

HERTFORDSHIRE COUNTY COUNCIL

DEVELOPMENT CONTROL COMMITTEE

THURSDAY 22 SEPTEMBER 2016 AT 10.00 AM

DISTRICT: CITY & DISTRICT OF ST.ALBANS

Agenda No. 1

PLANNING APPLICATION (5 /1180-16 CM0964) FOR PROPOSED IMPORTATION OF 47,000 CUBIC METRES OF RECOVERED MATERIALS TO CHANGE THE LANDSCAPED FORM OF THE EXISTING GOLF COURSE AROUND HOLES 12,13 AND 14 WITH THE AIM TO IMPROVE SAFETY, PLAYABILITY, MAINTENANCE AND DRAINAGE AT HARPENDEN COMMON GOLF CLUB, EAST COMMON, HARPENDEN HERTFORDSHIRE AL5 1BL

Report of the Chief Executive and Director of Environment

Contact: Felicity J Hart Tel: 01992 556256

Local Member: Teresa Heritage

Adjoining Member: Maxine Crawley

1 Purpose of Report

- 1.1 To consider application no. 5/1180-16 (CM0964)

2 Summary

- 2.1 This application seeks permission for the importation of 47,000 cubic metres of soils to landscape the western section of an existing golf course at Harpenden Common.

3 Conclusion

- 3.1 It is concluded that having taken the balance of all the issues and policy into account, that it is recommended that planning permission should be granted subject to referral to the Secretary of State and him not wishing to call the application in, and conditions.

4 Description of the site and proposed development

- 4.1 The application site comprises a strip of the existing golf course along its western edge close to Harpenden Road situated in a rural area to the south of Harpenden town centre in the Metropolitan Green belt. The existing Harpenden Common Golf Club comprises an 18 hole course which was founded in 1931.
- 4.2 The application has been submitted in order to address a number of issues with the golf course in the south western portion of the site. The proposed development comprises a landscaping scheme around holes 12,13 and 14, aiming to improve safety, playability, maintenance, and drainage.
- 4.3 The applicant also considers that the proposed development would improve the economic viability of the golf club and would increase its attractiveness to existing users and newcomers to the sport.
- 4.4 It is envisaged that the proposed works would utilise recovered soils (47,000 cubic metres) for landscaping that would be brought to the site in around a time period of 13 weeks. The application advises that a further 4 weeks would be required for final landscaping, seeding and sculpting.
- 4.5 The proposed landscaping works comprise noise attenuation, safety and playability attenuation landscaping along the 12th fairway; 13th hole tee re-alignment and playline re-orientation; hole separation and ball containment works between the 13th and 14th hole; and removal of a low lying depression between the 13th tee and fairway.
- 4.6 The A1081 Harpenden Road runs close to the western boundary of the planning application site, although separated from the golf course by a house and a paddock at one point. The applicant states that the current layout poses safety issues and does not comply with the 60m safety margin as set out within established golf architectural guidance. The 12th hole which is in that location is a Par 5, which means that players in that area would be hitting full shots along the entire length of the hole, so the margin for error is much greater. Hence the proposed banking and landscaping has been designed to significantly improve safety provisions and minimise the amount of shots that reach Harpenden Road.
- 4.7 The improvement would be achieved by increased levels of standard tree planting and transplants which it is hoped would block a considerable amount of offline shots before reaching their maximum trajectory. Also the reversed incline alongside the fairway has been designed to stop balls rolling towards the boundary, significantly reducing the amount of balls rolling towards the boundary with the public highway.
- 4.8 The appearance of the proposed safety banking has been designed to blend in with the existing golf course topography with its irregular undulations, humps and hollows and the re-profiling works have been

designed to provide a visual and audible screen from the road for users of the golf course.

- 4.9 The material proposed to be used in the proposed landscaping would be delivered to the site via a gate on Ayres End Lane approximately 85m from its junction with Harpenden Road. A temporary passing place is to be provided on the southern side of Ayres End Lane close to the junction with Harpenden Road to enable 2 HGV's to pass one another.
- 4.10 The hours of operation that are proposed are 7am -6pm Monday to Friday with no work proposed at weekends. A temporary site compound area would need to be constructed in the site containing wheel washing facilities, a site office and mess facilities for construction workers.
- 4.11 Lorries delivering soils to the site are expected to follow a route coming off the M1 (junction 9) and then south along the A5183 Dunstable Road, then east along the B487 Redbourn Lane, then south along the A1081 Harpenden road to Ayres End Lane.

5 Consultations

- 5.1 St Albans City & District Council has no objections subject to clarification on points raised below.
- The subject site is within the designated Metropolitan Green Belt and Landscape Character Area 100 (Harpenden Common). The submitted plans and reports propose the creation of a series of low mounds along the south west boundary of holes 12, 13 and 14 of the existing golf course. The development will lead to the loss of existing amenity grassland and the removal of around one hundred sapling and early mature trees. However, the plans indicate that new areas of conservation grassland and heathland will be created and new native woodland, hedgegrow and scrub planting will take place. Other ecological features are also proposed such as a, pond, ditch and wet grassland habitats. As the site is located in a rural location within the designated Green Belt, additional landscaping is required to screen the proposed development and help it to integrate into the landscape. Further information will therefore be required on the design and implementation of the proposed scheme and such details should include; the source/ specification of soil to construct the mounded areas; the profile/design of wetland features; the source of seed and plant material for landscaping; reinstatement of land used for access post-development; an implementation programme with timescales, and a long term management and maintenance plan. More details are also required in respect of the recommendations for other habitat enhancements outlined in the ecological report, and the protection of existing trees which are to be retained. The application indicates indicative tree and shrub planting mixes. Whilst the majority of

species proposed are native to Britain, the inclusion of *Betula lenta* as a nurse crop should be omitted in favour of a native Birch, such as *B. pendula* or *pubescens*. The native Ash, *Fraxinus excelsior* is also included, however, in light of current issues with Ash die back disease this should also be omitted, though it is likely that most reputable tree nurseries will not supply *Fraxinus sp.* at the present time. Tree and shrub species should also be carefully selected to reflect the local landscape character area, suitable mixes would be as follows:
Woodland: Oak, Hornbeam, Hazel, Silver Birch, Hawthorn, Field Maple, Blackthorn, Holly, Crab Apple, Wild Cherry.
Hedgerow: Hawthorn, Hazel, Field Maple, Blackthorn, Holly, Hornbeam, Oak standards. Scrub: Stands of pure Gorse would be appropriate. Seed mixes for grassland and heathland areas should also be carefully considered and specified, avoiding those that include non-native, or rare and/or uncharacteristic species to the local area.

- 5.2 Wheathampstead Parish Council recommend refusal -Wheathampstead Parish Council is very concerned about the application to import a large quantity of recovered material to Harpenden Common Golf Club. Importing waste material into Green Belt land would cause intrinsic harm to the land as well as setting an unacceptable precedent for other land owners. Moreover, we are concerned about the amount of traffic this will produce. Increased number of lorries accessing the site by travelling through our already congested village and surrounding narrow lanes, would not be acceptable to our residents. In addition, please note that some of our lanes already have their sides eroded by heavy vehicles using them as short cuts. Therefore Wheathampstead Parish Council would regard this application as being unacceptable.
- 5.3 Harpenden Town Council comments that while supporting the golf club's aspiration to enhance the course, the committee expressed concern regarding the arrangements for transporting material to the site. Harpenden notably lacks self-containment and the majority of economically active residents work elsewhere while many who work in the town, commute in each day. The principal routes into and out of the town are congested until 9am each weekday. The estimated requirement to have 140 3 or 4 axle truck movements to/from the site each weekday for 13 weeks will add significantly to this congestion. There is a discrepancy in the reports with proposed timings noted as both 7am to 5pm and 7am to 6pm. The committee requests that there are no deliveries before 9am. The committee also expects a fixed route to be established for the movements. It is considered it would be unacceptable for there to be any movements on the A1081 through the town centre, along the B653 Lower Luton road or via Wheathampstead Road.

- 5.4 Environment Agency has no objection to the application but does have some concerns over the activity which the applicant would have to address through an environmental permit.

The main concern is that the proposal involves the importation of a significant quantity of waste and must therefore comply with the Environmental permitting (England and Wales) Regulations 2010 (as amended). There is no information in the application regarding the source or quality of this waste soil forming the material which would be imported and therefore this development may be regarded as a Waste Disposal operation and would need to comply with the Landfill Directive.

The site is located in an area that has been the subject of significant concern with regard to air quality and we feel that the proposed development has the potential to increase levels of airborne particulate pollution and Nitrogen Dioxide if robust abatement measures and management systems are not put in place. Therefore we strongly advise robust conditions are put in place to address the air quality issues.

- 5.5 Historic England comments that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 5.6 Hertfordshire County Council -Ecology comments that the limited impact on habitat features of poor quality do not represent an ecological constraint on the proposals. There is no reason to disagree with the view that no mitigation or compensation is necessary. The usual provisions in case of nesting birds have been outlined and the restoration of the bank using wildflower seed is supported. On this basis there is no ecological objection to the new details.

- 5.7 Hertfordshire County Council – Landscape comments as follows:

The NPPF promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to local character and are visually attractive as a result of good landscape design.

The site lies within the Harpenden Common landscape character area as defined within the Landscape Character Assessment. The area description states that *'The common provides a relaxed entrance to sub-urban Harpenden. The range of grassland communities helps to create an informal character which supports a range of recreational activities, both active and passive...'*

The strategy for managing change in this area is to *conserve* and *strengthen*. In order to achieve this, the following guidelines should help shape the proposed development:

- *Promote a planting strategy ... to visually integrate both the permanent structures e.g. club houses...*
- *Use locally indigenous species and native stock of local provenance...*
- *For all formal recreational facilities including the Harpenden Golf Course...a long term management plan should be produced...A high proportion of the total area shall be dedicated to and maintained as wildlife habitat, building upon established areas of wildlife interest already present*
- *Ensure all existing and proposed recreational land uses include appropriate measures to manage and enhance the existing landscape setting and historical and ecological value. Particular attention should be given to ensure earth work proposals complement the natural landform patterns*

Comments were submitted regarding a previous iteration of the scheme dated 25th May 2016. At this stage concerns were raised regarding the negative landscape and visual impact of the proposed hummock in the southern corner of the course, the location of the attenuation basin, and the potential impact of the new access upon Ayres End Lane.

The above concerns have been reviewed in light of the submitted further information including the following:

- Proposed Grading Plan (HCGC-152.03 H)
- Ecological Assessment of Access Road Modifications (June 2016)

Earthworks - With regards the hummock in the southern corner of the course, it was advised to explore opportunities to reduce its height and gradient.

It is now proposed to create a hummock that at its highest point (116m) is 2m lower than that previously proposed (118m). There also appears to be a slight reduction in the gradient to the southern side, fronting the attenuation basin.

On its northern side, the hummock is up to 2m above the existing fairway, and relates better to the wider landscape as it begins to flatten out at this end of the course.

On its southern side, the hummock is up to 5m above ground level (Ayres End Lane). There remains some concern for the change in levels, as it is generally encouraged not to exceed 3m. There are views towards the hummock from users of Ayres End Lane; from here the sloping hummock is viewed with the attenuation pond in the foreground.

It is advised to mitigate the impact of the hummock through sensitive profiling and planting of the south facing slope and the attenuation basin, ensuring that the slopes do not appear as a contrived amenity grass bank.

With regards the attenuation basin, the previous comments remain relevant as follows. The introduction of an attenuation basin is supported in principle as it is a typical golf course feature, however in its current location it is hidden from view of the golf courses users between the southern hummock and the vegetated course boundary.

The opportunity to bring the basin into the course as a landscape/wildlife feature, and to provide passive surveillance, would be preferable in landscape and visual terms, however it is understood that its location is also influenced by its drainage function.

Strong concerns were raised for the potential negative impact of the proposed access upon the rural character of the lane, and the amenity of views. Details have now been submitted and are assessed below.

- Paragraph 3.2.1 of the report states that 3 individual trees and 1 hedgerow were assessed. It is suggested that this should in fact be 3 individual trees (T1, T2 and T4) and 2 hedgerows/groups (G3 and G5).

It goes on to state that the root protection areas are listed as notional circles, however they are not shown on a plan. A plan is therefore required to show the location of the root protection areas (RPAs) in relation to the proposed works.

- Paragraph 3.2.2 refers to a tree location map and tree schedule in Appendix II. It appears that there are only photographs of the site in Appendix II, the tree schedule is in Appendix III, and there is no specific tree location plan. The tree locations are shown on the engineering drawings (Carson Consulting), however tree survey and tree protection plans are required in line with BS 5837:2012 to show trees to be retained/removed/pruned, RPAs, location of proposed works in relation to trees/RPAs etc.

It is understood that the proposed carriageway widening is temporary. It is therefore questioned whether or not there is an opportunity to use less invasive construction techniques than highly engineered kerbs etc., that would require less excavation and could be more easily removed on completion of the works, for example no-dig solutions or similar.

It is disappointing that T1 (Ash) and G3 (Elm Hedge) have suffered damaged roots and signs of disease respectively. Should this vegetation be negatively impacted by the works (directly or indirectly) then compensatory planting should be provided.

It is proposed to remove G5 (3 Ash) at the site entrance. The loss of the trees negatively impact upon the rural and enclosed character of the Ayres End Lane, opening up views from the lane into the golf course. Whilst it is not deemed necessary to compensate for their loss at the construction stage, they should be compensated for at the restoration stage with new hedgerow trees (standards) in addition to

the reinstatement of the bank and hedgerow (as outlined under paragraph 3.2.7).

Conclusion

The proposed southern hummock and attenuation basin are supported provided that the following is provided:

- Design detail (layout and profile) for the attenuation basin to provide mitigation and maximise landscape, visual and biodiversity benefit.

With regards the carriageway widening/site entrance the following is required:

- Tree survey and protection plan(s) in line with BS 5837:2012 to show trees to be retained/removed/pruned, RPAs, location of proposed works in relation to trees/RPAs etc.
- Restoration plans to include new hedgerow standards at entrance to restore enclosed character of rural lane and mitigate views into the golf course, and demonstrate appropriate sensitive construction technique

5.8 Hertfordshire County Council – Lead Local Flood Authority does not object to the application and considers that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The points raised in our previous responses dated 20th April 2016 and 18th July 2016 have been addressed.

The flood risk assessment demonstrates a feasible surface water drainage strategy based on infiltration and provides the results of the infiltration tests to demonstrate its feasibility. The drainage strategy has shown how the mitigation measures will reduce the broader area's surface water flood risk.

We therefore recommend the following condition to the Local Planning Authority should planning permission be granted.

1. The development permitted by this planning permission shall be carried out in accordance with the Flood risk assessment (FRA) ref K0679/pw dated of 4th March 2016, and the approved drainage strategy report carried out by Hydro-Logic Services for Woodland Golf Build dated July 2016 reference K0679/2 and the following mitigation measures detailed within those documents:

1. Implement appropriate drainage strategy based on infiltration.
2. Undertake the drainage and mitigation measures to include :

- Flow Diversion Bund to divert overland flows from the nearby buildings;
- Flow Conveyance Swale required to collect flows from the steeper slopes resulting from the proposed landscape earthworks.
- Two infiltration basins required to manage additional flows resulting from the proposed development and prevent the increase of flood risk elsewhere. The basins will be as a minimum of 650 m² (between Areas A and B) and 176 m² (south of Area C) and assume an infiltration rate of 0.02 m/h.

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

Reason:

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

2. No development shall take place until the final design of the drainage scheme is completed and sent to the Spatial Planning and Economy Unit for approval. The design of the swale and basins should be in line with best practice standards as shown in The SuDS Manual.

The design of the drainage scheme shall also include detailed engineering details of the design of the proposed swale and basins in line with The SuDS Manual (CIRIA C-753), along with the detailed surface water run-off and volume calculations for all rainfall return periods up to and including the 1 in 100 year event plus climate change allowance.

Reason: To ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year + climate change.

5.9 Hertfordshire County Council – as Highway Authority does not wish to restrict permission subject to conditions as follows: a condition survey of Ayres End lane to be submitted;

1) The development shall not commence until a condition survey of Ayres End Lane (from the point of ingress/ egress) to St Albans Road has been undertaken and approved in writing by the Waste Planning Authority. The survey shall be undertaken at 3 month intervals for the duration of importation and once more upon completion of importation. All surveys shall be submitted to and for the written approval of the Waste Planning Authority. Any proven damage relating to and caused

during the material delivery operation to the road structure including pavement, kerbing, verge and street furniture (lamp columns and road signs) shall be repaired at the developers or applicants own expense. The extent and method for repairs shall be approved in writing by the Waste Planning Authority. Reason: To ensure that the local road network is maintained to a standard compatible with the use of the local road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

2) Before the development commences access and off-site highway works as shown on the agreed in principle plans (C209-206 rev B dated 6/6/2016 and CH209-002) shall be constructed and completed to the satisfaction of the highway authority and retained until practical completion of works. All widening shall thereupon be removed and the highway reinstated to the original alignment and width to the satisfaction of the highway authority. Reason: So construction traffic may pass within Ayres End Lane and to ensure that the safe and efficient operation of the A1081 is not compromised.

3) Concurrent with the implementation of improvements to the existing site access as shown within the agreed in principle drawing a lorry routing plan shall be submitted demonstrating routes from the site to the primary highway network and agreed in writing with the Highway Authority. All lorry movements shall be in accordance with these agreed details. Reason: To ensure that vehicles are directed from the site to the principle highway network by the shortest and most appropriate route.

4.) Unless otherwise agreed in advance in writing by the Mineral Planning Authority, there shall be no more than 160 lorry movements (80 in, 80 out) entering/leaving the access/egress onto Ayres End Lane in any one working day. Written records of vehicles entering and leaving the site in connection with all lorry movements from/to the site complex shall be kept by the site operator and made available for inspection by the Mineral Planning Authority upon request. Reason: In the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity of the site.

5) No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. Reason: To prevent the deposit of mud onto the road in the interest of highway safety.

I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) 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.

AN2) All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire ? Highway Design Guide (2011)". 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.

- 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.
- All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Comments:

The Highways Authority have provided comments and recommendations previously in respect of this application, my comments dated 03/05/2016 refer. At this time a Grampian style condition was recommended (my comments, condition 2) that sought to secure a passing point sufficient for 2 HGVs to pass clear within Ayres End Lane. It was the Highway Authority position that sufficient ability existed within the limits of the public highway that such a condition was reasonable, despite not forming part of the application. Subsequent discussion between the Highways Authority and the developers Transport Consultant has identified the extent of such requirements, shown on drawing CT209-006 rev B and now forming part of the application. Localised widening within Ayres End Lane is provided such that a minimum of 6m width is provided, supported by swept path plots for large tipper demonstrating that the provision of this temporary widening would be sufficient to accommodate traffic associated with construction of the road.

This, itself, follows an original recommendation that the application should be refused as details of the safe use and construction of the construction access had not been provided. (my response dated 2/3/16 refers)

The applicant subsequently provided additional details in respect of the visibility from the access, as well as assessed vehicle speeds within Ayres End Lane to justify the reduced visibility. HCC have previously identified that given Ayres End Road being subject to 60mph speed limits, visibility would be required to be provided to 215m as directed by DMRB. This information informed the Highway Authorities comments dated 3/5/2016.

I therefore revise the Highway Authorities earlier response in order that works as shown on the agreed in principle plan be provided prior to commencement, and retained until such point as practical completion (and for the avoidance of doubt this being the completion of the importation of the 47000m³ of recovered materials (primarily soils) is reached, whereupon widening works shall be removed and the highway reinstated to its former width and alignment to the satisfaction of the Highway Authority. Consequently, I have also revised my recommended conditions to further minimise and prohibit development traffic on Ayres End Lane to the NE of the access, and require that a vehicle routing plan be provided concurrent with improvements to the access preventing departing traffic leaving via this route.

The proposals represent landscaping to the existing golf course (Harpenden Common Golf Course). The golf course is bounded to the west by the A1081 (Principal A road), Cravells Road to the north (unclassified road) and Ayres End Lane to the south (un-numbered classified road). The nature of the 18 hole golf course is that it is intersected by Limbrick Road and Cross Lane, each a public highway.

The re-landscaping justification includes regard to golf course best practice which suggests that with improvements to technology drive distance for balls has increased, and this in turn shall serve to decrease the risk or likelihood of errant shots played on the 12th hole from being carried into line with the A1081 and potential interference with vehicle safety. The Highway Authority does not accept that any responsibility is conveyed under its duties under the Highway Act in such matters. A review of accidents (five year, latest to dates) identifies few accidents on local roads in the vicinity, including (but not limited to) both roads intersecting the golf course where upon the incidence of such conflict would reasonably be higher.

Notwithstanding this position, it is recognised that there may be a small highway benefit arising from the works.

Access

HCC previously observed that HCC that Eyres End Lane is subject to a 60mph speed limit past the site. It is Hertfordshire County Councils

policy that for roads in excess of 30mph that the provisions of DMRB in terms of appropriate visibility splays are adhered to (<http://www.hertsdirect.org/docs/pdf/h/statement.pdf> and as set out in Roads in Hertfordshire Section 1 : policy information and general guidance). For a road subject to 60mph such visibility splays shall be 215m in each direction.

The applicant has subsequently assessed vehicle speeds within Ayres End Road (7 day survey, from 31/3/16) and identifies that North East bound traffic has an average mean speed of 26.7mph, with 85%ile assessed to 33.7mph. Southwesterly traffic is measured as similar being an average mean of 26.7mph and an 85%ile of 33.3mph.

The applicant demonstrates on drawing C209-001 that visibility from the access measured 2.4m set back shall provide visibility of 77mph in SW direction (to junction with St Albans Road) and 50m in a NE direction. Such splays achievable within verge / land in applicants control. Visibility splays of 50m are appropriate for assessed vehicle speeds.

The applicant has demonstrated turning movements from the proposed access, and whilst detailed within accompanying email that the access shall be widened appropriately to accommodate these swept paths, the exact details of the regrading / formation of the access is unclear from drawing C209-002.

It is however, possible to provide access improvements that shall accommodate the needs of vehicles into the site, and provide an arrangement that shall facilitate large vehicles only being able to enter / depart from the direction of St Albans Road, prohibiting / preventing vehicles departing SE along Ayres End Lane.

Applicant suggests that Ayres End Lane measures 5m. Such a width would be consistent with the ability for an HGV (3m (with mirrors) and private car (2m (with mirrors) to pass clear of each other. HCC records suggest that the width of Ayres Lane is variable, ranging from 5.5m down to 4.5m to the east of the access. Access is 77m from the junction with St Albans Road.

As construction below, based on the level of soil importation and duration of construction, it is possible for the County Council to have a general assessment of vehicle attendance during a day. There shall be likely 7 HGV arrivals (and corresponding departures) per hour, representing 1 every 8 minutes). I recommend a condition that shall restrict vehicle attendance daily to a reasonable level on this basis.

Width of Ayres End Lane provides opportunities for HGV and private car to pass, but insufficient width exists to enable two HGVs to pass clear of each other. The access shown involves vehicle conflict when vehicles seek to enter / leave. I recommend that prior to commencement, details of arrangements for the construction of an access that shall adequately accommodate two way flow, or measures to ensure that opportunities for passing at some point along Ayres End Lane (reasonably, localised

widening to provide for a minimum carriageway width of 6m across a length sufficient to enable two HGVs to pass) are provided and maintained for the duration of construction. Failure to provide such measures shall potentially result in obstruction of Ayres End Lane and force one HGV to reverse unacceptably long distances along Ayres End Lane.

Construction

The Design and Access statement suggests that construction shall require the importation of 48,000m³ of soil. The County Council as Highway Authority would consider that the likely capacity of vehicles for use transporting this material shall be 10m³ per vehicle. There shall therefore be a level of construction trips of approximately 4,800 vehicles.

Construction is defined as expected to take 13 weeks, and defined as occurring Monday to Friday 7am - 6pm.

On such expectations the Highway Authority calculate that average likely attendance shall be 369 movements per week, or 74 vehicles per day. If spread across the 11 hour day, this shall result in circa 7 lorry movements per hour, and HCC accept that limitations on availability of materials / vehicles commonly does ensure a reasonable spread of attendance over the entire day.

Drawing HCG 152.09 provides details of internal haul road and construction compound.

HCC recognise that provision is made for wheel cleaning, as well as construction compound arrangements. By condition, HCC shall expect all haul roads between point of egress to the public highway and the wheel bath to be of a bound material construction to ensure that the wheel wash facilities are effective. Such facilities shall be expected to be maintained and use for the entirety of the construction period.

Improvements to the access, concurrent with the creation of the internal haul road, shall require that the access be constructed to prohibit vehicles turning left out of the site and traversing Ayres End Lane via Ayres End before arrival in Wheathampstead, such details shall be form part of details requested within recommended condition .

The passage of HGVs to the level expected on Ayres End Lane shall be considered as extraordinary, and have the potential to cause additional wear and tear to the local road network during construction. It is recommended that any recommendation for approval includes conditions in respect of road condition surveys and an undertaking that damage attributable to construction activity shall be remedied to an acceptable standard by the applicant.

Impact on Rights of Way

The golf course is crossed by Public Footpath Harpenden 003 also known as Wheathampstead 092. The applicant describes that the right of way is not clearly delineated given the site being mown amenity grassland. The definitive map record however is clear, and the proposed haul road shall potentially interfere with the rights of enjoyment of the public right of way. The Construction Management Plan should further consider the safety of users of the RoW network, or consider temporary closures to this route.

5.10 A total of 111 consultation letters were sent out and 8 letters objecting to the application have been received. The issues of concern can be summarised as:

- The development would affect the Green Belt and the character of the country lane
- Cause noise pollution for the duration of works
- Cause highway danger both at junction of A1081 and Ayres End Lane and on Ayres End Lane especially to pedestrians and horse riders.
- Sheer volume and frequency of lorries on small lane will be dangerous.
- Will increase congestion and road traffic use.
- An alternative access (ie from Cross Lane) should be sought.
- Concern that there could be serious injury/death as a direct result of the development and this would be immediately reported in connection with this application, if it happens.

5.11 Publicity for the application was as follows: A site notice was erected on 12th May 2016 and the application was advertised in the St Albans Harpenden Review on 4th May 2016.

6 Planning Policy

National Planning Policy Framework 2012 (NPPF)

6.1 The NPPF was released in March 2012. The NPPF contains the presumption in favour of sustainable development. The document also promotes the development plan as the starting point for decision making and that decisions should be made in accordance with an up to date Local Plan unless material considerations indicate otherwise.

- 6.2 The NPPF refers to three dimensions of sustainable development; economic, social and environmental and the purpose of the planning system being to contribute to the achievement of sustainable development. In order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and improving the conditions in which people live, work, travel and take leisure.
- 6.3 The NPPF also seeks to protect Green Belt land stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics being their openness and their permanence. Green Belt purposes include checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.4 Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.

National Planning Policy for Waste 2014 (NPPW)

- 6.5 This policy document seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, together with ensuring the design and layout of new development and other infrastructure such as safe and reliable transport links complements sustainable waste management.
- 6.6 Waste Planning Authorities should assess the suitability of sites/areas for new or enhanced waste management facilities against a list of criteria which includes the following:
- The extent to which the site will; support the other policies set out in the document,
 - The physical and environmental constraints on development, including existing and proposed neighbouring land use, and having regard to the factors in Appendix B,
 - The capacity of existing and potential transport infrastructure to support the sustainable movement of waste,
 - The cumulative impact of existing and proposed waste disposal facilities and the well-being of the local community, including any

significant impacts on environmental quality, social cohesion and economic potential.

- Green Belts have special protection in respect to development.

6.7 In determining planning applications, the likely impact on the local environment and amenity also needs to be considered... Waste management facilities should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Development Plan

6.8 The Development Plan is the Hertfordshire Waste Development Framework Waste Core Strategy.

6.9 The relevant development plan policies are:

Hertfordshire Waste Development Framework Waste Core Strategy Adopted November 2012

Policy 1- Strategy for provision for waste management facilities

Policy 1A- Presumption in favour of sustainable development

Policy 6 - Green Belt

Policy 7- General criteria for assessing planning applications outside of identified locations.

Policy 9 - Sustainable transport

Policy 11- General criteria for assessing waste planning applications

Policy 13- Road transport and traffic

Policy 16 – Soil, Air and Water

St Albans City & District Local Plan Review 1994

Policy 1 Metropolitan Green Belt

Policy 34 Highways considerations in Development Control

Policy 74 Landscaping and Tree preservation

7 Planning Issues

7.1 The principal issues to be taken into account in determining this application are:

- Impact on local highway network and traffic
- Impact on local residential amenity

- Green Belt

7.2 Highways and traffic issues

It is proposed that there would be likely to be 140 HGV movements per day on average during the course of the development. It is anticipated that it would take around 13 weeks to bring the material to the site, with a further 4 weeks of work required for landscaping, seeding and sculpting. However, given there may be extenuating circumstances that could arise such as bad weather that could delay deliveries, the applicant considers that a period of 20 weeks would be required to cover all eventualities.

- 7.3 The application proposes a route that the lorries delivering material would take, coming off the M1 at junction 9 and following a route along the B487 Redbourn Lane to Harpenden Road (A1081) and then south towards the site entrance off Ayes End Lane.
- 7.4 Ayres End Lane is a narrow country lane with mature hedgerows and trees. The entrance to the site is approximately metres away from the junction on the north side of the lane. The application proposes the temporary construction of a passing bay on the south side of the lane close to the junction with Harpenden Road. Highways are satisfied that the passing bay proposed provides sufficient width for two HGVs to pass one another safely.
- 7.5 HCC Highways consider that the development proposal would be satisfactory in highway terms as the lorry movements would amount to approximately 7 outbound and 7 inbound trips per hour and that would only be for a short temporary period of time. It is considered that there would not be any significant or severe impact on highway capacity and does not require a detailed junction assessment on likely reroutes to be taken to and from the site.
- 7.6 As the route that the lorries would take would be outside of the red line of the application site, it is suggested that a scheme of signing that would direct and encourage vehicles to only be able to turn right out of the site, thereby designing out the likelihood of vehicles travelling to and from the site by inappropriate roads within the road hierarchy.

Residential amenity

- 7.7 There are few residential dwellings in the vicinity of the proposed site entrance off Ayres End Lane, however a number of people have expressed concern about the potential for perceived danger that would occur from usage of the lane whilst HGV lorries are using it.
- 7.8 It is acknowledged that the use of the short stretch of the lane by HGVs is not ideal, however, it is for a temporary period and at a rate of 7 in, 7

out on average per hour, it is considered on balance to be acceptable from a highway safety point of view.

- 7.9 Air quality has been raised as an issue by the Environment Agency in that the proposed development could have the potential to contribute to increased levels of airborne particulate pollution. It is considered that an appropriate condition should be attached.
- 7.10 The applicant has proposed working hours at the site of 7am to 6pm Monday to Friday. It is considered that although there are few residential properties in the vicinity of the site, it would be more appropriate to have a start time of 7.30am for any deliveries to or from the site or any on-site working. A condition can be attached restricting hours.

Green Belt

- 7.11 The site is situated in a rural area to the south of Harpenden and is in the Metropolitan Green Belt. The NPPF (as well as policies in the HCC Waste Development Framework and St Albans City & District Local Plan) seeks to protect the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics being their openness and their permanence.
- 7.12 This application is for the importation of 47,000 cubic metres of waste soils to landscape part of a long established golf course. The reasons for proposed landscaping are set out earlier in this report.
- 7.13 Parts of the proposed additional earthworks proposed would result in raised landscape features up to 5 metres above ground level although impacts are intended to be mitigated by sensitive profiling and planting.
- 7.14 The introduction of an attenuation basin brings an opportunity for the golf course to get visual and biodiversity benefit. Although there will be some tree and hedge removal, it is considered that overall restoration plans following the works would restore the character of the rural lane.
- 7.15 Justification has been put forward by the applicant for the importation of the soils to the site in terms of improved safety and playability, which, due to the unusual location of the golf course parallel and close to the main Harpenden Road seems correct. The re-profiled golf course, if this development were to go ahead would assist in all the ways put forward.
- 7.16 These reasons therefore form the basis of 'very special circumstances'. The NPPF states in para. 88, that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The harm identified in this case falls into two parts; that of a temporary nature during the construction period and that which may arise as a permanent result of the development.

- 7.17 Given the proposed mitigation put forward by the applicant in terms of planting and replacement trees and hedging, it is considered that there would not be significant harm caused as a result of the construction period. With regard to the final scheme, there would be an increase in height as a result of the overall design, but it is not considered to be so significant relative to the total quantity of waste soils to be imported. Although it is acknowledged that the lorry movements along a short stretch of country lane will have some impact on local usage, it is considered that on balance it is a relatively short timeframe until the development is complete. Therefore, although the proposed development would be classed as inappropriate development in the Green Belt, the very special circumstances put forward by the applicant are considered sufficient and clearly outweigh the harm to the Green Belt and any other harm identified. In this case it is therefore considered appropriate to allow the development to be considered acceptable in the Green Belt.
- 7.18 Policy 4 of the Hertfordshire Waste Development Framework says that disposal of waste and raising of land levels will only be granted permission where they meet certain criteria including where it would result in significant or other environmental benefit. The very special circumstances put forward are also considered to lead to significant benefits; these are improved safety and playability and visual and biodiversity benefit.

8 Conclusions

- 8.1 This application is in essence, an application for the importation of waste soils to be deposited in the Green Belt. National policies in relation to the Green Belt apply as well local policies in the Hertfordshire Waste Development Framework. The siting, scale and design of the development together with transportation of the waste are all important material considerations.
- 8.2 In terms of this proposal, it is of a relatively small scale at 47,000 cubic metres and would be sited on land already landscaped forming the existing gold course. Further landscaping of the site has been designed as part of this application which proposes to mitigate any impacts. There are few residential properties in close proximity to the site. Given the relative short term temporary nature of the proposed importation, it is not considered that there would be any significant adverse impact on amenity and human health as a result.
- 8.3 The proposed operation is required for specific reasons outlined in this report, is not contrary to national or waste policy and would be operational for relatively short period of time. Overall it is therefore considered acceptable.

9 Recommendation

- 9.1 It is recommended that planning permission should be granted subject to referral to the Secretary of State, and his not wanting to call the application in, and to the following conditions:

1. **Time Limit for Commencement**

The development hereby permitted shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. **Approved Plans and Documents**

The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Waste Planning Authority:

Reason: For the avoidance of doubt.

3. **Commencement of importation**

The applicant shall notify the Waste Planning Authority of the expected 'start date' for importation at least two weeks prior to that date.

Reason: In order to monitor importation to the site.

4. **Importation Timescale**

Importation of waste soils to the site shall cease within 20 weeks of the date confirmed to the Waste Planning Authority as the 'start date'.

Reason: In the interests of highway safety and residential amenity.

5. **Ayres End Lane Condition Survey**

The development shall not commence until a condition survey of Ayres End Lane (from the point of ingress/ egress) to Harpenden Road has been undertaken and approved in writing by the Waste Planning Authority. The survey shall be undertaken prior to commencement of importation and once more upon completion of importation. All surveys shall be submitted to and for the written approval of the Waste Planning Authority. Any proven damage relating to and caused during the material

delivery operation to the road structure including pavement, kerbing, verge and street furniture (lamp columns and road signs) shall be repaired at the developers or applicants own expense. The extent and method for repairs shall be approved in writing by the Waste Planning Authority.

Reason: To ensure that the local road network is maintained to a standard compatible with the use of the local road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.

6. **Construction of temporary passing bay on Ayres End Lane**

Before the development commences, access and off-site highway works to construct the passing bay as shown on the approved plans (C209-206 rev B dated 6/6/2016 and CH209-002) shall be constructed and completed to the satisfaction of the highway authority and retained until completion of importation of material. All widening shall thereupon be removed and the highway reinstated to the original alignment and width to the satisfaction of the Waste Planning Authority.

Reason: So construction traffic may pass within Ayres End Lane and to ensure that the safe and efficient operation of the A1081 is not compromised.

7. **Reinstatement of passing bay**

Before development commences a landscaping scheme for the reinstatement of the passing bay shall be submitted to and approved in writing by the Waste Planning Authority. The passing bay shall be removed within 3 months of importation ceasing and the landscaping scheme implemented by the next available planting season in accordance with the approved plans.

Reason: In the interests of visual amenity.

8. **Lorry movements**

There shall be no more than 160 lorry movements (80 in, 80 out) entering/leaving the access/egress onto Ayres End Lane on any one working day. Written records of vehicles entering and leaving the site in connection with all lorry movements from/to the site complex shall be kept by the site operator and made available for inspection by the Waste Planning Authority upon request.

Reason: In the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity of the site.

9. **Wheel Cleaning**

No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: To prevent the deposit of mud onto the road in the interest of highway safety.

10. **Signage at exit from site**

Prior to commencement of development a scheme of signage (to show the route along the highway network to be taken for deliveries) to be displayed at the entrance/exit from the site on Ayres End Lane shall be submitted to and approved by the Waste Planning Authority in writing. The approved signage shall be erected in the agreed position for the duration of the importation and shall require right turn only when exiting the site. The sign/s shall be removed when importation ceases.

Reason: To communicate the preferred route that lorries should take to the M1.

11. **Landscaping**

Prior to commencement of development, a landscaping scheme for restoration of the site and passing bay on Ayres End Lane shall be submitted to and approved in writing by the Waste Planning Authority. The planting scheme shall include a programme of planting of new hedgerows and trees and shall be carried out in accordance with the approved programme. Any tree or shrub required to be retained or to be planted as part of the approved landscaping scheme, that is found to be dead, dying, severely damaged or seriously diseased within five years of the carrying out of the landscaping scheme, shall be replaced by specimens of similar or appropriate size and species in the next available planting season.

Reason: In the interests of visual amenity.

12. **Tree Survey**

Prior to commencement of development a tree survey of the site and the area of Ayres End Lane shall be undertaken and submitted to the Waste Planning Authority for approval in writing. The submitted tree survey shall

include a tree protection plan as required in line with BS5837:2012 to show all trees to be retained/removed/pruned. The plan shall also show all Root Protection Areas in relation to the proposed works.

Reason: To protect trees in the vicinity of the site.

14. **Flood Risk Assessment**

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) ref K0679/pw dated of 4th March 2016, and the approved drainage strategy report carried out by Hydro-Logic Services for Woodland Golf Build dated July 2016 reference K0679/2 and the following mitigation measures detailed within those documents:

1. Implement appropriate drainage strategy based on infiltration.
2. Undertake the drainage and mitigation measures to include :

- Flow Diversion Bund to divert overland flows from the nearby buildings;
- Flow Conveyance Swale required to collect flows from the steeper slopes resulting from the proposed landscape earthworks.
- Two infiltration basins required to manage additional flows resulting from the proposed development and prevent the increase of flood risk elsewhere. The basins will be as a minimum of 650 m² (between Areas A and B) and 176 m² (south of Area C) and assume an infiltration rate of 0.02 m/h.

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

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

11. **Design of swale and basins**

Prior to commencement of development, the final design of the drainage scheme shall be completed and submitted to the Waste Planning Authority for approval. The design of the swale and basins should be in line with best practice standards as shown in The SuDS Manual and the implemented design shall be in accordance with the approved details. The design of the drainage scheme shall also include detailed engineering details of the design of the proposed swale and basins in line with The SuDS Manual (CIRIA C-753), along with the detailed surface water run-off

and volume calculations for all rainfall return periods up to and including the 1 in 100 year event plus climate change allowance.

Reason: To ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year + climate change.

12. **Construction Management Plan**

Prior to commencement of development, a Construction Management Plan shall be submitted to the Waste Planning Authority for approval in writing. The plan shall consider the safety of users on the RoW network and nearby Public Footpaths, proposing a scheme for temporary closures/diversion of the route if necessary for the duration of the development.

Reason: In the interests of site safety and public amenity.

11. **Air Quality**

Prior to commencement of development, a scheme for minimising air pollution in the vicinity of the site shall be submitted to and approved in writing by the Waste Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

Reason: To ensure that air quality in the area is managed appropriately.

12. **Details of site compound**

Prior to commencement of development, details of the site compound and all structures within, shall be submitted to the Waste Planning Authority for approval in writing. The approved site compound shall be removed in its entirety and the area landscaped once importation to the site has ceased.

Reason: In the interests of visual amenity.

13. **Working Hours**

No deliveries to or from the site or on-site operations shall take place outside of the hours 7.30am – 6.00pm Monday to Friday.

Reason: In the interests of local amenity.

Background information used in compiling this report

NPPW

NPPF

Herts Waste Core Strategy

St Albans City & District Local Plan Review.

Representations received