme has previously been granted planning permission on part of the current application site. The submitted planning statement states that planning permission 5/2015/0722 was implemented through various demolition and preparatory works in 2017 and 2018, and that photographic records and statutory declarations could be made available. Nevertheless, each application falls to be determined on its own merits, and regardless of whether the hotel scheme has been implemented, this current application incorporates a larger site area and proposes a residential scheme, such that Officers consider the content of this application to be materially different to the previously consented hotel scheme.
- 8.3.25. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.

#### 8.4. Design, Amenity and Heritage

- 8.4.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by the application submission including the parameter plans and Illustrative Masterplan.
- 8.4.2. The NPPF advises that planning should ensure development is 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (Paragraph 135), 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 131) 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 139). The National Design Guide 'Planning practice guidance for beautiful, enduring and successful places' 2021 provides additional guidance is a material planning consideration.

- 8.4.3. The Local Plan and the SSPNP are broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity. Policy S3 (Character of Development) of the SSPNP sets out that the design of new development should demonstrate how it has taken account of the local context and has reflected the character and vernacular of the area, and that where development sites abut open countryside, development on the rural boundary edge should mitigate any detrimental visual impacts on the countryside; and Policy S5 (Design of Development) contains a number of detailed design criteria.
- 8.4.4. The application is accompanied by a parameter plan, indicative layout and landscape masterplan. Each plan essentially shows a landscape buffer around the edges of the site with the A405 and Lye Lane, as well as a centrally sited area of open space. The majority of the rest of the site would be developed for housing. As per the most recent iteration of the parameter plan, the heights of the buildings within the proposed development would be 2-2.5 storeys in height.
- 8.4.5. It is noted that the Design and Conservation Officer's comments on the application refer to 3 storey development, however as noted above, this has been revised during the course of the application down to 2.5 storeys maximum. As also noted above, the proposed development is in outline form, with matters of layout, scale, appearance and landscaping to be considered at reserved matters stage. Therefore, the details of the designs of the buildings and the layout at this stage are indicative only.
- 8.4.6. Unquestionably, there will be a visual impact associated with the proposed development, as the proposed development will see up to 190 houses built on a site where there is very little built development at present. The wider visual impacts of the development are considered in the landscape character section of this report, but noting the presence of a landscape buffer and limiting the heights of new built development to a maximum of 2.5 storeys will assist in ensuring that the visual impact of the development can be achieved acceptably.
- 8.4.7. A condition can be imposed requiring slab levels details to be provided as part of a relevant reserved matters application, so as to ensure that the development is acceptable in terms of height and visual impact more generally in principle. Whilst the heights set out on the parameter plan are not considered to be unacceptable in principle, such a condition is considered appropriate in this case, as the slab levels of the dwellings could be imperative in ensuring an acceptable development comes forward at this site.
- 8.4.8. The amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers and retaining space for significant landscaping. The Illustrative Masterplan satisfactorily demonstrates that the site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking. It is considered that the relevant separation distances / amenity space / defensible space / open space

requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this site.

- 8.4.9. There would not appear to be any obvious amenity issues at this stage that could not be overcome by way of good design including sensitive orientation of windows to avoid a harmful degree of overlooking. However, such matters would be further assessed with detailed plans at reserved matters stage. The plans suggest the existing dwelling at the application site (Cleveland) would be demolished as part of the proposed development, and noting that there are no other residential sites which directly abut the application site, it is considered that the redevelopment of this site could occur in a way which does not unacceptably impact upon the amenities of other nearby properties or land.
- 8.4.10. Taking the above discussion into account, it is not considered that there would be harm caused in relation to design and amenity that could not be mitigated through good detailed design and through the appropriate use of planning conditions. Likewise, in respect of above-ground heritage assets, it is not considered that the proposed development would cause any adverse impacts. As such, this matter is considered to weigh neutrally in the planning balance, with no positive or negative weight given in these regards. It is recommended that the parameter plans are conditioned to ensure that reserved matters submission(s) are in scope with the parameters set at outline stage.
- 8.4.11. In respect of archaeology, the proposal has been assessed by the council's archaeology consultant, and conditions have been recommended in respect of an archaeological assessment and publication/dissemination. Subject to the imposition of these conditions, it is considered the proposed development would be acceptable, in line with the requirements of the NPPF and Policy 111 of the Local Plan.

## 8.5. Landscape Character

- 8.5.1. The NPPF in para 180 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 135 and 96 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 8.5.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.5.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that "New development within the Green Belt shall integrate with the existing landscape. Siting, design and external

appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”

- 8.5.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:

*“a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;*

*b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”*

- 8.5.5. The site lies within the Watling Chase Community Forest. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:

*“Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy I) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.”*

- 8.5.6. The site lies within landscape character area Bricket Wood, landscape character is described as ‘*An area of mixed land uses and transitional character, including considerable woodland, unrestored mineral workings, educational, industrial, horticultural, and arable land. The area has undergone significant change in the 20th century and is impinged upon by settlement at Bricket Wood and How Wood, together with a marked severance by the M25. The historic pattern is well preserved in Bricket Wood Common, but eroded in many other locations, showing poor management and some dereliction.*’

- 8.5.7. The condition is assessed as Strong and the strength of character is assessed as Strong, the overall strategy for managing change is to Safeguard and Manage. Of relevance to the proposed development the guidelines for managing change include:

- Promote the creation of additional woodlands, particularly with a view to visually integrating the intrusive motorways, urban fringe development and former mineral sites
- Promote a clear strategy for the visual and noise mitigation of all motorways to positively integrate these corridors into the local landscape character

- 8.5.8. This application has been supported by a Landscape and Visual Impact Assessment (LVIA), which has been reviewed by HCC Landscape. Their full response is set out in Section 6 of this report.

- 8.5.9. In respect of landscape impact, HCC advises that in their view the site and its immediate surroundings strongly reflect the character of Bricket Wood, and at a strategic level the site is part of a wider green swathe that maintains a gap between How Wood/M25 Corridor and Bricket Wood. HCC comments however that the site itself is relatively well related to the existing settlement due to its enclosure by the A405 to the west, and the industrial estate to the east, and Lye Lane providing a logical limit to the south.

- 8.5.10. HCC challenges the LVIA’s judgement in terms of the site and its immediate surroundings, arguing that the magnitude of change is much greater than that put

forward in the LVIA, and the proposed development would represent a fundamental change from a predominantly open and verdant area to suburban development with associated highly engineered drainage and highways infrastructure.

- 8.5.11. In terms of visual impact, the LVIA concludes that the visual effects will be more significant along the site boundaries, albeit from a wider area views will either not be available or will be negligible. HCC supports this assessment, provided that the proposed mitigation is actually delivered. It is agreed that the majority of views will be from in close proximity, along the site boundaries. Views will be softened by the existing and proposed boundary planting to an extent, however there will be open views of the new major road junction and access into the site from the A405, including the access points for the cycle link, and into the site access from Lye Lane to the south. HCC also comment that the assessment of viewpoint 4 from the A405 also identifies some views of the proposed buildings.
- 8.5.12. In respect of mitigation, HCC raise concerns that some of the landscape mitigation measures have not been included within the parameter plan. Officers acknowledge that whilst only a thin/narrow landscape buffer is shown along the eastern site boundary abutting the public right of way, a greater buffer is shown running adjacent to Lye Lane.
- 8.5.13. HCC raises concerns about tree lined streets within the development itself, albeit some of these trees are within front gardens and would be at risk of removal from future residents. HCC therefore questions the robustness of this approach. Further concerns are raised by HCC in respect of the access arrangements and subsequent impact upon trees subject to a Tree Preservation Order (TPO).
- 8.5.14. Furthermore, HCC raises questions about how the proposed community orchard is to realistically be delivered, and how significant new tree planting throughout the application site will be provided. Questions were also raised by HCC about the quality of the open space located centrally within the application site.
- 8.5.15. The Noise Impact Assessment submitted with the application explains at Section 7.3 that noise mitigation measures such as boundary noise barriers or bunds are not needed to provide acceptable noise levels across the development.
- 8.5.16. In respect of the loss of trees within the site, the application has been reviewed by the Trees and Woodlands team at SADC, who have advised that the access will see the loss of trees and hedgerow which is unavoidable. However, the tree protection details submitted are acceptable to protect the retained trees and must be in situ prior to any development on site. The scheme would result in the loss of two sycamores with TPOs, but there are no objections to their removal and the landscaping and replacement trees will compensate for their loss over time.
- 8.5.17. Given the above, it is clear that compared to the existing situation at the application site, the proposed development would have a greater visual impact. Officers agree that the site is relatively well related to the existing settlement due to its enclosure by the A405 to the west, Burston Garden Centre to the east, and Lye Lane providing a logical limit to the south.
- 8.5.18. Officers would agree with HCC that in terms of landscape impact there would be a fundamental change to the existing with the introduction of a suburban form of development at the site. Moreover, in terms of visual impacts, Officers would agree with HCC that the majority of views will be from or in close proximity to the application site, and for the most part the visual impacts arising from the development will be either none or negligible.
- 8.5.19. However, there will be some aspects where the proposed development would result in more discernible visual impacts. This includes the new access into the

site off Lye Lane adjacent to the A405 where there inevitably will be new and clearer views into the site as a result of the creation of the access.

- 8.5.20. Moreover, there will inevitably be views into the application site from Public Right of Way St Stephen 018 (PROW), which essentially abuts the application site along its entire eastern boundary between Lye Lane and the A405. There is only a relatively narrow strip of landscaping shown along this boundary with the PROW on the submitted parameter plan, and it is likely (having regard to the illustrative layout) that there will be some built development in close proximity to this boundary. Officers note that when traversing this PROW, whilst there are sections which have an inherently rural feel (due to the presence of trees, vegetation and an absence of built form), there are other sections of this PROW which have a markedly different feel (due to the presence of fences, built structures and also the proximity of existing roads). Nevertheless, the proposed development would result in a visual impact when viewed from the PROW, through introducing a more suburbanised experience for users along most of its length.
- 8.5.21. To seek to mitigate the harm arising from the proposed development, conditions can be imposed in relation to tree protection, alongside the provision of a greater level of detail as to landscaping proposals at reserved matters stage. Including the parameter plan within the approved plans condition will also assist in ensuring the provision of landscape buffers around the site. Details of open space management, including that of the proposed orchard area, can be sought within the S106 agreement.
- 8.5.22. Officers acknowledge the concerns raised by HCC in respect of landscape buffers at the east and south of the site, and agree that visual harm would result at the eastern part of the site when viewed from the PROW as noted above. Any potential visual harm to the south of the site would be of a far lesser extent in the view of Officers, noting the parameter plan shows a more substantial buffer at the southern part of the site, and the retention of Lye Lane for non-motorised traffic/users.
- 8.5.23. The application is currently in outline form, and specific detail as to the locations of garden boundaries and property curtilages can be considered in greater detail at reserved matters stage. An informative can be included advising the applicant that it is recommended that as far as practicable at reserved matters stage, significant trees are not located within property boundaries, to reduce pressures on such trees from being felled.
- 8.5.24. Overall, whilst mitigation measures can be put in place, it is considered that there would be a landscape and visual impact arising from the proposed development, which is considered to result in harm, and therefore attracts substantial weight in the determination of this application.

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

- 8.6.1. The Council cannot currently demonstrate a 4 year supply of housing land. The Council has updated its 4 year housing land supply schedule and considers that, at a baseline date of 1 April 2023, there is approximately 1.7 years supply, including the relevant 20% buffer.
- 8.6.2. The development in this case proposes up to 190 dwellings, of which 35% of the dwellings will be affordable, and there would be 3 self-build plots.
- 8.6.3. It is acknowledged noting the above that there is a substantial shortfall in housing land supply. There is also a clear and pressing need for affordable housing within the District, whilst the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing.

- 8.6.4. The provision of housing therefore weighs heavily in favour of the proposals.
- 8.6.5. 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 (noting that there was still a considerable shortfall in the Council's then housing land supply position) in the District as applies to the application considered in this report.
- 8.6.6. The Inspector concluded:
- "49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas."*
- ...
- "52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply."*
- ...
- "54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals."*
- 8.6.7. There is no material reason for officers to apply a different weighting to the proposals subject of this officer's report. The housing situation (in that there is a significant shortfall when considered against the four year housing land requirement) and the emerging plan situation are materially the same. There is no reason to think that the site cannot come forward immediately following the submission of reserved matters application(s) after the grant of outline planning permission and significantly boost local housing supply. Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.
- 8.6.8. A condition is recommended requiring full details of the proposed housing mix, including a breakdown of unit sizes and tenure to be provided at reserved matters stage. The phasing plan condition recommended by highways can also be imposed for the avoidance of doubt and in the interests of proper planning.
- 8.7. Provision of Open Space and Children's Play Space
- 8.7.1. Policy 70(xi) of the Local Plan sets out requirements in respect of open space provision. The policy requires public open space to be provided on sites providing

more than 100 dwellings, including children's playgrounds, on the basis of 1.2ha per 1000 persons.

- 8.7.2. On developments of 30 or more dwellings each with two or more bedrooms, toddler play areas on the basis of 3sqm for every 5 such dwellings should be provided.
- 8.7.3. The submitted parameter plan (revision D) includes an area centrally within the application site which represents the minimum extent of green infrastructure, which includes open space and play area provision – albeit this is to be defined further at reserved matters stage. The totality of this area, as shown on the parameter plan, extends to approximately 0.34ha (or 3380sqm). The submitted landscape masterplan also shows a community orchard within the landscape buffer at the northernmost part of the site, which could also potentially be considered as open space, and as noted above the provision of the community orchard in any event is sought to be secured within the S106 agreement.
- 8.7.4. The unit mix of the proposed development is not fixed at this stage. However, whilst during the course of the application the applicant advised the unit mix would include 25 one bedroom units, 49 two bedroom units, 72 three bedroom units and 44 units with four or more bedrooms, for the purposes of this section of the report it has been assumed that all of the proposed units would have two or more bedrooms. On this basis, there would be a requirement for around 12sqm of toddler play areas and around 0.56ha of public open space.
- 8.7.5. In light of the above, it is considered that there would be sufficient space within the proposed development to accommodate the required toddler play area. Whilst the aforementioned community orchard area extends to around 1.6ha in area, it is not explicitly shown within the parameter plan as being an area of open space. Nonetheless the parameter plan defines a 'minimum extent of green infrastructure' and a 'maximum extent of built development' within the site, and therefore whilst the green infrastructure area denoted on the parameter plan is below the abovementioned public open space requirements, given the site area and the explicit parameters on the parameters plan, it is considered that a development which could provide sufficient open space can be presented at reserved matters stage.
- 8.7.6. To this end, it is considered that a condition requiring further details as to the public open space provision throughout the application site at reserved matters stage is applied, so as to ensure the required provision materialises within the proposed development. A S106 planning obligation will also be required so as to secure the provision of the children's play and public open space areas, alongside setting out management responsibilities for these areas. Subject to the inclusion of these planning conditions and obligations, it is considered that some limited positive weight can be afforded to this provision within the overall planning balance for this application.
- 8.7.7. Policy S17 of the SSPNP is noted which sets out that major developments which include playgrounds and leisure facilities for children and young people will be viewed favourably, and that the development should demonstrate that the likely needs of the children (inc. teenagers) have been accommodated. It is considered that the planning obligations noted above should be able to assist in meeting the aims of this policy.

## 8.8. Minerals and Waste

- 8.8.1. Section 17 of the NPPF "Facilitating the sustainable use of minerals" sets out in para 215:



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

- 8.8.2. In para 217 it states *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”*; and in para 218: *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*
- 8.8.3. Hertfordshire County Council as Minerals Planning Authority note the site falls entirely within the ‘Sand and Gravel Belt’ as identified in the adopted Minerals Local Plan Review 2002 – 2016 (2007). 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 potential superficial sand/gravel deposits in the area on which the application falls.
- 8.8.4. In this case, HCC would like to encourage the opportunistic use of sand and gravel deposits within the developments, should they be found when creating the foundations/footings and be of a suitable quality. 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. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 8.8.5. Given this, it is considered that a suitably worded informative can be included with a grant of planning permission. If it transpires that the extraction of such deposits would constitute development in its own right, then the applicant would need further planning permission, which again can be dealt with in a suitably worded informative.
- 8.8.6. In respect of waste, Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council’s adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 8.8.7. The National Planning Policy for Waste (October 2014) sets out the following:
- ‘When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*
- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
  - new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*

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

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

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

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

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

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

8.8.12. In terms of internal layout, as set out previously, this is a reserved matter. However, it is noted that the Council's Recycling and Waste Officer has commented that indicatively the layout has four dead ends with no apparent turning circle or hammerhead, and reversing along these roads would not be acceptable to the Recycling and Waste team.

8.8.13. Whilst these comments are noted by officers, as the final layout of the scheme is not currently before the Council, it is possible that a more acceptable layout could be presented at reserved matters stage. Alternatively, the comments of the Council's Recycling and Waste Officer suggest that a bin collection point could be created at each cul-de-sac to overcome their concerns. To this end, officers are content that the concerns raised in this regard could potentially be overcome at reserved matters stage, and that therefore this matter can be resolved in this case through the imposition of a suitably worded condition.

## 8.9. Loss of Agricultural Land

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

*"b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and*

*other benefits of the best and most versatile agricultural land,. And of trees and woodland.”*

8.9.2. In this case, the application has been supported by an Agricultural Land Classification Note. The Note explains that the northern part of the site is shown on DEFRA mapping to be ‘land predominantly in urban use’ whilst the southern part of the site is shown to be Grade 3 agricultural land. The Note details that the the southern part of the site has planning history permitting the construction of a new hotel, whilst the northernmost part of the site features a former orchard (albeit this has not been actively used for growing fruit in many years). The Note asserts that none of the application site is currently in agricultural use, and has no reasonable prospect of reverting to an agricultural use.

8.9.3. Based on the information available, and following a site visit, officers would agree that the site is not currently in agricultural use, and moreover it does not appear that the site has been used for agricultural purposes for some time. On this basis, it is not considered that the proposed development would result in the loss of agricultural land in this case, and this weight neutrally in the overall planning balance of the application.

## 8.10. Ecology

8.10.1. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 180 of the NPPF states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

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

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

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

8.10.2. Policy 106 of the Local Plan explains that the Council will take account of ecological factors when considering planning applications. The objectives set out within the SSNP include protecting and increasing wildlife habitats and promoting biodiversity, and it is noted that Policy S7 of the SSNP requires major developments to assess local habitats and species. Policy S6 of the SSNP also requires proposals to maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the Neighbourhood area, for instance woodland and chalk streams. Development

proposals that would achieve a net gain in biodiversity will be particularly supported. It is considered that the Local Plan and SSNP broadly align with the NPPF and that weight should therefore be afforded to them in decision making.

- 8.10.3. Herts Ecology has reviewed this application and advised sufficient information has been provided in respect of bats to determine the application, subject to the inclusion of an informative and suitably worded condition. However, if unmitigated, the proposed development would result in a biodiversity net loss, noting that the site hosts lowland dry acid grassland and a number of trees are proposed to be lost.
- 8.10.4. Several enhancements are identified within Section 9.4 of the Ecological Impact Assessment, and Herts Ecology advise that these should inform the landscaping and planting plans at reserved matters stage. Enhancements for protected species are also recommended but numbers or location are not detailed, and integrated bird boxes should form part of the fabric of new dwellings that face onto green space. These enhancements should be shown on a landscape and enhancement plan, which can be secured by way of condition at outline stage, and compliance sought with a further condition to be imposed if the submitted details are acceptable at reserved matters stage.
- 8.10.5. In respect of biodiversity net gain, the high value lowland dry acid grassland habitat would be lost and would require bespoke mitigation. Herts Ecology recommended a pre-commencement condition; however noting that the provision of biodiversity net gain is not a statutory requirement for this application, and given that offsite mitigation for the abovementioned grassland would need to be secured by a S106 agreement in any event, it is considered in this case that biodiversity net gain can be suitably achieved through the S106 agreement in this case. This would be in line with other examples elsewhere in the District such as within application 5/2021/0423 at Land r/o Harpenden Road, St Albans. The S106 agreement will need to ensure that a Net Gain Plan including a Habitat Management and Monitoring Plan using the DEFRA templates detailing how a 10% biodiversity net gain will be delivered and sustained for a period of 30 years is secured.
- 8.10.6. Subject to the above, and provided that suitably worded conditions are included with any grant of planning permission, alongside appropriate planning obligations, it is considered that the ecological impact of the proposed development would be acceptable. Moreover, the proposed development would achieve an acceptable BNG in this case, which is considered to be a benefit of the development. The proposal would be in compliance with Policy 106 of the Local Plan, the SSNP and the NPPF.

#### 8.11. Highways and Sustainable Transport

- 8.11.1. The NPPF in Section 9 “Promoting sustainable transport” advises (para 108) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.11.2. When assessing development proposals, NPPF para 114 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes

can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.11.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.
- 8.11.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority (HA) adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 'Transport User Hierarchy' that to support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:
- Opportunities to reduce travel demand and the need to travel
  - Vulnerable road user needs (such as pedestrians and cyclists)
  - Passenger transport user needs
  - Powered two wheeler (mopeds and motorbikes) user needs
  - Other motor vehicle user needs
- 8.11.5. The NPPF has similar goals where it states in para 116 that applications for development should: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 8.11.6. Policy S11 of the SSPNP sets out that Transport Assessments for larger sites - as required by para 117 of the NPPF - should address to the satisfaction of the Highway Authority the cumulative transport impact on various road junctions and pinch points, including local pinch points in the Parish.
- 8.11.7. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA. During the course of the application, the applicant provided additional/revised information, which has been used in the assessment of this application.
- 8.11.8. In terms of sustainability, the HA note that the site has an urban edge location, and is close to some amenities within the Chiswell Green area. A regular bus service

operates past the site linking Luton and Watford, and is adjacent to the PROW network. The HA consider overall the site has satisfactory sustainability, and Officers agree with this assessment.

- 8.11.9. In terms of access, the present alignment of Lye Lane would be stopped up for vehicles but remain open for non-motorised users. A new section of Lye Lane will provide access through the site for existing vehicular movements as well as access into the proposed development site. This new section of road would become part of the public highway. The internal alignment of the public highway within the site can be agreed at reserved matters stage. The existing access into the site from the Noke roundabout will need to be closed. The HA is content in principle with the proposed access arrangements, and Officers see no reason to disagree with this assessment.
- 8.11.10. A number of off-site highway works are proposed. These works seek to enhance active travel links from the site, and contribute towards achieving a sustainable form of development in this case. The works include new crossings (including a Toucan crossing) across the A405, footpath enhancements around the petrol station, and will help to deliver part of the Local Cycle Walking Improvement Plan (LCWIP) between Watford and St Albans. These works are supported by the HA and can be delivered by planning conditions and a S278 agreement. Officers are also supportive of this assessment, and believe that the package of off-site works proposed will deliver wider benefits which weigh in favour of granting planning permission in this case. This is considered in more detail in the planning balance section of this report.
- 8.11.11. As set out in the planning history section of this report, a hotel was previously granted planning permission on part of the application site. Although the trip generation associated with the current application would be greater than the hotel scheme, the HA advises that the impact of the application would not be severe. The HA comments that in the next year, the M25 Junction 21a junction will receive traffic signals, as a result of improvements associated with the Railfreight scheme. Moreover, the HA notes that works associated with Burston Nurseries will see the introduction of a 50mph speed limit along the A405 and a new signalised junction. Given this, and the introduction of new off-site improvements encouraging active travel, the HA does not raise objections in respect of trip distribution/generation, and acknowledge the proposed development could deliver a wider public benefit. Officers have no reason to disagree with this approach from the HA.
- 8.11.12. The HA notes the existing and heavily trafficked nature of the North Orbital Road as it connects in the westbound direction to the M25. The section is known for significant levels of queuing in the peak periods. To this end, the HA requested additional surveys to establish a realistic profile of the queuing back from the M25 junction, in particular commenting on the survey methodology in terms of counting slow moving vehicles as part of a wider queue. The HA is content that the proposed access junction to the A405 is able to satisfactorily facilitate vehicles leaving Lye Lane in order to join the A404 North Orbital Road (S). The HA is therefore content that the development may be satisfactorily facilitated on the adjoining local highway network.
- 8.11.13. The HA has requested a number of planning obligations to seek to mitigate against the impact the proposed development would have. Whilst this is considered in more detail in the infrastructure section of this report below, in summary Officers are content that the requests of the HA are reasonable in this case.
- 8.11.14. The HA has also recommended a number of planning conditions, relating to highways improvements, rights of way, a construction traffic management plan, removal of vehicular rights, estate roads, the closure of the existing access,

detailed highway plans, a phasing plan, a travel plan and cycle parking, alongside a number of informatives. Officers consider that these recommended conditions and informatives should be included with a grant of planning permission at this site.

- 8.11.15. National Highways (NH) has advised that they do not object to the proposed development. They note that the application site is in the vicinity of the Strategic Road Network (SRN) – the M25, and the nearby junction regularly experiences congestion during peak hours with significant queues forming on the off-slips, which on some occasions stretch back onto the M25 mainline carriageway. During the course of the application, NH and the applicant were involved in discussions and additional information was provided. This resulted in better modelling of the proposed development's traffic impacts, and showed the proposed could place only a limited amount of traffic on the key approaches and would likely have an insignificant impact on the operation of J21a during sensitive weekday peak hours.
- 8.11.16. NH also note as per the HA above that J21a will be fully signalised as a result of Railfreight, which will also assist in controlling vehicle queues and preventing queuing back from the junction onto the M25. Whilst NH do question the acceptability of the modelling in respect of the signalisation, they nonetheless acknowledge that the signalisation will provide additional capacity and a greater control over off-slip queues and delays. NH comments that the upgrades to the junction would be able to cater for additional traffic from this proposal. Overall, NH advise that they are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity. Even if the Railfreight mitigation measures do not materialise, when judged on its own merits, in the view of Officers this scheme would still be considered acceptable on the basis of the wider benefits this proposed development would deliver.
- 8.11.17. The response of NH includes standing advice in relation to encouraging active travel and sustainable construction. As noted above, a package of off-site measures are proposed in this case which should help to encourage active travel, whilst an informative encouraging the use of sustainable materials and construction methods can be included on the decision notice in the event that planning permission is granted.
- 8.11.18. In terms of parking, this can be considered in more detail at reserved matters stage, when the final layout and dwelling mix for the scheme is known. It is noted that the submitted indicative layout shows parking arrangements throughout the site, and to this end Officers consider that it should be possible for an acceptable parking arrangement to be submitted at reserved matters stage.
- 8.11.19. Given the above, the proposed development is considered to be acceptable in terms of its highways impacts, subject to conditions, informatives and planning obligations akin to those set out within the HA response being included with a grant of permission or secured in a legal agreement. The proposal is in accordance with Policies 34 and 35 of the Local Plan, the relevant policies of the SSPNP and the National Planning Policy Framework.

## 8.12. Economic Impacts

- 8.12.1. Section 16 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 81 states:

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach*

*taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

- 8.12.2. In previous applications for major forms of development within the Green Belt, officers have advised that weight should be given to the economic benefits associated with the developments proposed in those cases (such as on applications 5/2022/0267 and 5/2022/0927). However, in this case, it is noted that specific detail as to the economic benefits associated with the development proposed in this case has not been provided.
- 8.12.3. Nevertheless, as with the other examples cited above, there would be some economic benefits associated with the development proposed in this case. These would include economic benefits arising from employment during the construction phases, and increased local spending from local residents once the development is fully constructed and occupied.
- 8.12.4. To this end, whilst officers accept that some economic benefits would arise out of the development proposed in this case, officers are only able to make a generic assessment as to the likely economic benefits that would materialise from the construction and occupation of the development. On this basis, given the information provided in this case, it is considered that limited weight can be afforded to the economic benefits arising from the proposed development.

### 8.13. Impact on Social and Physical Infrastructure

- 8.13.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities, open space and play space, highways and biodiversity. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development. A number of SSPNP Policies set out Neighbourhood Plan level policy requirements in relation to provision / mitigation of: Bus services and community transport (S13); Provision for walking, cycling and horse-riding (S14), Improving the bridleway network (S15), Community facilities (S16), and Leisure Facilities for Children and Teenagers (S17); that are relevant in this regard.
- 8.13.2. The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, which are routinely sought to mitigate the impact of development on physical and social infrastructure, as well as to secure affordable and other forms of specialist housing.
- 8.13.3. Para 57 of the NPPF states that planning obligations should only be sought where they meet all of the following tests, also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs); that they are:
- i. Necessary to make the development acceptable in planning terms
  - ii. Directly related to the development; and
  - iii. Fairly and reasonably related in scale and kind to the development.
- 8.13.4. The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a s106 that is compliant with the requirements of the aforementioned CIL Regulations. The below sections of this report consider the requests received



in respect of planning obligations and considers those requests against the requirements set out above.

#### *Ambulance Service*

8.13.5. The response from East of England Ambulance Service NHS Trust (EEAST) explains that the application will affect St Albans ambulance station and others nearby which respond to emergency incidents within the local area as well as impact on the regional call centres. Ambulance stations in this area are deemed constrained, at capacity and no longer fit for modern ambulance services to deliver Make Ready Services as defined under the Lord Carter Report (2018) (eg Boreham Wood, Hemel Hempstead and Potters Bar were built in 1965). EEAST are required to meet mandated NHS ambulance standard response times. EEAST's consultation response sets out that ambulance travel times to the application site in rush hour can be above the requisite threshold for some category one emergency calls. EEAST's response also sets out that given the age profile of the area there is a disproportionately large consumption of healthcare services and resource.

8.13.6. Their response goes on to estimate that the development will generate an additional 100 calls annually on a constrained ambulance service which will require premises reconfiguration, extension, or re-location, need for additional ambulance vehicle provision and clinical capacity to deliver timely emergency ambulance services. EEAST therefore request contributions to deliver one or more of the following:

- Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing development
- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines
- Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising 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.

8.13.7. Given the above, officers consider that the contribution sought from EEAST meets the relevant tests set out in the NPPF and the CIL Regs, and to this end should be secured within a S106 agreement. The response of EEAST also raises comments in respect of flooding and health and wellbeing, matters which are considered either in more detail elsewhere in this report or can be more fully considered at reserved matters stage.

#### *HCC Growth and Infrastructure*

8.13.8. HCC's consultation response on this application seeks contributions towards the following:

- Primary Education towards delivery of a new primary school in the area and/or provision serving the development (£1,943,531 (which includes a land cost of £32,466) index linked to BCIS 1Q2022)

- Secondary Education towards the expansion of Marlborough Science Academy and/or provision serving the development (£1,771,973 index linked to BCIS 1Q2022)
- Childcare Service 5 to 11 Year Olds towards childcare provision at the new primary school and/or provision serving the development (£2,029 index linked to BCIS 1Q2022)
- Special Educational Needs and Disabilities (SEND) towards additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£216,693 index linked to BCIS 1Q2022)
- Library Service towards the re-provision of St Albans Library in a new facility and/or provision serving the development (£60,501 index linked to BCIS 1Q2022)
- Youth Service towards the re-provision of St Albans Young People's Centre in a new facility and/or provision serving the development (£51,298 index linked to BCIS 1Q2022)
- Waste Service Transfer Station towards increasing the capacity of Waterdale Transfer Station and/or provision serving the development (£11,183 index linked to BCIS 3Q2022)
- 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.

8.13.9. As part of HCC's justification for seeking these contributions, the following has been provided:

*(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.*

*(ii) Directly related to the development.*

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

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

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

- 8.13.10. Given the above, officers consider that the contributions sought from HCC Growth and Infrastructure team meet the relevant tests set out in the NPPF and the CIL Regs, and to this end should be secured within a S106 agreement.

*Ecology*

- 8.13.11. As set out in the ecology section of this report above, biodiversity net gain coupled with bespoke mitigation for the loss of the acid grassland at the application site, will need to be secured in a S106 agreement. Whilst biodiversity net gain is not a statutory requirement for this application, Policy S6 of the SSPNP does set out that development proposals that would achieve net gain in biodiversity will be particularly supported. Securing biodiversity net gain of 10% and mitigation in the S106 agreement would ensure this benefit of the proposed development is realised, and to this end it is considered that its inclusion with the S106 agreement would meet the relevant tests set out in the NPPF and CIL Regs. Accordingly, these measures should be secured within a S106 agreement.

*Highways*

- 8.13.12. Further to the highways section of the report above, HCC Highways is requesting the following be included within a S106 agreement:
- i. Approved Travel Plan(s), with individual monitoring fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development;
  - ii. Sustainable Travel Voucher;
  - iii. Dedication of new footway on the southern side of The Noke roundabout and new access road within the site; and
  - iv. Upgrade of existing bus stops on the North Orbital Road.
- 8.13.13. The consultation response of HCC Highways explains that the following first strand of works associated with the development (being access works to Lye Lane, improvement works to the Noke roundabout, improvement works to the North Orbital, and stopping up of the existing site access from the Noke roundabout and formation of a new footway) would be undertaken under a S278 agreement, which is separate to the planning process.
- 8.13.14. Their response then identifies that the following first strand works associated with the development would need to be included within the S106 agreement. These are the bus stop improvements, travel plan and sustainable travel contribution. Strand 2 contributions are not being sought by HCC in this case, due to the wider public benefits the proposed development is considered to be delivering in this case. The new access road proposed through the site will need to be dedicated as highway land, as well as the new footway through the site by the Noke roundabout, and these will need to also be secured in the S106 agreement.
- 8.13.15. Given the above, officers consider that the contributions sought from HCC Highways for strand one works which are not being delivered by a S278 agreement, as well as dedication of the new footway and access road, meet the relevant tests set out in the NPPF and the CIL Regs, and to this end should be secured within a S106 agreement.

*NHS - Hertfordshire and West Essex Integrated Care Board (HWE ICB)*

- 8.13.16. The HWE ICB's consultation response explains that the proposed development would create around an extra 456 new patient registrations. Within the HWE ICB there are 35 Primary Care Networks (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. As such a doctors' general practitioners' surgery may include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals. The PCNs that covers Bricket Wood and under which this development falls has a combined patient registration list of 73,839, which is growing.

- 8.13.17. Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: it is the quickest journey, accessible by public transport or is in walking distance), parking provision, especially for families with young children and for older adults. Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances. As a result of significant growth proposed in Local Plans, the HWE ICB expects applications to close lists to increase. It is therefore important that new developments make a financial contribution to mitigate any primary health care impacts the development will have.
- 8.13.18. The HWE ICB advises that development at this site will have an impact on primary/secondary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS. The HWE ICB therefore requests that a financial contribution is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 planning obligation. If planning permission is granted, the HWE ICB propose to focus Section 106/CIL monies Midway Surgery or Park Street Surgery in Bricket Wood. Midway Surgery has an identified need for additional space and for compliant premises. The current surgery premises cannot facilitate new patients arising from new developments in the area, with the age, condition and tenure of the existing premises a further constraint. With regard to the Park Street Surgery, the HWE ICB will explore re-configuring, extending or relocating the GP premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.
- 8.13.19. Additionally, HWE ICB is requesting a financial contribution in respect of mental health facilities, which would be focused on Warren Court in Abbots Langley.
- 8.13.20. Given the above, officers consider that the contributions sought from the HCE IWB in respect of contributions towards GP surgeries and mental health services meet the relevant tests set out in the NPPF and the CIL Regs, and to this end should be secured within a S106 agreement.

#### *Affordable Housing and Self Build Plots*

- 8.13.21. The application proposes that 35% of the dwellings will be affordable. The planning statement explains this would be with an indicative tenure mix of 2:1 in favour of rented accommodation. Three plots for self-build homes will also be made available.
- 8.13.22. The Council's Housing manager has commented the following on this application:
- I am pleased to note the proposed delivery of a policy compliant scheme in terms of affordable housing.*
- I await further details of the proposed size mix and would anticipate this would reflect the mix of market housing. In addition I would expect smaller properties to*

*be delivered as shared ownership and the larger family sized properties to be delivered for rent to applicants from the Council's Housing Register.*

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

- 8.13.23. The final proposed housing mix will only be available at reserved matters stage. However, it is necessary at outline stage to require the provision of affordable housing, and therefore to ensure an acceptable development is ultimately delivered the S106 agreement should include requirements for 35% affordable housing provision.
- 8.13.24. Noting that Paragraph 6 of the NPPF December 2023 now specifically mentions first homes, it is considered that as part of the 35% affordable housing proposed in this case, a proportion of that provision should be first homes. The Council would therefore be seeking affordable housing to be provided in line with the following – 67% affordable rent, 25% first homes and 8% shared ownership. This mix can be secured through suitably worded planning obligations.
- 8.13.25. Additionally, the provision of three self-build plots would provide a benefit associated with the planning application, and should also be included within the S106 agreement.
- 8.13.26. Officers consider that obligations requiring the provision of affordable housing and self-build plots meet the relevant tests set out in the NPPF and the CIL Regs, and to this end should be secured within a S106 agreement.

#### *Open Space Provision*

- 8.13.27. As per the open space and children's play space section of the report above, a planning obligation is required to secure the provision of children's play and public open space areas within the development, as well as securing management arrangements for these areas. Noting the requirements of Policy S17 of the SSPNP, the planning obligation should also require an assessment as to the likely need of teenagers arising out of the development, and based on this assessment provide some form of provision to serve teenagers (such as suitable pieces of equipment within open space areas) as appropriate. It is also noted that Policy S19 of the SSPNP encourages community growing spaces, and as noted above a community orchard is proposed in this case, which can be also be secured through a planning obligation.
- 8.13.28. These requirements are considered to meet the relevant tests set out in the NPPF and CIL Regs, and to this end should be secured within a S106 agreement.

#### *Conclusions*

- 8.13.29. In summary, the following are sought to be secured by S106 agreement:
- NHS – Ambulance, GP and mental health contributions
  - Education – contributions towards primary, secondary, childcare and SEND provision/services
  - Library Service contribution
  - Youth Service contribution
  - Waste Service Transfer Station contribution
  - HCC monitoring fees
  - Biodiversity net gain of 10% and habitat mitigation

- Highways – travel plan, sustainable travel voucher, bus stop upgrades and new footway/access road dedication
- Affordable housing and self-build provision
- Open Space provision – including provision of children’s play space, management arrangements, and an assessment of likely need for teenagers and provision to serve teenagers as appropriate.

8.13.30. Subject to the inclusion of the above within a S106 agreement, it is considered that the impact the development would have on local social/community infrastructure would be acceptable, in line with the requirements of the NPPF and Policy 143B of the Local Plan.

#### 8.14. Recent Planning Decisions of Relevance

8.14.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. 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. It is noted that the appeals at land to the north and land to the south of Chiswell Green Lane (references 5/2021/3194 and 5/2022/0927) were both allowed by the Secretary of State in March 2024. 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.

#### 8.15. Other Matters

##### *Consultation Responses*

- 8.15.1. Many of the matters raised in consultation responses received on this application have been considered in the above discussion. However, remaining issues of relevance are set out below.
- 8.15.2. The comments of Herts Police Crime Prevention are noted, albeit many of the comments/suggestions made would be for further consideration at reserved matters stage. The police would welcome discussions with the design team and to this end an informative can be included to remind the applicant of this.
- 8.15.3. The comments of the Environment Agency can be dealt with by way of informative.
- 8.15.4. The provision of fire hydrants can be dealt with by way of condition.
- 8.15.5. The comments of HCC Public Health are noted. The matter of air pollution has been considered by the Council’s Environmental Compliance team, and as noted in the highways section above measures which are designed to promote active travel are included within the proposed development. HCC Public Health recommends that a Health Impact Assessment is conditioned within a grant of planning permission, noting the scheme proposes more than 100 dwellings and relates to the physical and mental wellbeing of both existing and future residents. Given the scale of development proposed in this case, it is considered that the imposition of such a condition would be appropriate in this case.
- 8.15.6. In respect of flooding and drainage, the submitted Flood Risk Assessment and Drainage Strategy identifies that the application site is within Flood Zone 1 (low risk) in respect of fluvial flooding. In respect of surface water, the Assessment

noted there is a very low risk across most of the site, with an area of low risk towards the north east of the site and an increased risk in the vicinity of Lye Lane. In respect of groundwater, the Assessment concludes that the risk of groundwater flooding on-site is considered to be low.

- 8.15.7. The Assessment advises that the surface water flood risk will be mitigated by the proposed surface water strategy for the proposed development, vulnerable development being set at least 150mm above external ground levels, and offsite runoff reaching the development from the west will be allowed to continue to flow along the existing flowpath along the southwestern site boundary/Lye Lane. The Assessment sets out that the proposed drainage strategy intends to collect runoff via a series of rainwater pipes and pervious pavements before discharging into infiltration basins, or if not viable then into the public system at a greenfield run-off rate of 3.9l/s. Attenuation storage would be provided in proposed basins. The Assessment advises that the proposed surface water drainage strategy can manage surface water flood risk at the development site without increasing flood risk elsewhere for storm events including a 40% climate change allowance. Foul water drainage is set to drain into the foul sewer network.
- 8.15.8. In respect of the sequential test, the applicant has advised in this case that while none of the site is at risk of river or groundwater flooding, a small part of the site (approx. 2.9%) is affected by surface water flooding. The applicant advises that no other sites would be capable of accommodating the proposed development, noting that this development specifically proposes the diversion of Lye Lane and the package of highway measures directly associated with the proposed development. The residential element of the scheme could be accommodated outside the medium and high risk surface water flooding areas, and this could be considered further at reserved matters stage.
- 8.15.9. Paragraph 168 of the NPPF explains that “the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.” Paragraph: 023 Reference ID: 7-023-20220825 of the Planning Practice Guidance expands upon this further stating “the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding”.
- 8.15.10. Noting the applicant’s comments in respect of the sequential test, Officers would agree that the specific package of highways improvements associated with the proposed redevelopment of the site in this case could not be accommodated elsewhere. However, Paragraph: 023 Reference ID: 7-023-20220825 of the Planning Practice Guidance also states that “even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied”. The information provided from the applicant does not explicitly consider whether any other sites could accommodate 190 dwellings, and to this end Officers have to conclude that the proposed development would not pass the sequential test in respect of surface water flooding.
- 8.15.11. However, whilst the sequential test is set out within the NPPF and the PPG, it is not considered that the proposal’s failure to comply with it would automatically constitute a reason to refuse the application. Firstly, Officers acknowledge the points raised by the applicant that the surface water drainage issues affect only a small proportion of the site, being mainly the area along Lye Lane and within the community orchard area. The vast majority of the built form as per the illustrative

layout would be located outside these areas, and to this end, it is considered an updated layout at reserved matters stage could potentially see built form wholly outside at risk areas. Even if however the layout were to stay the same, as noted above, the submitted Flood Risk Assessment at Para 8.1.9 sets out that plot levels are proposed to be set at least 150mm above external ground levels and off-site runoff reaching the development from the west will be allowed to continue to flow along the existing flow path along the south western site boundary/Lye Lane.

- 8.15.12. Moreover in this case, RAB acting for the Council instead of the LLFA, has advised that the proposed development would be acceptable provided two conditions are attached to a grant of planning permission.
- 8.15.13. To this end, provided these conditions recommended by RAB are included with a grant of planning permission, it is considered the surface water impacts of the development in this case would be acceptable. Moreover, it is considered that the plot levels specified within the Flood Risk Assessment can also be conditioned. With the imposition of these conditions, it is considered that harm associated with the proposed development through the failure to meet the sequential test would be limited. This factor can therefore be weighed up as part of the planning balance process. Officers are satisfied that the development will be safe for its lifetime and, in any event, that the development would provide wider sustainability benefits to the community that outweigh any residual risk
- 8.15.14. Environmental Compliance has reviewed both the noise and air quality reports submitted with this application, and advised they have no comments provided the outlined mitigations to achieve compliance with the relevant standards are adhered to. To this end, subject to the imposition of conditions, it is considered that the proposed development would be acceptable in this regard. Noting this is an outline planning application, the noise condition has been updated to require further details at reserved matters stage. An additional informative is also recommended to reinforce requirements at reserved matters stage in respect of noise.
- 8.15.15. In respect of land contamination, a number of conditions have been recommended in this case. Subject to the imposition of these conditions, it is considered that the proposed development would be acceptable in respect of its land contamination impacts.
- 8.15.16. Thames Water's comments on the application are noted. Given the comments above in respect of surface water drainage, it is considered that the proposed development would be acceptable. Should the situation change in the future in respect of drainage, then the developer may potentially be required to vary this outline planning permission in respect of the drainage strategy.
- 8.15.17. The comments of the Herts Wildlife Trust are noted, albeit it is considered in this case that BNG matters can be dealt with through the S106 agreement.

#### *Neighbourhood Plan*

- 8.15.18. Many of the relevant policies within the SSPNP are considered in the above discussion, particularly in relation to landscape and ecological impacts.
- 8.15.19. In relation to Policy S2, the final dwelling mix of the development would be for consideration at reserved matters stage and can be required by way of condition. Detailed design considerations would also be assessed at reserved matters stage.
- 8.15.20. In relation to Policy S4, it is understood that the nearest non-designated heritage asset is some distance from the application site, and to this end it is not



considered that the proposed development would adversely impact upon non-designated heritage assets.

- 8.15.21. Policy S11 relates to improvements to key local junctions and pinch points and specifically identifies the Noke Roundabout. The highways section of the report above considers in some detail the improvements associated with this scheme, including active travel measures which can encourage modal shift away from car usage.
- 8.15.22. Arguably, given the nature of the proposed development, Policy S12 is not overly relevant in this case. Nevertheless, the highways section above considers active travel measures, and in this regard it is considered that the relevant aims of this policy are met. Cycle parking and electric vehicle charging points can be required within the proposed development by way of planning condition.
- 8.15.23. Within the S106 agreement, upgrades of the bus stops on the North Orbital Road will be sought, which is considered to be in line with the aims of Policy S13.
- 8.15.24. The proposed changes to Lye Lane as a result of the proposed development are considered to be in line with the aims of Policies S14 and S15.
- 8.15.25. Policy S19 encourages provision of community growing spaces. It is noted a community orchard is shown on the submitted plans, albeit further detail as to exact operation is not provided at this stage. Nonetheless, as noted earlier in the report, details relating to open space provision at the site can be sought through the S106 agreement.
- 8.15.26. The requirements of Policy S24 of the SSPNP in relation to broadband can be secured by way of planning condition.

#### *Other Matters*

- 8.15.27. The Council undertook a Screening Opinion for the application in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) on 04/04/2024. It was concluded that an Environmental Statement was not required for the development proposed.

#### *Matters raised in representations*

- 8.15.28. A number of objections were received on this application. Some objections were received setting out that the proposed development would be inappropriate in the Green Belt and would result in encroachment into the countryside. These factors are considered in more detail in the Green Belt section above, albeit the planning balance section towards the end of this report considers whether very special circumstances exist in this case.
- 8.15.29. Each planning application falls to be determined on its own merits, regardless of whether the application has been made speculatively, or if the area has seen a number of other developments recently. The visual impact of the development is considered in the report above. Officers are satisfied that a development of up to 190 houses can be accommodated acceptably at the application site. Detailed design will be considered at reserved matters stage. Officers do not consider that this development will adversely affect the character of the village of Bricket Wood.
- 8.15.30. The highways impacts of the proposed development, as noted above, are considered to be acceptable in this case. Significant changes are proposed to the main road network in this area, including signalisation of key roundabouts and a new 50mph speed limit, which are to be introduced separate to this planning application. Neither the HA nor National Highways have objected to the proposed development, and a number of conditions and planning obligations are

recommended to ensure the highways impact of the development is acceptable. A number of measures are proposed to promote active travel, which can help to promote the use of non-motorised forms of transport in the vicinity of the application site.

- 8.15.31. In terms of public transport provision, bus routes 321 and 635 currently stop within the vicinity of the application site on the A405, and Officers consider that a relatively regular public transport option for journeys is available for future residents of the application site.
- 8.15.32. Concerns were raised about the impact the development would have on Lye Lane and also on its junction with West Riding. In terms of trip generation, it is expected that there would be 15 and 14 trips in the AM and PM peak hours respectively, or 127 per day. On this basis, it is not considered that there would be a material impact on the junction with West Riding. Given the changes to the access into the site from the A405 (including a signalised junction onto the A405), the realignment of Lye Lane through the application site, and the active travel measures proposed, it is considered that the development would likely look more towards the Chiswell Green area from a highways perspective, and to this end, the proposed development is considered to be acceptable in this regard. It should be noted that it is not normally incumbent upon a developer to make good existing deficiencies in respect of infrastructure.
- 8.15.33. The final unit mix of the development will be considered at reserved matters stage, albeit as per above, it is considered the highways impact of the development would be acceptable in this case.
- 8.15.34. Concerns were raised in respect of pollution, albeit as noted above, air quality and a health impact assessment are recommended as conditions to be attached with a grant of planning permission.
- 8.15.35. A S106 agreement is recommended in this case which will seek to mitigate against the impact this development will have on local infrastructure such as the highway network, education facilities, medical facilities etc.
- 8.15.36. Bird boxes are a requirement of a planning condition, as set out in more detail in the ecology section of this report above. Whilst the development would have a biodiversity impact, BNG can be secured through the S106 agreement.
- 8.15.37. Whilst there would be trees felled as a result of this application, including some trees which have TPOs, replacement trees will need to be provided as part of the proposed development. This can be considered in more detail at reserved matters stage.
- 8.15.38. A suggestion was made that more tower blocks should be built to house people, presumably instead of allowing developments such as this. However, no credible alternatives appear to exist, to the best knowledge of Officers at this moment in time, within the District whereby high rise development would be appropriate. This application must also be assessed on the basis of the development applied for.
- 8.15.39. The application has been advertised in accordance with the Council's Statement of Community Involvement.
- 8.15.40. Several comments were received in support of the planning application. Officers would agree that the application site benefits from a relatively sustainable location, and the new crossing points would have wider community benefits to cyclists, pedestrians and horse riders.
- 8.15.41. Cycle parking provision can be considered in further detail at reserved matters, and is also the subject of a planning condition.

- 8.15.42. An informative can be included with the grant of planning permission to draw the attention of the applicant to the HCC's Design Guide for non-motorised routes.
- 8.15.43. Access to the Burston Garden Centre site from Lye Lane would remain from land that is public highway. Details as to the proposed arrangements for future management and maintenance of the proposed streets within the development are also the subject of a recommended planning condition.
- 8.15.44. The application site is set away from the Burston Garden Centre site and a noise condition is recommended should planning permission be granted. The noise condition requires the relevant requirements within BS8233:2014 and World Health Organisation - Guidelines for Community Noise (1999) to be met for both internal and external areas. It would appear that the submitted noise assessment with this application was carried out in February 2023 and noise monitoring locations were spread around the application site, and noted that the noise climate and ambient noise levels are dominated by road traffic noise chiefly from the A405 North Orbital Road and the M25.
- 8.15.45. The application was re-advertised during the course of the application with a corrected description. Likewise, during the course of the application, an updated application form was received with an amended ownership certificate.

## 8.16. Planning Balance

- 8.16.1. An assessment of the planning balance, in the context of paragraphs 11 and 153 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 152 and 153 provide the fundamental policy test within which this application falls to be assessed; as follows:

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

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

- 8.16.2. This means that the proposed development should not be approved unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.16.3. This balancing exercise is set out below, and is informed by the previous sections of this report above:
- Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 153.

- 8.16.4. There is additional harm identified to which, cumulatively, substantial weight is given, due to:
- The harm the proposal would cause to the openness of the Green Belt is afforded very substantial weight.
  - Harm to the purposes of including land within the Green Belt, noting the discussion at 8.2.23 above, is afforded moderate weight.
  - The introduction of built form across the existing site would cause harm in respect of landscape and visual impacts, to which substantial weight is given.

- Limited harm is afforded in association with the proposal not fully meeting the requirements of the sequential test in relation to surface water flooding.

8.16.5. The 'other considerations' weighing in favour of the development consist of:

- The provision of up to 190 homes, is afforded very substantial weight, particularly in light of the housing land supply shortfall present in the District.
- The provision of 35% affordable housing is afforded very substantial weight.
- The provision of 3no. self-build plots is afforded substantial weight.
- Provision of public open space and children's play space. Some limited positive weight is given to this provision.
- The provision of at least 10% biodiversity net gain. Moderate weight is given to this provision.
- The economic benefits of the proposed development, as set out at section 8.12 of this report. Limited weight is given to these benefits.
- Highways benefits associated with the development accrue very substantial weight in favour of the proposed development.

8.16.6. In respect of the highways benefits, Officers consider that for the purposes of the planning balance, these can be identified as:

- New crossing points across the A405, including at the Lye Lane junction and east of the petrol station. This would include a new Pegasus crossing over the A405, which could also be used by equestrian users.
- New footway/cycleway adjacent to the A405 and upgrading the existing footpath around the petrol station at the Noke roundabout, such that pedestrians and cyclists will benefit from improved off-road infrastructure between the M25 J21a and the petrol station. This would essentially deliver part of the Local Cycling and Walking Infrastructure Plan (LCWIP) for cycling/walking provision between Watford and St Albans.
- Partial re-alignment of Lye Lane through the application site and retention of existing alignment for non-motorised users. As per HCC Highway's response would significantly enhance the public rights of way network in this area.

8.16.7. With particular reference to the LCWIP aspect of the proposals, officers consider that the highway benefits arising out of this scheme can be afforded very substantial weight in the planning balance in this case.

8.16.8. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is clearly outweighed by other considerations.

8.16.9. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions or obligations in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

## 8.17. Conclusions

8.17.1. Each application for planning permission is unique and must be treated on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the "other considerations" set out above clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 153 of the NPPF, it follows that very special

circumstances exist. As such, and in light of the above discussion, the proposal would accord with the St Albans and District Local Plan Review 1994, the St Stephen Neighbourhood Plan and the National Planning Policy Framework 2021 and planning permission should be granted.

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

- 9.1. The comments of the Parish Council are noted, however, as set out above Officers consider that Very Special Circumstances exist in this case which outweighs the harm that had been identified, such that planning permission should be granted.

## **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 153 of the National Planning Policy Framework 2023). In this case, the harm relates to harm to the Green Belt openness and conflict with the purposes of including land within the Green Belt. The harm also relates to landscape character. The benefits include the provision of housing, affordable housing and self-build housing, the provision of open space and play space, the commitment to 10% BNG, economic benefits, and the highways benefits associated with the proposed development. 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>	Grant Permission completion agreement)	Conditional (subject to of a S106	<b>Decision Code:</b> A1
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## 11. Conditions

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

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

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

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

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Parameter Plan Rev D, 22142/001 Rev J (insofar as it relates to access only), 22142/005 Rev J (insofar as it relates to access only), 22142/002 Rev J (insofar as it relates to access only)

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

5. Details shall be submitted as part of an application seeking approval of scale at reserved matters stage showing existing land levels and proposed slab levels for each proposed dwelling/building.

REASON So as to ensure that the visual impact of the development is acceptable, in accordance with Policies 1 and 69 of the St Albans District Local Plan Review 1994, Policy S5 of the St Stephen Parish Neighbourhood Plan 2022, and the National Planning Policy Framework.

6. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological trial trench to complete the evaluation of the site followed by open area excavation if required and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element.

All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

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

7. Following the completion of the fieldwork and the post-excavation assessment in Condition 6, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 6. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

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

8. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which have shown to be retained on plan LCLLBWH/TPP 010 B2. These trees shall be protected during the implementation of the development in accordance with the recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.

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

9. Full details of both soft and hard landscape works (including within the landscape buffer areas) should be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include: a) existing and proposed finished levels and contours b) trees and hedgerow to be retained; c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing; d) hard surfacing; e) means of enclosure and boundary treatments; and f) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting)

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

10. Full details of the proposed housing mix, including a breakdown of unit sizes and tenure, should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

REASON To ensure a suitable dwelling mix at the site in accordance with Policy 70 of the St Albans District Local Plan Review 1994 and Policy S2 of the St Stephen Parish Neighbourhood Plan.

11. Details shall be submitted as part of an application seeking approval of layout at reserved matters stage showing the full extent of public open space to be provided within the proposed development.

REASON So as to ensure that sufficient public open space is provided within the proposed development and to serve the residents of the site thereafter in line with Policy 70 of the St Albans District Local Plan Review 1994.

12. 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).

13. Details shall be submitted as part of an application seeking approval of layout at reserved matters stage setting out the recycling and waste collection strategy to be provided within the proposed development.

REASON So as to ensure that an acceptable recycling and waste collection strategy is incorporated into the final layout of the scheme in accordance with the NPPF and Policy S5 of the St Stephen Neighbourhood Plan.

14. The Recommendations in section 9.1- 9.3 of the Ecological Impact Assessment by Sound Ecology, (April 2022) represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species and habitats.

REASON So as to ensure protected species are safeguarded during development works, in accordance with the aims of Policy 106 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

15. An Ecological Landscape and Enhancement Plan (LEP) shall be submitted as part of an application seeking approval of layout, appearance and/or landscaping at reserved matters. The LEP shall detail how the enhancements outlined at Section 9.4 of the Ecological Impact Assessment submitted with this outline planning application are to be delivered alongside detailing the provision of bird and bat boxes within the proposed scheme on dwellings which face onto green space. Any other enhancement measures shall also be shown within the LEP. The measures shown within the LEP shall thereafter be provided as agreed at reserved matters stage.



REASON So as to achieve a biodiversity enhancement at the application site, in line with the aims of Policy S6 of the St Stephen Parish Neighbourhood Plan and the National Planning Policy Framework.

16. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing(s) numbers set out below have been submitted to and approved in writing by the Local Planning Authority: 22142/001 Rev J, Proposed A405 North Orbital/Lye Lane/Noke Lane Junction Improvements Inc. Pegasus Crossing; 22142/002 Rev J, Proposed Lye Lane Diversion and 'Active' Travel Improvements on A405 North Orbital Road; 22142/003 Rev G, Proposed Modifications to Noke Roundabout Entry/Exit at B4630 Watford Road and A405 North Orbital Road; 22142/004 Rev C, Proposed Off-Site Active Travel Improvements - A405 Orbital Road; and 22142/005 Rev J, Proposed Lye Lane Diversion/Junction Improvements.

Prior to the first occupation of the development hereby permitted the offsite highway improvement works set out above 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 Policy S11 of the St Stephen Parish Neighbourhood Plan, Policies 34 and 35 of the St Albans District Local Plan Review 1994, and the National Planning Policy Framework.

17. Notwithstanding the details indicated on the submitted drawings, no works shall commence on site unless otherwise agreed in writing until a Rights of Way improvement plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

REASON Prior to occupation of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) shall be completed to the written satisfaction of the Local Planning Authority.

18. Prior to occupation of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) shall be completed to the written satisfaction of the Local Planning Authority.

REASON To ensure that the highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor and in accordance with Policy 35 of the St Albans District Local Plan Review 1994, and the National Planning Policy Framework.

19. Prior to the commencement of the development for which full planning permission is granted, a detailed Construction Traffic Management Plan relating shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development for which full planning permission has been granted shall only be carried out in accordance with the approved CTMP

unless otherwise agreed in writing by the local planning authority. The plan shall be prepared in accordance with the Construction Logistics and Community Safety (CLOCS) Standard.

Pursuant to the above, prior to the commencement of any Parcel/Phase or Sub-Phase, a detailed Construction and Environmental Management Plan (CEMP) for that Parcel/Phase or Sub-Phase, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the construction of any Parcel/Phase or Sub-Phase shall only be carried out in accordance with the approved CEMP for that Parcel/Phase or Sub-Phase unless otherwise agreed in writing by the local planning authority.

The plan shall include the following:

- i. The construction programme;
- ii. Clear access strategy for construction vehicles that avoids conflicts with pedestrians, cyclists, public transport and existing and future residents;
- iii. Hours of operation;
- iv. Phasing of the development of the site, including all highway works;
- v. Construction vehicle numbers, type, routing;
- vi. Traffic management requirements;
- vii. Cleaning of site entrances, site tracks and the adjacent public highway;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Details of any highway works necessary to enable construction to take place, including temporary access works;
- x. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These shall demonstrate how safe and unobstructed access will be maintained at all times or be temporarily closed or extinguished.
- xi. Details of servicing and delivery, including details of site access, compound, welfare facilities, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- xii. Where works cannot be wholly contained 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 and proposed traffic management;
- xiii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- xiv. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- xv. Details of public contact arrangements and complaint management;
- xvi. Construction waste management proposals;
- xvii. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xviii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xix. Measures to be implemented to ensure wayfinding for both occupiers of the site and or those travelling through it.

**REASON** In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

20. No development shall commence until such time as a Traffic Regulation Order to remove all vehicular rights over the land as illustrated on drawing number 22147/007 Rev C is successfully obtained.

REASON To ensure construction of a satisfactory development and in accordance Policies 34 and 35 of the St Albans District Local Plan Review 1994, Policy S14 of the St Stephen Parish Neighbourhood Plan, and the National Planning Policy Framework.

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

REASON To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

22. Prior to the first occupation of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 22142/007 Rev C only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policy 34 of the St Albans District Local Plan Review 1994, and the National Planning Policy Framework.

23. Prior to the commencement of the development, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications for each phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

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.

24. Notwithstanding the information contained in the Transport Assessment, no development shall commence in respect of any Development Parcel or Strategic Engineering Element until a Site Wide Phasing Plan has been submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements:

Development parcels;

Major distributor roads/routes within the site, including timing of provision and opening of access points into the site;

Strategic foul surface water features and SUDS;

Open space; and

Environmental mitigation measures.

No development shall commence apart from enabling works and strategic engineering elements, unless, agreed in writing by the Local Planning Authority until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

**REASON** To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34 of the St Albans District Local Plan Review 1994, and the National Planning Policy Framework. The condition is also required for the avoidance of doubt and in the interests of proper planning.

25. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan dated (April 2023) (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

**REASON** To ensure that sustainable travel options associated with the development are promoted and maximised in line with the aims of the National Planning Policy Framework.

26. 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 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 the aims of the National Planning Policy Framework and Policy 39 of the St Albans District Local Plan Review 1994.

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

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

28. No development shall commence until an Health Impact Assessment report is submitted and approved in writing by the Local Planning Authority, in consultation with HCC Public Health, to demonstrate both the positives of the proposal as well as identifying any unintended consequences for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development.

REASON To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the district, in line with the National Planning Policy Framework.

29. 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 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 prepared by JNP Group of Consulting Engineers, dated March 2023 and with reference: S11880-JNP-XX-XX-RP-C-0001.
- 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 3.9l/s that is the site-specific QBAR for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change, in line with the Flood Risk Assessment and Drainage Strategy prepared by JNP Group of Consulting Engineers, dated March 2023 and with reference: S11880-JNP-XX-XX-RP-C-0001.
- d. 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 and at the proposed invert level(s) of the infiltration SuDS feature(s). 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.
- e. If the development is discharging to a drainage system maintained/operated by another authority or landowner, confirmation of consultation and the acceptability of any discharge to their system should be presented for approval.
- f. 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.

g. 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.

h. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site, in accordance with the Environment Agency Guidance "Discharges to surface water and groundwater: environmental permits".

i. 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.

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

k. 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 in accordance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

30. 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 and the Technical Guidance to the National Planning Policy Framework.

31. The plot levels of the built form within the development hereby permitted shall be constructed in accordance with the recommendations at Paragraph 8.1.9 of the submitted Flood Risk Assessment and Drainage Strategy (reference: S11880-JNP-XX-XX-RP-C-0001).

**REASON** To ensure the development is acceptable in terms of surface water flood risk in accordance with the aims of Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

32. Details shall be submitted as part of an application seeking approval of layout at reserved matters stage setting out how noise levels within both indoor and outdoor areas within the development shall meet the requirements of BS8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings) and World Health Organisation - Guidelines for Community Noise (1999) as applicable. The details to be submitted shall include a noise impact assessment and details of any mitigation measures required to meet the requirements of BS8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings) and World Health Organisation - Guidelines for Community Noise (1999) as applicable.

REASON In the interests of achieving an acceptable level of amenity across the site for future residents/occupiers in line with the requirements of the National Planning Policy Framework.

33. All of the recommendations at Section 8.4 (Site Specific Mitigation) of submitted Air Quality Assessment (reference: H3671-AQ-v1) in respect of earthworks, construction, trackout and demolition shall be enacted and followed during these stages of the development hereby permitted.

REASON In the interests of achieving an acceptable level of amenity across the site for future residents/occupiers in line with the requirements of the National Planning Policy Framework.

34. No development shall occur until chemical testing of the made ground/waste spoil heaps and natural soils beneath the site has taken place, in line with the recommendations set out at Paragraph 10.2.1 of the submitted JNP Group Phase I Geo-Environmental Desk Study Report (Reference: S11880-JNP-XX-XX-RP-G-0001 P01), and the results of this testing have been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure the development is acceptable in terms of land contamination in line with the requirements of the National Planning Policy Framework.

35. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS 10175:2011 + A2:2017 Investigation of potentially contaminated sites-Code of Practice. Copies of the interpretative report shall be submitted to the LPA without delay on completion.

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

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

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

37. 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 prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

39. 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 LPA. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared subject to the approval of the LPA. 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 LPA prior to the occupancy 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 and the National Planning Policy Framework.

40. Prior to the commencement of above ground works, a scheme detailing the provision of electric vehicle charging points throughout the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved scheme prior to the first occupation of any dwelling (or if the development is phased prior to the first occupation of any dwelling within a particular phase).



REASON To ensure the provision of electric vehicle charging points in line with Policy S12 of the St Stephen Parish Neighbourhood Plan and the National Planning Policy Framework.

41. No development shall take place, other than works relating to access, until a submission has been made to the Local Planning Authority and is approved in writing, which demonstrates that either:

- a) the development hereby permitted can be served by a superfast broadband (fibre-optic) connection alongside confirmation that such a connection will be provided; or,
- b) such a connection would not be either possible, practical or economically viable.

In the event of b) being demonstrated, sufficient and suitable ducting should be provided within the site and to the properties hereby permitted to facilitate ease of installation at a future date on an open access basis. Confirmation that such ducting will be provided within the scheme should be given when discharging this condition.

REASON So as to meet the requirements of Policy S24 of the St Stephen Parish Neighbourhood Plan 2022.

42. Unless the development has been completed, a development progress report must be provided to the local planning authority 12 months from the date of planning permission being granted. Such a report shall be provided annually thereafter from the date of approval, until the development is completed.

REASON To comply with S114 of the Levelling Up and Regeneration Act 2023

## 12. Informatives:

1. This determination was based on the following drawings and information: CW/23/L11, Location Plan, LCLLBWH/TRP 010 B1, Indicative Layout, LCLLBWH/TPP 010 B2, Context Plan, Consented Land Use Plan, Aerial Plan, Photographic Viewpoints, 22142/001Rev C, 22142/002 Rev C, 22142/005 Rev B, PR124055 10 C, Cleveland Existing Plans, CW/23/L10, Transport Assessment (Milestone Transport Planning, MTP Ref: 22-142 Rev B) dated April 2023, Framework Travel Plan (Milestone Transport Planning, MTP Ref: 22-142) dated April 2023, Phase I Geo-Environmental Desk Study Report (JNP Group, Ref: S11880-JNP-XX-XX-RP-G-0001 P01) dated November 2022, Planning Statement (DLA, Ref: 22/332) dated April 2032, Noise Impact Assessment (Spectrum, Ref: PJB9467/22284/V1.1) dated 05.04.23, Landscape and Visual Impact Assessment (ADC Environmental, Ref: PR124055liva) dated April 2023, Heritage Statement (RPS, ref: JCH01845 v2) dated 9 December 2022, Ecological Impact Assessment (Sound ecology, Ref: SE2224.1) dated April 2023, Flood Risk Assessment and Drainage Strategy (JNP Group, Ref: S11880-JNP-XX-XX-RP-C-0001) dated March 2023, Biodiversity Net Gain Report (Sound Ecology, ref: SE2224.2) dated April 2023, Archaeological Evaluation (Archaeological Solutions Ltd, Ref: 5884) dated 22 August 2019, Arboricultural Report (David Clarke) dated April 2023, Air Quality Assessment (Hawkins environmental, Ref: H3671-AQ-V1) dated 26 April 2023, Infiltration Testing Letter (JNP Group, Ref: S11880-JNP-XX-XX-RP-G-1001/CG) dated 21 April 2023, Statement of Community Involvement (51 Pegasus Ltd) April 2023), Agricultural Land Classification Note (DLA, Ref: 22/322) dated April 2023, Biodiversity Net Gain Baseline Metric Headline Results, Biodiversity Net Gain Baseline Metric Detailed Results - Received 05/02/2023; Stage 1 Road

Safety Audit/Designer Response (Milestone Transport Planning) dated May 2023 - Received 02/06/2023; Amended application form - Received 26/10/2023; Technical Note IV M25 Junction 21a (Milestone Transport Planning) dated October 2023 - Received 01/11/2023; Parameter Plan Rev D - Received 14/11/2023; Technical Note III - M25 Junction 21a (Milestone Transport Planning) dated October 2023, Transport Assessment Addendum Milestone Transport Planning) dated October 2023 - Received 27/11/2023; Covering Letter - Received 18/12/2023; Draft Heads of Terms - Received 22/02/2024; Sequential Test Note and Outline Planning Sketch with Surface Water Overlay - Received 18/03/2024.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

3. The applicant is advised to ensure that necessary Building Regulation approval is obtained before commencing this development. St Albans District Council's Building Control Department can be contacted on 01727 819289 or 01727 819218.

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

5. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction, as well as sustainable construction methods.

6. If the site is known to be contaminated, you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

7. 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.

8. 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)

9. 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

10.

The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. St Albans City and District Council controls the naming and numbering of streets and buildings. You must apply to Street Naming and Numbering before any street name or property name/number is used. For further information, please see <https://www.stalbans.gov.uk/street-signs-names-and-numbers>

11. A "development progress report" means a report which sets out-

(a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,

(b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period.

12. 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).

13. 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.

14. It is recommended that as far as practicable at reserved matters stage, significant trees are not located within property boundaries, to reduce pressures on such trees from being felled.

15. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any mineral deposits within the development, should they be found when creating the foundations/footings. Please however note that if such extraction constitutes a form of development in their own right, then separate planning permission may be required.

16. A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

17. The applicant is advised that Herts Police Crime Prevention Team would welcome discussions in relation to how safety and security can be achieved within

the proposed development

18. The following comments of the Environment Agency are brought to the attention of the applicant:

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

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.
4. Refer to the contaminated land pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g., British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
  - o BS5930:2015 Code of practice for site investigations;
  - o BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
  - o BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
  - o BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
  - o BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
  - o BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
  - o Use MCERTS accredited methods for testing contaminated soils at the site;
  - o Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

19. This permission has been issued following completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). Details of the agreement are kept on a publicly accessible register by the Local Planning Authority.

20. 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/development-management/highways-development-management.aspx>

21. 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/development-management/highways-development-management.aspx>

22. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

23. A Section 106 agreement will be required for the following:

- i. Approved Travel Plan(s), with individual monitoring fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development;
- ii. Sustainable Travel Voucher;
- iii. Dedication of new footway on the southern side of The Noke roundabout and new access road within the site; and
- iv. Upgrade of existing bus stops on the North Orbital Road.

The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2021) for schemes in the local area that accord with the three CIL tests.

24. Construction standards for works within the highway: 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 Sections 38 and 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

25. The Public Right(s) of Way should remain unobstructed by vehicles,

machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:

- o The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works; safe passage past the site should be maintained at all times;
- o The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete), should be made good by the applicant to the satisfaction of this Authority; and
- o All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

26. The attention of the applicant to the HCC's Design Guide for non-motorised routes.

27. The applicant is reminded in respect of Condition 32 – Noise Impact Assessment that the Local Planning Authority expects the recommended mitigation measures shall be approved and fully incorporated within the development. No individual dwelling, private external amenity area or other outdoor amenity area shall be brought into use until the applicable British Standard or World Health Organisation guidelines have been achieved. These matters will be considered further by the Local Planning Authority at reserved matters stage.

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

<b>Officer</b>	<b>Lee Stannard</b>
<b>Section 65 Parties</b>	Hertfordshire Highways The Hawthorns, Lye Lane, Bricket Wood, AL2 3TB Trinity Cottage, Love Lane, Bembridge, PO35 5NH
<b>Plans on website</b>	<a href="https://www.stalbans.gov.uk/view-and-track-planning-applications">https://www.stalbans.gov.uk/view-and-track-planning-applications</a>