



**Community and Place Delivery
Christine Trill – Strategic Director**

Our Ref: 5/2024/1530
Your Ref: S62A/2024/0060
E-mail: planning@stalbans.gov.uk
Date: 02/01/2025

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

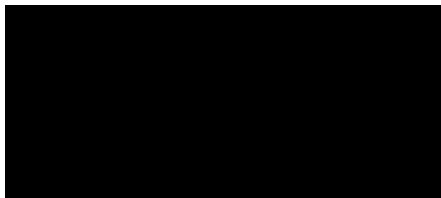
F/O the case officer

Re: 22 And 24 St Annes Road, Ref: S62A/2024/0060.

I write to you on behalf of St Albans City and District Council as the Local Planning Authority regarding the Section 62A Application at 22 And 24 St Annes Road London Colney Hertfordshire AL2 1Lj.

Noting the above, I attach the Local Authority comments. Some draft conditions have been included at the end of the consultation response should you look to approve the application.

Yours faithfully,



**Christine Trill
Strategic Director
Community and Place Delivery**

St Albans City and District Council – S62A comments

Site / Surroundings: The site comprises of two detached bungalows located within a residential area of London Colney. Broad Colney Lakes Nature Reserve is located to the rear of the site. The ground level increase towards the rear of the site.

Proposal: Section 62a designation - Demolition of 2no. bungalow and the construction of 5no. four bedroom houses, with associated external works

Relevant Plan History:

5/2021/1523: Demolition of bungalow and construction of two semi-detached dwellings with associated landscaping and parking (Conditional Permission granted 18/08/2021)

5/2024/0921: Discharge of Condition 6 (existing levels and proposed slab levels) of planning permission 5/2021/1523 dated 19/08/2021 for Demolition of bungalow and construction of two semi-detached dwellings with associated landscaping and parking (Refused 13/06/2024)

5/2024/1038: Discharge of Condition 6 (slab levels) of planning permission 5/2021/1523 dated 18/08/21 for Demolition of bungalow and construction of two semi-detached dwellings with associated landscaping and parking (Approved 01/07/2024)

Other Relevant Planning History

5/1998/1541: (No's. 26 and 28 St Annes Road – erection of four semi-detached houses (outline). Conditional Permission 26/04/1999.

5/1988/1658: (No. 20 St Annes Road) – a pair of semi-detached houses. Conditional Permission 21/09/1988.

PLANNING POLICY

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.

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

The National Planning Policy Framework (NPPF) is also a material consideration.

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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraphs 231 and 232 of the NPPF reads as follows:

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

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

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

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

National Planning Policy Framework 2024

Section 12 Achieving well-designed places

St. Albans District Local Plan Review 1994:

Policy 2	Settlement Strategy
Policy 5	New Housing Development in Specified Settlements
Policy 34	Highways Considerations in Development Control
Policy 39	Parking Standards, General Requirements
Policy 40	Residential Development Parking Standards
Policy 69	General Design and Layout
Policy 70	Design and Layout of New Housing
Policy 74	Landscaping and Tree Preservation

Supplementary planning Guidance/Documents

Revised Parking Policies and Standards 2002

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

REPRESENTATIONS

A site notice was displayed on 29/11/2024.

The following addresses were notified: 13, 15, 17, 19, 20a, 22, 24, 26 St Annes Road.

The site notice and notification letter direct representation to The Planning Inspectorate. The Local Authority received the following comments:

A comment has been received from [REDACTED] summarised as follows;

- Overdevelopment for the size of plot
- Parking pressures
- Construction pressure an disturbance

Officer Comment: The matters relating to overdevelopment and parking pressures are discussed within the below consultation response. The impact of the development in regards to disruption is not a material planning consideration.

A comment has been received from [REDACTED]

This development is suitable for the inclusion of integrated Swift bricks within the walls of the new development

The ecology report only proposes tree mounted boxes for common species of birds. It ought instead to be recommending biodiversity enhancements for species on the red list of conservation concern.

Swift bricks are universal nest bricks as they conform to BS42021, and in doing so provide nest cavities for a variety of birds, including red-listed Swift, House Martin, House Sparrow and Starling.

Swift bricks are maintenance free and last the lifetime of the building.

The draft St Albans Local Plan contains a specific policy on this issue: NEB7 - Biodiversity Provision in the Design of New Buildings and Open Spaces. "The Council requires that: c) i) All new housing developments provide at least one swift brick per dwelling, on average for the development, installed in groups in optimal locations."

Whilst not yet in force, it is submitted that this policy should be given at least some weight when the decision is made.

Please consider securing Swift bricks by way of a condition, the wording of which has been previously used by the LPA:

"No development shall take place until written details are approved by the LPA of the model and location of 5 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF.

Town / Parish Council: London Colney Parish Council were consulted. No response has been received at the time of writing this report.

Consultations:

Affinity Water: No response received at the time of writing this report.

Contaminated Land: The submitted site investigation report indicated no visual or olfactory contamination.

A Condition should be attached to cover any unexpected contamination being revealed during site works.

Condition:

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

Reason:

To ensure that adequate protection of human health is maintained and the quality of the groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

Crime and Prevention:

The layout of this proposed development does not cause a serious concern regarding security provided the following issues are addressed. The shared alley between one of the semi-detached homes and the terrace block must have a gate fitted at the building line to deny access to criminals. All side gates should be fitted with key locks that are capable of being locked shut from the outside like ,but not necessarily made by 'Cays.' All front and rear doors must be certified to PAS 24 standard. All ground floor window including the rear patio or folding doors must also be tested to PAS 24 standard . This requirement is made by Building Regulation 'Q', and applies to ground floor and accessible windows such as those on the rear 1st floor due, to the flat roof extensions. I would expect an element of column mounted dusk to dawn lighting to allow residents to both see and be seen. Provided these matters are addressed, I would be able to support the application.

Environment Agency:

Environment Agency Position

There are no flood risk objections to the development as proposed.

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Urban Water (Trading name of RIDA Reports Ltd) referenced; 497 FRA-v1 and dated July 2024.

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Flood Risk Activity Permit

London Colney St Annes Road Culvert is located under the public highway and is a designated statutory main river. The culvert is privately owned and maintained. With reference to the development proposals, it is noted that the proposed residential units are approximately 20m from the river, but driveway and other construction works would be within 8m.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

Advice to applicant

Water Resources

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

The supply of water in the area is under serious water stress (as identified in our report: Water stressed areas – 2021 classification). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &c. (Amendment) Regulations 2015. This standard or higher may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

Pre Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

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.

Should you have any queries regarding this response, please contact me.

HCC Ecology:

Overall Recommendation

- Application can be determined with no ecological objections (with any Informatives/Conditions advised below).

Summary of Advice

- This application is automatically subject to the general Biodiversity Net Gain Plan Condition.
- An HMMP should be submitted to the LPA as a Condition of approval.
- A CEMP and LEMP should be submitted to the LPA as Conditions of approval.
- Informatives for a precautionary approach to works and sensitive external lighting should be added to any permission granted.

Supporting documents

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

- Ecological Impact Assessment by Morgan & Stuckey (29 July 2024).

- Biodiversity Net Gain Assessment by Morgan & Stuckey (30 July 2024).
- Statutory Biodiversity Metric (29 July 2024).

Comments

We have no ecological objections to this proposal.

Biodiversity Net Gain (BNG)

Given that this application was received and validated after the 12th of February 2024, mandatory Biodiversity Net Gain (BNG) is expected as a planning requirement. A BNG assessment including habitat condition sheets has been submitted to the LPA and is accompanied by a statutory biodiversity metric, in line with planning requirements.

A sufficient biodiversity baseline has been provided to the LPA. A Biodiversity Net Gain has been calculated, showing a Net Loss of 47.01% for area-based habitats. In order to make up the short fall, a total of 0.51 off-site habitat units are required, of which at least 0.39 units of these must be of Medium Distinctiveness Individual Tree habitat (or a higher distinctiveness habitat) so that the trading rules are satisfied.

The application is automatically subject to the general Biodiversity Net Gain Plan Condition, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to grant permission.

We advise in line with the principles of the use of the metric, that any off-site location should be sought in the first instance local to the impact. However, this is dependent on a site being found that can provide the offsite habitats specified in the metric and can be found within the LPA area or NCA. If this is not possible, an updated metric would need to be submitted with the Biodiversity Gain Plan.

As a last resort, if an off-site location cannot be found, Biodiversity Credits would need to be purchased. In this latter case, the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed.

Given it is stated that an off-site solution is being identified to achieve BNG, the LPA would be required to secure any off-site net gain via legal agreement whether through an S106 agreement or conservation covenant. Any off-site land used for the purpose of achieving biodiversity units must be registered on the biodiversity gain sites register.

On the basis that BNG will likely be achieved off-site and will require a legal agreement, if the LPA were minded to grant permission, a Condition of approval (one to be imposed on the written notice with any permission granted) should be added as an additional BNG Condition for a Habitat Monitoring and Management Plan (HMMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created,

enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Construction Environmental Management Plan (CEMP)

The application site lies adjacent to Broad Colney Lakes Nature Reserve and priority deciduous woodland habitat. It is important that the mitigation measures laid out under Section 6.1.3 of the Ecological Impact Assessment (EclA) are followed. We advise that these measures be secured by Condition, by way of a CEMP, in order to protect adjacent woodland habitat from the proposed development.

Protected Species

In order to reduce the risk of an offence being committed, we advise a precautionary approach to works is required, and consequently recommend the following Informative is added to any permission granted:

“If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”

External Lighting

Should any new artificial external lighting form part of these proposals, this should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. We advise that this should be added as an Informative to any permission granted.

Ecological Enhancements

We support the ecological enhancement recommendations under Section 6.2 of the Ecological Impact Assessment (EclA) and advise that these be incorporated into the fabric of the design scheme as integrated features where feasible as part of the new dwellings. These enhancements should be demonstrated by way of a Landscape and Ecological Management Plan (LEMP) and secured by Condition.

HCC Highways:

Recommendation

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

1) The proposed extended vehicle crossovers (VXO) are not in accordance with Hertfordshire County Council's (HCC) policy on crossovers and has the potential to negatively impact on the free and safe flow of pedestrian highway users on the adjacent local access road due to the unnecessarily long VXO / dropped kerb in which pedestrians would need to cross. The proposals are therefore contrary to the National Planning Policy Framework (NPPF) 2019, Hertfordshire's Local Transport Plan (LTP4) 2018 and Hertfordshire's Place & Movement Planning and Design Guide (2024).

2) Insufficient details have been submitted to demonstrate that the access arrangements adhere to guidelines in or are in accordance with 'Manual for Streets (MfS)' and 'Place and Movement Planning Design Guide', 2024. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4).

Comments

This is an application the demolition of two existing bungalows and the construction of, five four-bedroom houses, with associated external works. St Annes Road is an unclassified local access road and is highway maintainable at public expense. A 30mph speed limit applies. On HCC's Place and Movement network, St Annes Road is classed as P2/M1 (E.g. Residential Street) There is one reported highway collision recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal. The county council considers St Annes Road to be a traffic sensitive road (Monday – Friday, AM & PM peak hours).

Submitted drawing ref 23008wd2.01 shows three proposed sections of parking bays that will require extended dropped kerbs to access them. This consists of (from north to south) a group of three bays fronting the highway, followed by a group of four bays, then a final group of two

bays. To access these proposed parking bays three new overlong sections of dropped kerbs will be required. This is in contrary to Policy 5 of Hertfordshire's Local Transport Plan and Hertfordshire's Place and Movement Planning Design Guide (Part 3, Chapter 9, section 3.4).

Policy Framework

Paragraph 104 of the National Planning Policy Framework (NPPF) states that "Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

...opportunities to promote walking, cycling and public transport use are identified and pursued"

Paragraph 110 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users;
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance,"

Policies with Hertfordshire County Council's Local Transport Plan, 2018, (LTP) detail the issues that need to be considered to ensure that development is safe and sustainable. Policy one states 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)

Policy 5 of Hertfordshire's Local Transport Plan seeks to ensure that access arrangements are safe and suitable for all people, built to an adequate standard, adhere to the county council's Highway Design Standards and reflect the LTP Transport User Hierarchy. Guidance set out in Place and Movement Planning Design Guide states that the number of crossovers should be kept to a minimum to reduce conflict with and discomfort for footway users. The widths of drives and lengths of dropped kerbs should be sufficient to allow vehicles to manoeuvre into and out of the property but unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians.

Policy 6 of the LTP seeks to address: "the barriers to accessibility particularly regarding active modes and for people with impaired mobility." Policies 7 and 8 of the LTP seek to promote walking and cycling respectively, whilst policy 17 seeks: "to continually improve safety on the county's roads".

Policy 19 of the LTP states that "The county council will reduce levels of harmful emissions by:
a) Promoting a change in people's travel behaviour to encourage a modal shift in journeys from cars to walking, cycling and passenger transport..."

Part 2 Chapter 4, section 10.2 of Hertfordshire's Place and Movement Planning Design Guide states "Developers will need to demonstrate how access to their development meets the requirements of LTP4. In particular, they shall be clear how the proposals would create more

favourable access for walking, cycling, emerging forms of micromobility and passenger transport than for the private car.”

Part 3, Chapter 9, section 3.4 of Hertfordshire’s Place and Movement Planning Design Guide states “The widths of drives and the length of dropped kerbs at a vehicle crossover shall be sufficient to allow vehicles to safely manoeuvre into and out of the property. In certain situations, it may be necessary for a scheme proposal to be accompanied by a swept path analysis. Unnecessarily long crossovers should be avoided to minimise inconvenience and danger to footway users.”

Part 4 Chapter 6 Table 11.9 of Hertfordshire’s Place and Movement Planning Design Guide states the required sizes of parking bays should be 5m deep x 2.5m wide (unobstructed) or 5m deep x 2.7m wide (obstructed on one side).

Further information can be found here:

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

No detail has been submitted on the proposed dropped kerb accesses and how they will be implemented with the existing shared access arrangement between properties 22 and 20A. No swept path drawings have been provided showing an estate size car (Place and Movement Planning Design Guide, Part 3, Chapter 9, Section 3.4) can safely manoeuvre into and out of the property. It is suggested that the applicant considers amending the proposed access arrangements. As submitted, the proposed extended vehicle crossovers are not in accordance with Hertfordshire County Council’s (HCC) specifications and has the potential to negatively impact on the free and safe flow of pedestrian highway users on the adjacent local access road.

Conclusion

HCC as highways authority recommends that the application as submitted is refused.

If the Planning Inspectorate is minded to grant planning permission then highway conditions and informatives are detailed below:

COND1) Prior to the first occupation of the development, additional plans, drawn to an appropriate scale which show the detailed design and construction of all works within the public highway including site accesses and footway works, must be submitted to and approved in writing by the Highway Authority. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety.

COND2) Prior to the first occupation of the development, all access arrangements serving the development shall be constructed and completed to the specification of the Highway Authority and Local Planning Authority’s satisfaction. Prior to its use commencing, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure the provision of an access appropriate for the development in the interest of highway safety.

COND3) No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a/. photographic condition survey of public carriageways, verges and footways in the vicinity of the site,
- b/. routing of construction vehicles to/from the site,
- c/. access arrangements to the site (inclusive of signage),
- d/. programme of works (Work programme and/or timescale for each phase of the demolition, excavation and construction works),
- e/. the estimated number, type and routing of construction vehicle per day/week;
- f/. traffic management requirements (including details of any vehicle holding area, details of the vehicle call up procedure),
- g/. construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas),
- h/. siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway,
- i/. timing of construction activities (including delivery times and removal of waste) and to network peak times,
- j/. provision of sufficient contractors, staff and visitors on-site parking prior to commencement of construction activities,
- k/. details of measures to protect pedestrians and other highway users from construction activities on the highway,
- l/. coordination with other development projects in the vicinity,
- m/. details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent,
- n/. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The applicant is advised to use HCC's Construction Management Plan template, which can be tailored to the scale of the development can be found here:

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

Reason: To minimise the impact of construction works on public highway.

INFORMATIVES

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/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

AN6) Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

HCC Landscape: 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.

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.

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.

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

- 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 80 Floodlighting

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

Woodland / Tree Preservation Orders – TPO 1870 – Woodland W2, site backs onto the TPO area.

ARBORICULTURAL IMPACT ASSESSMENT

TREE SURVEY & IMPACT ASSESSMENT

We understand that 11no individual trees, 4no groups and 1 hedge to facilitate the proposed development. It is noted that this is effectively all the existing trees on site bar T8, T11, T13 and a small hedge.

We acknowledge the submission of the Landscape Proposals Plan that highlights the proposed soft landscaping scheme for the site. It is noted that 18 new trees are proposed across the site. This is a supported approach.

The submission of the Tree Protection Plan highlights the proposed measures taken to protect the existing trees on site with fencing as well as ground protection measures where hard surfacing is proposed within the Root Protection Areas.

LANDSCAPE PROPOSALS

Its noted that the proposed character of the built form is different to the existing and surrounding architecture of St Annes Road. Whilst there is no in principle objection to the proposed styling it will have an impact on the visual characteristics of the area when viewed in the context of the surrounding houses.

The submitted Elevations and Street View visuals do not appear to show the proposed trees to the frontages of the properties. This could be a illustrative choice for the Elevations to not show them due to the focus being on the built form and showing it in comparison with the other buildings, however the Street View visuals should really include the proposed trees to give an accurate portrayal of the proposed scheme.

As mentioned above we acknowledge the submission of the Landscape Proposals Plan and are supportive of the proposed soft landscaping scheme for the site. Considerable mitigation for the loss of the existing trees has been shown with the addition of 18 new trees as well as hedging and areas of mixed planting. We are supportive of the proposal to have trees to the frontage of the dwellings.

SUMMARY & CONCLUSION

We therefore advise the LPA that we have no objections to the proposed development.

Environmental Compliance: No response received at the time of writing this report.

Herts & Middlesex Wildlife Trust: No response received at the time of writing this report.

Parking: No response received at the time of writing this report.

Spatial Planning: No response received at the time of writing this report.

Thames Water: No response received at the time of writing this report.

Trees & Woodlands: No response has been received at the time of writing this report.

Waste Management: This development would be on a road to which we already provide a collection service.

Each property would be provided with a suite of containers which will need to be presented on the boundary with the public highway on collection day. Between collections, all containers must be stored within the property boundary or the proposed bin stores.

DISCUSSION

Main Issues:

The main considerations, in relation to the determination of this application are the principle of development, character and appearance, impact on the amenities of future occupiers, and impact on the amenities of neighbouring residents, the impact on trees and landscaping, the impact on flood risk, the impact of the proposal on surrounding highways and parking standards, and Biodiversity net gain.

Principle

The Council cannot demonstrate a 5 year housing land supply as set out in the NPPF, and the absence of a 5 year supply is a material consideration that carries significant weight.

The site is located in London Colney, which is identified as a Specified Settlement in Policy 5 of the St Albans District Local Plan Review 1994. Policy 5 states that in Specified Settlements, there is a presumption in favour of housing on sites where housing would be consistent with the other policies contained within the Local Plan.

The proposal would replace two existing detached bungalows with five houses which would make a small contribution to meeting identified local needs, in the absence of a 5 year housing land supply, subject to compliance with other relevant planning policies.

The Local Plan makes it clear that there must be compliance with other policies in the Local Plan, and the National Planning Policy Framework seeks to ensure that new residential development does not take place at the expense of other material planning considerations. Any proposal needs to also take into account design, layout, the amenity of future occupiers, neighbouring amenity and highways considerations. Considerable weight must be given to the impact on the character of the existing settlement and the cumulative impact of such development on the character and amenity of an area in order for the proposal to comply with the requirements of the adopted development plan.

Whether the proposal would result in any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme will be discussed further in the rest of this report. Likewise, as set out under Paragraph 11 (d) (i), specific consideration will be given as to whether the proposed development is contrary to any specific provisions within the NPPF which set out that the development should be refused

Character and Appearance

The National Planning Policy Framework (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).

Local Plan policy is set out in Policies 69 (General Design and Layout) and Policy 70 (Design and Layout of New Housing), which requires proposals to be compatible with the original building and to relate to the domestic scale, character and appearance of the street and to safeguard the amenities of neighbouring residential properties.

The existing detached bungalows are sited on plots of moderate length with vegetation to the rear. The site is located within a residential area of London Colney, which is architecturally varied. The predominant built form consists of two-storey dwellings in detached, semi-detached and terraced arrangements. While the north side of St Annes Road is characterised by a fairly uniform building line, the south side is less uniform with staggered frontages.

The application proposes five dwellings separated into a semi-detached pair and a terrace row of three dwellings. The proposed dwellings would be two-storey's in height with habitable roof space. The dwelling would have a front facing gable with pitched infill extensions to the middle of the roof. While the proposed ridge height of the dwellings would be in line with the neighbouring development, the proposed eaves height would exceed the neighbouring dwelling by between approx. 1.4 – 1.6m. This would appear out of character with the street scene and is further exacerbated by the presence of the second floor window and the continuation of the brick frontage into the apex of the gable.

The dwellings would be sited significantly further forward of the existing bungalows, however this would be largely in line with the development either side of the plots. Despite this, it is considered that the forward siting of the dwellings, in combination with the overall design of the dwellings is considered to be visually dominant to the detriment of the character and appearance of the street scene.

The proposed flat roof single storey rear extensions, front porch and solar panels are considered to be acceptable.

Overall, the proposed new dwellings would be out of keeping with and would harm the visual amenity and character of the area. The proposal therefore fails to comply with Policies 69 and 70 of the Local Plan and the NPPF 2024.

Landscaping and Trees

The site benefits from some trees on site to the rear of the development. A tree protection order in relation to the Woodland, to the rear of the site is present.

Details provided in the submitted arboriculture report indicates that 15 trees would be removed. These are indicated to be a mixture of B, C and U category trees. As acknowledged by consultation response from HCC Landscaping, it is noted that this effectively all the existing trees on site. Given those proposed to be removed are not TPO trees or located within the Conservation Area, there is no statutory protection and therefore their removal is considered acceptable.

The other trees on site are indicated to be retained and protected during development. Providing the tree protection is in place as identified and secured via condition, the proposal is therefore in compliance with Policy 74 of the St Albans Local Plan 1994.

The application submission includes the provision of a landscape proposal plan which indicated a proposed soft landscaping scheme, with 18 new trees proposed. This approach is considered acceptable and a condition requiring compliance with the landscape proposal would be recommended.

Future Amenity

It should be noted that the application description is for the construction of 5 '4-bedroomed dwellings', however it is noted that the floor plans only indicate 3 bedrooms and an additional home office. For the purpose of this assessment, the home office has been considered as a fourth bedroom.

In accordance with Design Advice Leaflet No.1, four bedroom dwellings are required to provide external amenity space of 100sqm. The amenity space across the five dwellings varies from 87sqm to 109sqm. While this represents a minor deviation from the expected standards, this is considered acceptable.

The dwellings would have an internal floor space of 146.6 which exceeds the Government's Technical Housing Standards – Nationally Described Space Standards that sets out that a two-storey 4-bedroom dwelling for 5-6 people should have a gross internal area (GIA) of at least 97-106sqm. Defensible space of 3m is provided between windows of habitable rooms at ground floor level and areas to which the public has access to the front of the dwellings.

Policy 70 of the St Albans District Local Plan Review 1994 sets out that a tolerable level of visual privacy should be provided to habitable rooms, and to a lesser extent private gardens. A window to window distance of 27m should be provided and a distance of 13.5m should be provided between the rear elevation of the dwelling and the application site boundary. A distance of between approx. 17 and 19m is retained to the rear boundary of each dwelling. Given there is no development of the rear of the site, the window to window distance is not applicable.

Internally, all main habitable rooms within the dwelling would have an acceptable outlook and standard of environment.

Neighbouring Amenity

Amenity of Neighbouring Residents Policy 72(v) of the Local Plan Review seeks that proposed extensions in residential areas do not cause harm to the amenities of neighbours.

No.26 St Annes Road

No. 26 is located to the north east of the site. The proposed built form would appear to have a minimal projection beyond No.26's existing and would therefore not appear to be overbearing in nature.

In regards to light provision, the BRE 45 degree approach would need to be used to ascertain whether the proposed development would result in a loss of light to the rear windows. Planning history suggests that the rear windows serve a dining room at ground floor and a lounge at first floor. The submitted plans would indicate compliance with the above assessment.

No.26 would appear to benefit from a number of side facing windows. Planning history suggests that the ground floor openings serve a stairway and a dining area which is also served by windows to the rear (see planning permission ref: 5/1999/0956). The first and second floor side facing openings would also serve non-habitable rooms. While the proposed development would likely breach the BRE 25 degree approach, given these are non-habitable or also served by openings to the rear, this would be considered acceptable.

The first floor side windows and the second floor rooflights appear acceptable and a condition requiring these to be obscure glazed and non-opening below a height of 1.7m would be required.

No. 20a St Annes Road.

No.20a is situated to the south of the application. The proposed development would not extend beyond the existing front building line and is therefore not considered to result in demonstrable harm to this element.

The two-storey built form to the rear of the development would appear to extend beyond the rear elevation of No.20a. Given this set off the boundary by approx. 1m, the two-storey element would not appear to be overbearing in isolation. However, the combined part single, part two storey built form would have a total projection of 5.7m beyond the rear elevation. While this is set off the boundary by around 1m, the single storey element would have a height of approx. 3.2m and is considered to be overbearing in nature to No.20a's ground floor rear opening. It is noted that there are some existing outbuildings and structures close to the site boundary however given their modest scale it is considered that the proposed would have a greater impact in this case.

The submitted plans appear to demonstrate that the two-storey built form would not intersect the BRE 45 degree line of visibility on plan form. At ground floor, while the proposal would appear to breach the 45 degree approach of No.20As rear opening on plan form, it passes on elevation and is therefore not considered to result in a significant loss of light. No.20a benefits from a number of side facing openings. While it is unclear what rooms these serve, these appear to be obscure glazed.

As above, the first floor side windows and the second floor roof lights appear acceptable and a condition requiring these to be obscure glazed and non-opening below a height of 1.7m would be required.

Impact on Highways Safety and Parking Provision

The application proposes 5 3-bedroom dwellings. Policy 40 of the St Albans District Local Plan Review 1994 requires properties of three bedrooms to provide two allocated parking spaces. The plans indicate that each new dwelling will benefit from two off street parking spaces. The proposal is therefore in accordance with Policies 39 and 40 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

However, it is noted that a series of dropped kerbs would be required to serve the spaces as the existing site only benefits from two singular dropped kerbs. HCC as Highway Authority has considered the proposal and recommends refusal on the basis of the proposed extended vehicle crossovers not being in accordance with HCC's policy on crossovers. It is considered that this has the potential to negatively impact on the free and safe flow of pedestrian highway users on the adjacent local access road due to the unnecessarily long dropped kerb which pedestrians would be required to cross.

It was also considered that insufficient details have been submitted to demonstrate that the access arrangements adhere to guidelines in or are in accordance with 'Manual for Streets (MfS)' and 'Place and Movement Planning Design Guide', 2024. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4).

The proposed dropped kerb crossovers would fail to comply with highway design standards and would be prejudicial to the safe and free flow of traffic on the highway. The proposal would not comply with Policy 34 (Highways Consideration in Development Control) of the St Albans District Local Plan 1994 and National Planning Policy Framework 2024.

Ecology and Biodiversity Net Gain

Hertfordshire County Council Ecology have reviewed the application and have raised no objection to the application, subject to a number of conditions and informatives.

To ensure the mitigation/compensation measures outlined in the supporting ecology reports is met/provided, a condition is to be added which requires no development takes place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority.

HCC Ecology support the ecological enhancement recommendations under Section 6.2 of the Ecological Impact Assessment (EclA) and advise that these be incorporated into the fabric of the design scheme as integrated features where feasible as part of the new dwellings. These enhancements should be demonstrated by way of a Landscape and Ecological Management Plan (LEMP) and secured by Condition.

In addition, In order to reduce the risk of an offence being committed, we advise a precautionary approach to works is required, and consequently recommend the following Informative is added to any permission granted:

"If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."

An informative relating to external lighting would also be required. Should any new artificial external lighting form part of these proposals, this should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

HCC Ecology have reviewed the application and consider that a sufficient biodiversity baseline has been provided to the LPA. A Biodiversity Net Gain has been calculated, showing a Net Loss of 47.01% for area-based habitats. In order to make up the short fall, a total of 0.51 off-site habitat units are required, of which at least 0.39 units of these must be of Medium Distinctiveness Individual Tree habitat (or a higher distinctiveness habitat) so that the trading rules are satisfied.

The application is automatically subject to the general Biodiversity Net Gain Plan Condition, which requires the delivery of a Biodiversity Gain Plan. In line with the principles of the use of the metric, HCC Ecology suggest that any off-site location should be sought in the first instance local to the impact. However, this is dependent on a site being found that can provide the offsite habitats specified in the metric and can be found within the LPA area or NCA. If this is not possible, an updated metric would need to be submitted with the Biodiversity Gain Plan. As a last resort, if an off-site location cannot be found, Biodiversity Credits would need to be purchased. In this latter case, the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed.

Given it is stated that an off-site solution is being identified to achieve BNG, the LPA would be required to secure any off-site net gain via legal agreement whether through an S106

agreement or conservation covenant. Any off-site land used for the purpose of achieving biodiversity units must be registered on the biodiversity gain sites register.

On the basis that BNG will likely be achieved off-site and will require a legal agreement, if the LPA were minded to grant permission, a Condition of approval (one to be imposed on the written notice with any permission granted) should be added as an additional BNG Condition for a Habitat Monitoring and Management Plan (HMMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Flood Risk

Part of the application site falls within Flood Zone 2. A sequential test is required for major and non-major development if any proposed building, access and escape route, land- raising or other vulnerable areas would be in flood zone 2 or 3.

A sequential test was completed which identified that the development has been located at the lowest flood risk and it is considered 'unlikely that the other areas are available in lower flood risk probability as the development is small and can only be located within the proximity of the existing land use and land ownership.' The flood risk assessment concludes that the current proposal passes the sequential test.

However, in terms of considering 'reasonably available' sites, the NPPG advises that *"Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.*

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications."

Paragraph: 028 Reference ID: 7-028-20220825

It is therefore normally expected that such an application would require a district wide sequential test. The NPPG sets out that for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. In this case it is not considered that there are any specific reasons why the dwellings would need to be provided in this specific location from the information provided.

It is considered unlikely that there are not sites in a lower risk of flooding across the district that could provide the quantum of development proposed. Therefore it is considered that it has not been demonstrated that there are no other sites that are reasonably available that could provide the quantum of development proposed.

If it were to be considered that the Sequential Test had been met then with the development being classified as 'more vulnerable', an exception test is also required. The exception test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The submitted statement suggest that 'the development reduces flood risk to the wider community through the provision of or financial contribution to flood risk management infrastructure. It also offers multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding the National Planning Policy Framework policy requirements for Sustainable Drainage Systems.' However no detail has been submitted in relation to these points or in relation to how they would be secured.

The FRA has been reviewed by the Environment Agency and while it is noted that they have offered no objection to the proposed development on flood risk grounds subject to informative notes it should be noted that the responsibility for reviewing the sequential test lies with the LPA and not the Environment Agency. As such, on the basis of the assessment above, it is not considered that it has been demonstrated, to the satisfaction of the Local Planning Authority, that the requirements of the Sequential Test have been met and therefore it has not been demonstrated that the development would not result in an increase in flood risk elsewhere, contrary to the aims of Policy 84 of the Local Plan and the relevant provisions of the NPPF 2024.

Planning Balance

The proposal would provide three additional housing units, which is afforded significant weight in light of the District's current housing land supply shortage. An acceptable impact on the future amenity of the occupiers has been demonstrated. The proposed biodiversity net gain is acceptable, subject to conditions however the sequential test has not been met in this case.

Notwithstanding the above, the assessment has established that the proposed scheme would represent a dominant addition within the street scene that would be detrimental to the character and appearance of the street scene.

The proposed development is considered to result in an unacceptable loss of amenity to the occupiers of No.20A St Annes Road.

It has not been demonstrated to the satisfaction of the Highway Authority that the proposed development would be in accordance with the relevant design guides and would therefore not maintain the safe and free flow of traffic on the highway.

As such, it is considered that the concerns regarding the impact of the design on the character and appearance of the area, the impact of the proposal on the neighbouring amenity of No.20A

St Annes Road, the harm identified in relation to flood risk and the lack of compliance with the relevant HCC Highway design provision would outweigh the provision of three additional units.

As such, the proposal is considered contrary to Policy 34, 69 and 70 of the St Albans District Local Plan Review 1994. On this basis, this application would have been recommended for refusal on the following grounds:

Suggested Reasons for Refusal

- 1) By reason of its design and forward siting, the cumulative impact of the proposed dwellings would result in an incongruous and dominant addition that would be detrimental to the character and appearance of the area and street scene. The proposed development is therefore contrary to Policy 69 (General Design and Layout) and Policy 72 (Extensions in Residential Areas) of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2024.
- 2) By reason of its depth and height, together with its proximity to the boundary, the proposed development would lead to an unacceptable overbearing impact upon the occupiers of No.20A St Annes Road. The proposal is therefore contrary to Policy 70 (Design and Layout of New Housing) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2024.
- 3) By reason of their proposed length and layout, the proposed extended dropped kerb crossovers would fail to comply with highway design standards and would be prejudicial to the safe and free flow of pedestrian highway users on the adjacent local access road. In addition, insufficient information has been submitted in relation to the design of the proposed accesses and how they relate to the existing access points adjacent to demonstrate that the site can be safely accessed. On this basis, the proposal would not comply with the aims of Policy 34 (Highways Consideration in Development Control) of the St Albans District Local Plan 1994 and National Planning Policy Framework 2024.
- 4) It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the requirements of the Sequential Test have been met and therefore it has not been demonstrated that the development would not result in an increase in flood risk elsewhere, contrary to the aims of Policy 84 of the Local Plan and the relevant provisions of the National Planning Policy Framework 2024.

Recommended Conditions should the inspector wish to grant permission

- 1. Time limit condition – 3 years***
- 2. Approved plans***
- 3. Sample of Materials***

Condition - Prior to works above ground commencing in respect of the construction of the replacement dwelling, samples of the materials to be used in

the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the finished appearance of the building is satisfactory. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994 and NPPF 2023.

4. *Slab levels*

Condition - No above ground works in respect of the replacement dwelling, other than demolition and site clearance works, shall take place until details of existing levels and proposed structural slab levels have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall proceed in accordance with the agreed details.

Reason - In the interests of visual amenity and to retain control over the development. To comply with Policy 69 of the St. Albans District Local Plan Review 1994.

5. *Tree protection*

Condition - The development hereby approved shall be carried out in accordance with the measures as set out within the Arboricultural Report, received 04/09/2024.

Reason - To protect significant 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 and The National Planning Policy Framework 2024.

6. *Flood Risk*

Condition - The development hereby approved shall be carried out in accordance with the mitigation measures as set out within the Flood Risk Assessment, received 04/09/2024.

Reason - To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2024.

7. *Hard and soft landscaping condition*

Condition – Prior to the first occupation of the dwellings hereby permitted, the proposed hard and soft landscaping proposals shall be carried out in accordance with DRG No. 1246.24.4A

Reason – To ensure that the development does not detract from the appearance of the locality. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

8. *Obscure glazing*

Condition - The windows to be created in the first floor side elevations and the rooflights facing towards No.26 and No.20a St Annes Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

9. *Highways*

Condition - Prior to the first occupation of the development, additional plans, drawn to an appropriate scale which show the detailed design and construction of all works within the public highway including site accesses and footway works, must be submitted to and approved in writing by the Highway Authority. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

Reason - To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

10. *Highways*

Condition - Prior to the first occupation of the development, all access arrangements serving the development shall be constructed and completed to the specification of the Highway Authority and Local Planning Authority's satisfaction. Prior to its use commencing, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason - To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

11. Highways

Condition - No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a/. photographic condition survey of public carriageways, verges and footways in the vicinity of the site,
- b/. routing of construction vehicles to/from the site,
- c/. access arrangements to the site (inclusive of signage),
- d/. programme of works (Work programme and/or timescale for each phase of the demolition, excavation and construction works),
- e/. the estimated number, type and routing of construction vehicle per day/week;
- f/. traffic management requirements (including details of any vehicle holding area, details of the vehicle call up procedure),
- g/. construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas),
- h/. siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway,
- i/. timing of construction activities (including delivery times and removal of waste) and to network peak times,
- j/. provision of sufficient contractors, staff and visitors on-site parking prior to commencement of construction activities,
- k/. details of measures to protect pedestrians and other highway users from construction activities on the highway,
- l/. coordination with other development projects in the vicinity,
- m/. details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent,
- n/. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The applicant is advised to use HCC's Construction Management Plan template, which can be tailored to the scale of the development can be found here:

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

Reason - To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policy 34 of the St Albans District Local Plan Review 1994.

12. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be St Albans City and District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the informatives below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

13. Habitat Monitoring and Management Plan Condition

Prior to the commencement of development a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the development has a satisfactory impact upon ecology in accordance with Policy 106 of the St Albans District Local Plan and the NPPF

14. Landscape and Ecological Management Plan

Prior to the commencement of the Development a Landscape and Ecological Management Plan (LEMP) including long term design objectives, planning phasing programme, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall accord with and develop details pursuant to the principles shown in the SLR Landscape & Ecological Management Strategy

April 2015. The LEMP shall be implemented as approved and its requirements adhered to thereafter.

Reason - In the interests of visual amenity providing an effective and attractive landscape and to ensure the safeguarding of ecology and biodiversity interests and to comply with Policy 74 of the St. Albans District Local Plan Review 1994.

15. CEMP

The development hereby approved shall be constructed in accordance with the measures set out in the submitted Ecological Impact Assessment (EclA), including the provision of Heras fencing and dust screens to be erected along the rear boundary of the construction zone, prior to the commencement of development on the site.

Reason: To ensure that the development is carried out in accordance with measures to protect the ecology of the area in accordance with the aims of Policy 106 of the St Albans District Local Plan Review and the National Planning Policy Framework.

Informatives as recommended by consultation responses above.

1. Highways

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/business-licences/business-licences.aspx> by telephoning 0300 1234047.

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

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

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the

interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

AN6) Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

2. Ecology

- If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

- The applicant is advised that Should any new artificial external lighting form part of these proposals, this should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.