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# Planning Statement

**Outline Application for the erection of up to 100 dwellings,  
including 45% affordable and 10% self-build, together with  
all ancillary works (All matters reserved except access) at  
Land off Bullens Green Lane, Colney Heath.**

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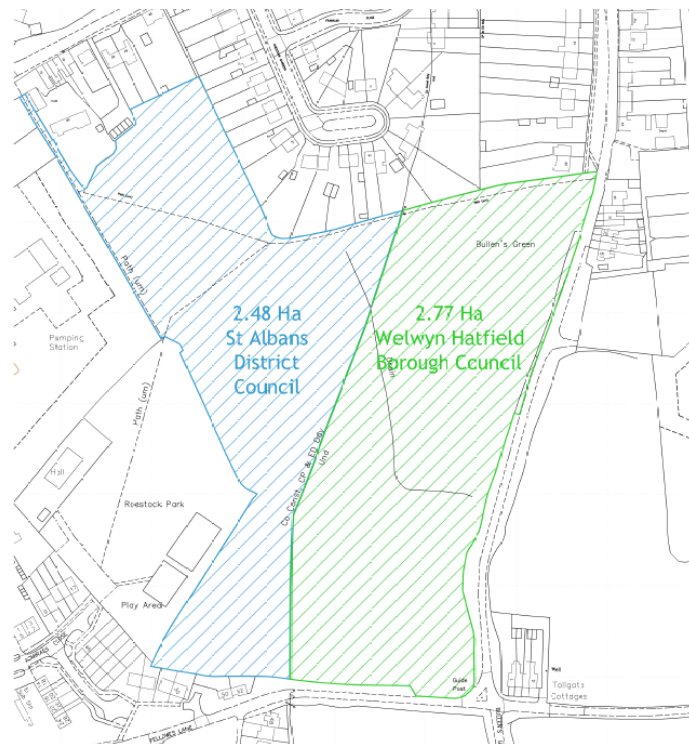
# 1 Introduction

- 1.0 This Planning Statement forms part of a package of documents prepared in support of an outline planning application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access), at Land off Bullens Green Lane, Colney Heath. It is submitted on behalf of Canton Ltd.
- 1.1 Comprised of an irregular parcel of arable agricultural land, the application site measures 5.25 ha in size and lies on the eastern fringe of Colney Heath, adjacent to existing dwellings along the northern and southwestern boundaries. The site straddles the boundary between St Albans City and District Council (SADC) and Welwyn Hatfield Borough Council (WHBC), lying almost equally in each, but with a lightly larger area in WHBC. The planning application is therefore submitted to both local planning authorities.
- 1.2 The purpose of this statement is to set out the justification for the proposed development against relevant development plan policies and material considerations, such as the National Planning Policy Framework (NPPF). It demonstrates that in weighing up these various considerations, outline planning permission should be granted as the development meets the very special circumstances (VSC) required for development within the green Belt, in accordance with the NPPF, and will deliver sustainable development in a location where there is chronic need for it.
- 1.3 The Statement should be read in conjunction with the plans and documents submitted in support of the application. These comprise:
- Planning application forms;
  - Site Location Plan (Dwg. no. 17981 1002);
  - Land use Parameters Plan (Dwg no. 17981 1004);
  - Illustrative Site Layout Plan (Dwg. no. 17981 1005; Not for approval);
  - Landscape Strategy Plan (Illustrative and not for approval)
  - Access Plan (Dwg. no. 18770-FELL-5-500 A);
  - Housing Land Supply Statement;
  - Affordable Housing Statement;
  - Preliminary Ecological Appraisal;

- Agricultural Land Classification Report;
- Archaeological Assessment & Heritage Statement;
- Design & Access Statement;
- Landscape & Visual Impact Assessment;
- Noise Assessment;
- Tree Survey & Arboricultural Impact Assessment;
- Transport Assessment and Travel Plan;
- Utilities & Foul Assessment;
- Flood Risk Assessment & Surface Water Drainage Strategy; and
- Site Investigation Report.

## 2 The Application Site and Surroundings

- 2.1 The application site measures 5.25 ha in area and is a single arable field currently planted with maize, that lies within the Metropolitan Green Belt (MGB).
- 2.2 It is situated south of Roestock Lane, north of Fellowes Lane and west of Bullens Green Lane, on the eastern fringes of Colney Heath. Vehicular access is currently provided via a field access from Bullens Green Lane in the north eastern corner of the site. A Public Right of Way (FP67/46) also enters the site at this point running along part of the northern boundary before heading north west and connecting to FP23 continuing off site providing a non-vehicular connection to Roestock Lane. FP23 also continues south east running adjacent to the sites boundary, before joining FP44 and running south west through Roestock Park.
- 2.3 The site straddles the boundary of SADC and WHBC; the boundary is a rough bisection of the site with 2.48 ha of the application site within SADC's boundary and 2.77 ha within WHBC's boundary as depicted on the district boundary line layout plan (ref: 17981-1003).



**Figure 1: District Boundary Line Plan**

- 2.4 Colney Heath is identified as a Green Belt Settlement in SADC's adopted Development Plan, of which the primary component is the District Local Plan Review 1994. The Welwyn Hatfield District Plan 2005, the adopted Development Plan of WHBC, also defines Bullens

Green, the settlement surrounding the application to the east, which is nowadays effectively an 'End' of Colney Heath, as a Green Belt Settlement.

- 2.5 Much of the site is bounded by reasonably thick hedgerow interspersed with mature trees that help contain the site and limit views outwards and inwards, with sparser landscaping along the northeastern boundary adjacent to Bullens Green Lane. A more detailed description is provided in the Landscape and Visual Appraisal (LVA) included within the application.
- 2.6 No. 68 Roestock Lane is situated to the northwest of the site and is a Grade II Listed Building with which there is some intervisibility from within the application site. A full description of this listed building and an assessment of the impact of the proposed development on its setting is provided in the submitted Heritage Assessment, which is summarised in Section 6 below.
- 2.7 The western boundary of the site adjoins Affinity Water infrastructure and Roestock Park, the latter of which contains open playing space and an equipped area of play. The northern and southwestern boundary is adjacent to existing residential dwellings which extend further north and southwest of the site, with residential dwellings immediately west of the Affinity Water site and Roestock Park. The surrounding residential form within the settlement is continuous, being connected along Roestock Lane.
- 2.8 The eastern and southeastern boundary of the site adjoins open countryside, with woodland further east that borders and continues beyond to the A1(M) strategic road network.
- 2.9 The application site has no statutory landscape designations.
- 2.10 In the wider context, the application is less than 4 miles from St. Albans city centre, the main settlement within SADC. It is less than 2 miles from Hatfield's city centre. Both major urban areas reachable by sustainable, public transport modes within 30 minutes from the application site. Colney Heath itself contains a selection of public houses, vehicular garages for maintenance and repair, a barbershop, a cake shop, and hot food takeaway.
- 2.11 St. Albans and Hatfield both have an excellent and diverse mix of facilities and services including: multiple supermarkets and superstores, schools for children of all ages, community centres, libraries, post offices, Doctors surgeries, an infirmary, pharmacies, hot food takeaways, playing fields, public houses (serving food), and a range of open playing spaces accessible to the public. Further details are provided in the sustainability appraisal in the submitted Green Travel Plan.



2.12 A more detailed description of the site and its surroundings is provided in accompany Design and Access Statement.

## 3 Proposed Development

- 3.1 Outline planning consent is sought for a residential development of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works. All matters are reserved except access.
- 3.2 A land use parameters plan (Dwg. no. 17981-1004D; for approval) and illustrative site layout plan (Dwg. no. 17981-1005E; not for approval) are submitted as part of the application to demonstrate how the number of dwellings proposed, together with access, surface water attenuation, open space and landscaping can be accommodated on the site in compliance with relevant development plan policies.
- 3.3 Vehicular access is proposed to be taken directly from Bullens Green Lane following the removal of a small section of hedgerow along the eastern boundary (See Access Drawing: 18770-FELL-5-500, and the illustrative layout; dwg. no. 17981-1005 Revision E).
- 3.4 The loss of planting required can be more than compensated for by the new planting proposed as part of the application. Indicative landscape and green infrastructure proposals for the scheme are shown on the illustrative layout, landscape strategy plan and are described in the Design and Access Statement and within the accompanying LVA. In summary these proposals include:
- The provision of land dedicated to landscape, GI, public open space, play and habitat related proposals;
  - An area of informal green space to the north of the site, including some sustainable drainage features. These will be designed with shallow banks and will allow for different levels to enable a range of habitats to develop. This could include areas of reed. Other parts of the space will include small areas of copse planting, and open grassland.
  - Within the residential area there would be a series of smaller green spaces, mainly simple in design, with regularly mown grass and individual trees. These would be overlooked by the adjacent housing and would form softer entrance spaces to the scheme.
  - Retained footpath routes. These routes would be in areas of new greenspace, with additional planting and overlooked by the new housing areas, providing attractive and safe routes.
  - New pedestrian routes. A new pedestrian route around the outer edges of the scheme adjacent to the proposed and existing landscaping is proposed. This would

run from Bullens Green Lane in the north east corner to the boundary with Roestock Park in the south west corner, with discussions ongoing with the landowners, St Albans Council, regarding an access through to the park.

- 3.5 The site will contain healthy and substantive green infrastructure to facilitate a permeable and sustainable development, together with sufficient parking provision for each proposed dwelling. This will be located so that it provides easy and convenient access for future occupiers of the site.
- 3.6 A new Green Belt boundary will be created along the application site's boundary, and will be more defensible than the existing due to the extensive landscaping along the site's boundaries. Thus, the proposed site, being largely self-contained, presents an opportunity to cohesively integrate the existing residential form of Colney Heath and Bullens Green, which already interlink along Roestock Lane, without detrimentally impacting the openness of the Green Belt. The specifics of the new, defensible Green Belt boundary are evaluated in the Planning Assessment section of this Planning Statement and the accompany LVA prepared by FPCR Environment and Design Ltd.
- 3.7 A sizeable area of open space, including new native planting has been incorporated at the north western end of the site to minimise the impact on the setting of the adjacent Grade II listed building at 68 Roestock Lane. Further detail on this is provided in Section 6 below and the accompany Heritage Statement prepared by EPD.
- 3.8 The development would incorporate a mix of 1, 2, 3, 4 and 5 bedroom properties of open market and social housing as indicated on the submitted layout. A variety of different house types will be provided, which will assist in providing interest and vitality to the site. Affordable is also to be provided at a proportion of 45% of the proposed number of dwellings, which is above the emerging policy requirement of both LPAs, together with 10% self-build and custom housing. This will make a valuable contribution towards addressing the range of current housing needs creating a diverse mix of residents, thereby contributing to a vibrant and active community.
- 3.9 The above is considered to be a key benefit of this scheme due to the substantial general and affordable housing needs within SADC and WHBC. As is detailed later within this Statement, neither LPA has a strategy that is adequate or remotely capable of delivering the level of housing required to address need, thereby resulting in a monumental shortfall in delivery of general market and affordable dwellings.
- 3.10 It is important not to underestimate the serious economic and social impact that this shortfall can have on real people. Households in both authorities may find themselves stuck in unsuitable, overcrowded or expensive housing for longer than is necessary. Given the recognised social and economic benefits of good housing (and conversely, the serious

adverse effects of poor quality or inadequate housing), it considered that the opportunities presented by this scheme in contributing to general and affordable homes cannot be understated and is lies at the heart of the planning benefits of the proposal.

- 3.11 Detailed matters of layout, scale, appearance and landscaping are reserved matters to be considered at a later stage.

## 4 Planning Policy

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) states that planning applications must be determined in accordance with the adopted development plan unless material considerations dictate otherwise. This is reinforced by the NPPF (2019) which has at its heart a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that accord with the development plan should be approved without delay.
- 4.2 The adopted development plans relevant to this application are the St. Alban's District Local Plan Review 1994 (SADLPR) and the Welwyn Hatfield District Plan 2005 (WHDP).
- 4.3 The National Planning Policy Framework (NPPF) 2019 is significant material consideration in the determination of this planning application, along with the Planning Practice Guidance (PPG).
- 4.4 Whilst both SAC and WHBC have been seeking to bring forward replacement local plans, neither has reached the stage whereby they can be given considerable weight, and in the case of the St Albans, it is very likely the Plan will need to be withdrawn and a new one prepared due to the Council having failed the Duty to Co-operate in preparing it, with the Inspectors examining the Plan also having concerns over soundness. The implications for this proposal are covered in further detail below.
- 4.5 Before coming onto the development plan and the draft replacement plans in both authority areas it is appropriate to first consider the provisions of the NPPF.

### National Planning Policy Framework (2019)

- 4.6 The revised NPPF came into effect in 2019 and is a material consideration of significant weight in the determination of all planning applications.
- 4.7 **Paragraph 3** of the NPPF confirms that the Framework should be read as a whole, including all footnotes and annexes.
- 4.8 **Paragraph 7** establishes that the purpose of the planning system is to contribute towards the achievement of sustainable development.
- 4.9 **Paragraph 8** sets out that there are three overarching objectives to sustainable development which need to be mutually supportive of each other and are described below:
- *the economic objective*: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right

places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- *the social objective:* to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being; and
- *the environmental objective:* to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

4.10 **Paragraph 11** states that plans and decisions should apply 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<sup>7</sup>, 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<sup>6</sup>; 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.”*

4.11 *Footnote 6* confirms that the policies referred to are those in the Framework relating to various areas, including land designated as Green Belt.

4.12 *Footnote 7* confirms that:

*“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test*

*set out in Annex 1.”*

- 4.13 **Paragraph 12** advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making. However, LPAs may take decisions that depart from an up-to-date development plan if the material considerations in a particular case indicate the plan should not be followed.
- 4.14 **Paragraph 38** establishes that LPAs should approach decisions in a positive and creative way and work proactively with applicants to secure developments that will improve the social, economic and environmental conditions of the area, seeking to approve applications for sustainable development where possible.
- 4.15 **Paragraph 48** notes that local planning authorities may give weight to relevant policies within an emerging local plan, according to:
- *“the stage of preparation of the emerging plan;*
  - *the extent to which there are unresolved objections to the relevant policies; and*
  - *the degree of consistency of the relevant policies in the emerging plan to the NPPF.”*
- 4.16 **Paragraph 59** evidences the Government’s ambition of “significantly boosting the supply of homes”, and notes that it is essential a sufficient amount and variety of land can come forward where it is needed to achieve this.
- 4.17 **Paragraph 60** outlines the method of determining the minimum number of homes needed in plan areas, establishing that “strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals”.
- 4.18 **Paragraph 68** establishes that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 4.19 **Paragraph 73** states that LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategy policies, or against local housing need where strategic policies are more than 5 years old, as is the case in both St Albans and Welwyn Hatfield. Local housing need is defined within the NPPF as:

*“The number of homes identifies as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using*

*a justified alternative approach as provided for in paragraph 60 of this Framework.”*

4.20 **Paragraph 91** sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- *“promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
- *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.*

4.21 **Paragraph 127** deals with overall design and states that planning policies and decisions should aim to ensure developments:

- a) *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and effective landscaping;*
- c) *are sympathetic to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- d) *establish a strong sense of place, using streetscapes and buildings to create attractive and welcoming places to live, work and visit;*
- e) *optimize the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the development) and support local facilities and transport networks;*
- f) *create safe and accessible environments which promote health and well-being with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community*



*cohesion and resilience.”*

4.22 **Paragraph 134** of the NPPF establishes the five purposes of the Green Belt as:

- a) *“to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

4.23 **Paragraph 143** confirms a general presumption against inappropriate development within the Green Belt, specifying that:

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

4.24 **Paragraph 144** advises that substantial weight should be given to any harm to the Green Belt. It also establishes that:

*““very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

4.25 **Paragraph 145** sets out that LPAs:

*“should regard the construction of new buildings as inappropriate in the Green Belt”.*

4.26 **Paragraph 170** deals with the conservation and enhancement of the natural environment and sets out that planning policies should contribute to and enhance the natural and local environments by:

- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognizing the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *minimizing impacts on and providing net gains for biodiversity, including by*

*establishing coherent ecological networks that are more resilient to current and future pressures;*

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

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

4.27 **Paragraph 189** stipulates that LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting in determining applications. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

4.28 **Paragraph 190** states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

4.29 **Paragraph 196** establishes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.30 **Paragraph 212** in Annex 1 of the NPPF 2019 makes it clear that its policies are material considerations that should be taken into account in dealing with applications from the day it is published.

4.31 **Paragraph 213** confirms that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that 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 St Albans District Local Plan Review (SADLPR) 1994

- 4.32 The SADLPR was adopted in 1994 and is the second oldest Local Plan in the country. It was based on national planning guidance in Planning Policy Guidance Notes and “Circulars” that have all been superseded by the Framework. It was also based on the former “Regional Planning Guidance” for the South East, which has since been revoked.
- 4.33 In view of the above, most of the strategic policies are deemed substantially out of date, including those relating to housing requirement and delivery. However, some of the development management policies remain of relevance and are summarised below.
- 4.34 **Policy 1** establishes the extent and boundaries of the Metropolitan Green Belt (MGB) within the district. It confirms that:
- “Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than....”*
- 4.35 The policy goes on to list development that is acceptable within the Green Belt. It further outlines that new development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.
- 4.36 **Policy 2** sets out the settlement strategy for the district and states that the District Council will seek to protect and enhance the essential character of existing settlements. In particular, the Council will seek to safeguard the character of specified settlements and green belt settlements. Colney Heath (3 Parts) is one of the Green Belt Settlements listed under 3. Policy 2 confirms that apart from the exceptions referred to under Policy 1 (i.e. very special circumstances), development will not normally be permitted.
- 4.37 **Policy 8** is concerned with affordable housing in the MGB. The policy states that permission for affordable housing for local needs will only be granted where the criteria set out are met. This policy operates much like a modern rural exceptions policy requiring all dwellings provided on site to be affordable and kept as such in perpetuity. It is considered that this policy also does not apply to the application site as the proposed development is not exclusively for affordable housing.
- 4.38 **Policy 34** establishes that development which involves the creation of an access onto the public highway will not normally be permitted unless acceptable in terms of:
- i. road safety;

- ii. environmental impact of traffic;
  - iii. road capacity;
  - iv. road hierarchy;
  - v. car parking provision; and
  - vii. local rural roads.
- 4.39 **Policy 35** sets out that the District Council will, where appropriate in order to mitigate the highway effects of development proposals, seek highway improvements and / or improvement to the public transport system from developers.
- 4.40 **Policy 36A** lays out that the District Council will encourage the use of public transport, and that in considering the impact of new development, account will be taken of its proximity to the public transport network and whether facilities will be provided within the development to cater for use of the network.
- 4.41 **Policy 39** sets out the general requirements for parking standards and asserts that proposals should include off-street parking provision in accordance with the criteria set out which generally require that applicants demonstrate sufficient parking is proposed for the long-term needs of the development, together with due consideration for environmental factors such as visual impact, landscaping and amenity. More specifically, access roads and parking areas must not detract from the setting of listed buildings or substantially reduce the amenity of private gardens.
- 4.42 **Policy 40** establishes that parking provision requirements for residential development. Given that that the application at this stage is for outline consent with all matters reserved bar access, the policy is not yet applicable at this stage but nonetheless the proposal does set out how these requirements can be complied with at the relevant stage.
- 4.43 **Policy 69** requires that all development be adequately designed to a high standard taking into account the following factors:
- Context, such as scale and character of the surroundings in terms of height, size, scale, density or plot to floorspace ratio;
  - Materials, which shall normally relate to adjoining buildings. Buildings in settlement edge settings shall be clad in materials that take account of the general colour and tonal value of their background;
  - Other policies, in that applicants shall account for all relevant policies and requirements applicable to general design and layout.
- 4.44 **Policy 70** details the objectives that the design and layout of new housing proposals should seek to meet. Whilst design remains a reserved matter, the proposals do set out how the below objectives can be complied with at the relevant stage:

- i. Design and layout, such as massing and siting of buildings to create attractive spaces;
  - ii. Appropriate dwelling mix to meet local needs;
  - iii. Roads and footpaths that minimise pedestrian / vehicular conflict and is visually attractive;
  - iv. Appropriate parking provision that does not dominate public area;
  - v. Landscaping, in line with policy 74 (see below);
  - vi. Privacy between dwellings;
  - vii. Privacy between dwelling and rear boundary;
  - viii. Orientation which meets the relevant sunlight and daylight requirements;
  - ix. Amenity space around dwellings;
  - x. Defensible space to provide a tolerable level of security and privacy;
  - xi. Open space, where developments of more than 30 and up to 100 dwellings shall normally be provided with toddler play areas;
  - xii. Durable materials compatible with their location.
- 4.45 **Policy 74** establishes the Council will take account of the of the need for retention of existing landscaping and provision for new landscaping where appropriate for development proposals. Applications with significant existing landscaping should be supported by a full tree survey, and detailed landscaping schemes will normally be required as part of full planning applications which should consider, where opportunities arise, the possibility to create or enhance wildlife corridors.
- 4.46 **Policy 84** relates to the Council's objective of reducing the risk of flooding and ensuring proper management of river catchment, stating that the Council will consult the appropriate statutory bodies on all matters likely to affect the water environment. The Council will not normally permit development in areas liable to flood, or those which increase flood risk downstream due to additional surface water runoff.
- 4.47 **Policy 84A** concerns drainage infrastructure and sets out that the Council will consult the statutory consultees on all planning application that might cause sewerage flooding. It continues to state that planning permission will not normally be granted for new development in areas which are considered presently at risk of sewerage flooding or where development result in an unacceptable increase elsewhere. Drainage impact studies are likely to be required at the planning application stage.
- 4.48 **Policy 97** sets out that the District Council will resist applications for development which would result in the loss of definitive rights of way. The Council will also resist any development which could endanger users of footpaths, bridleways or cycleways.
- 4.49 **Policy 102** outlines that development which would result in the loss of agricultural land

will be assessed against the below criteria. Planning applications for the development of agricultural land must be accompanied by an assessment of the agricultural gradings.

- i. Land quality: development resulting in loss of high quality agricultural land will normally be refused. An exception to policy may be made if there is an overriding need for the development and there is no alternative land of a lower quality which could be reasonably used; and
- ii. Farm economics and management: where appropriate, loss of agricultural land will be assessed against its effect on the integrity and viability of a farm holding.

#### Emerging St Albans Local Plan

4.50 SADC had been seeking to bring forward a replacement Local Plan. However, following initial hearings between 21<sup>st</sup> and 23<sup>rd</sup> January this year the Inspectors appointed to examine the Plan wrote to the Council on 27<sup>th</sup> January advising of their serious concerns over legal compliance and soundness, postponing the remaining hearing sessions at the same time.

4.51 On 14<sup>th</sup> April 2020 they sent a further letter to the Council setting out in detail their concerns. Paragraph 3 of this Inspectors' Letter (IL) summarises the main concerns found by the Inspectors as follows:

- SAC's failure to engage constructively and actively with neighbouring authorities on the strategy matters of (a) the Radlett Strategic Rail Freight Interchange proposal and (b) their ability to accommodate St Alban's housing needs outside of the Green Belt;
- The Plan's preparation was not in accordance with the Council's Statement of Community Involvement;
- Inadequate evidence to support SADC's contention that exceptional circumstances existing to alter the boundaries of the Green Belt;
- Failure of the Sustainability Appraisal (SA) to consider some seemingly credible and obvious reasonable alternatives to the policies and proposals of the plan;
- Failure to plan to meet objectively-assessed needs; and
- Absence of key pieces of supporting evidence for the plan.

4.52 SADC Officers presented a draft response to the Inspectors' Letter (IL) to SADC's Planning Policy Committee on 9<sup>th</sup> June 2020. This was formerly issued to the Inspectors on 2<sup>nd</sup> July. At paragraph 3 the letter summarises SAC's position that the DtC has been met and that it is proposing main modifications to detail with the issue relating to the Strategic Rail Freight Interchange (SRFI). It also suggests the concerns over soundness can be addresses

through the examination process.

- 4.53 The Inspectors' response to the above has not yet been published, however, given the strong likelihood that the Draft Local Plan will have to be withdrawn, or at the very least, substantially re-written, it is considered that it should be given no weight at the current time.
- 4.54 The adopted development plan for the part of the site within the City and District of St Albans therefore remains the SADLPR.

Welwyn Hatfield District Plan (WHDP) 2005

- 4.55 Adopted in 2005, the WHDP also substantially predates the Framework and is again based on the former national and regional planning policy regimes.
- 4.56 **Policy SD1** states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the local plan. Applicants will be expected to submit a statement with their planning application demonstrating how their proposals address the sustainability objectives of the Council.
- 4.57 **Policy GBSP1** defines the Green Belt as it is depicted on the Proposals Map. It distinguishes between those settlements which fall under Policy GBSP2 and those settlements within the Green Belt. Bullen's Green, wherein the proposed site would be considered to fall within the bounds of, is a settlement within the Green Belt, i.e. not excluded from it.
- 4.58 **Policy R3** relates to the need for energy efficiency, stating that the Council will expect all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping, and incorporate the best practical environmental option (BPEO) for energy supply.
- 4.59 **Policy R5** sets out the Council will require applications for larger schemes to include details of the measures to be taken in the design, construction, operation, occupation and demolition of existing buildings on site to minimise waste generation and reduce pollution.
- 4.60 **Policy R7** outlines the Council's approach to development which affects ground and surface water. Planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater. Where proposals are acceptable the use of sustainable drainage systems will be encouraged, dependent on local site and underlying groundwater considerations.
- 4.61 **Policy R9** establishes that permission will not be granted for proposals that would be detrimental to existing water abstractions, fisheries, amenity and nature conservation or

would cause adverse change in flows or levels in the groundwater, or any rivers, streams, ditches, springs, lakes or ponds in the vicinity.

- 4.62 **Policy R10** sets out that new development will be expected to incorporate water conservation measures wherever applicable, including sustainable drainage systems, water storage systems, soft landscaping and permeable surfaces to help reduce surface water run-off.
- 4.63 **Policy R11** establishes that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site. This includes considerations such as the retention and enhancement of the natural features of the site, promotion of natural areas and wildlife corridors where appropriate as part of the design, and use of locally native species in planting.
- 4.64 **Policy R17** sets out the Council will seek the protection and retention of existing trees, hedgerows and woodland by the use of planning conditions, section 106 agreements, hedgerow retention notices and tree preservation orders where applicable.
- 4.65 **Policy R19** outlines the approach to development in the context of noise and vibration pollution. Proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land uses or be affected by unacceptable noise or vibration from other land uses.
- 4.66 **Policy R29** relates to the archaeological significance of proposed development sites and states that where a proposal for development may affect remains of archaeological significance, or may be sited in an area of archaeological potential, developers will be required to undertake an archaeological assessment, if necessary with a field evaluation, and to submit a report on the findings to the Local Planning Authority, before an application is determined.
- 4.67 **Policy M1** asserts that proposals, except for those which are necessary in rural areas, will be permitted only in locations with accessibility to pedestrian and cycle routes and passenger transport services, or where this can be created, and where the environment and infrastructure can accommodate the amount and type of transport movement likely to be generated. In considering development proposals, the Council will give priority to walking and more sustainable modes of travel. Internal layouts in development schemes must demonstrate priority to non-car users.
- 4.68 **Policy M2** sets out that developers of major new traffic generating developments will be required to submit a transport assessment with the planning application. This must demonstrate the measures to be taken to minimise vehicular movements through improvements to passenger transport, pedestrian, and cycling facilities and state whether new highways works or traffic management measures will be required. Whilst this scheme



falls below the required threshold for submitting a transport assessment, one has nonetheless been produced to demonstrate the robustness and suitability of the proposals in this context.

- 4.69 **Policy M3** sets out that all new development at or above the thresholds set out in HTCOA's guidance on 'Developing a Green Travel Plan', should be supported by a Green Travel Plan. The implementation of measures included in a Green Travel Plan will be secured through planning conditions, or a Section 106 Agreement.
- 4.70 **Policy M4** states that where development necessitates alteration to existing or the provision of new transport infrastructure or services, permission will be granted only if those works are environmentally acceptable and if the applicant agrees to meet, or where appropriate contribute to, the cost of the works or services.
- 4.71 **Policy M5** outlines that where possible and practical the Council will seek improvements in facilities for the safe and convenient movement of pedestrians. The Council will require proposals for new development to give priority to pedestrian access in their layouts through the inclusion of safe and direct routes linking to existing or proposed footpath networks and facilities.
- 4.72 **Policy M6** concerns cycle routes and facilities, setting out the Council will require proposals for new development to encourage cycling through the inclusion of safe cycle routes and parking for cycles, and where appropriate secure waterproof storage and changing and showering facilities for cyclists. New cycle routes should link with existing or proposed cycle paths.
- 4.73 **Policy D1** requires the standard of design in all new development to be of a high quality. The design of new development should incorporate the design principles and policies in the Plan.
- 4.74 **Policy D2 - D7** relate to the detailed design considerations of new development and the Plan's objective which proposals should seek to meet. These include design principles relating to character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. Developments which take account of these principles should promote sustainable, more responsive environments which will in turn provide a better quality of life for those who live and work in the district. Whilst design is a reserved matter, the proposal demonstrates how these relevant policies can be complied with at the relevant stage.
- 4.75 **Policy D8** sets out that all development, other than changes of use of buildings, should include landscaping as an integral part of the overall design. This should reflect the strong tradition of urban landscape design in the district. Landscaping schemes will require the use of materials which respect the character of the area, the planting of trees, hedgerows

and shrubs and details of future maintenance. The retention and enhancement of existing key landscape features such as trees and shrubs, ponds and watercourses will be expected where feasible; where this is not possible, replacement planting should be carried out.

- 4.76 **Policy D9** establishes all new development should be designed to allow access by the disabled, young children in prams and pushchairs and those who are temporarily disabled through accident or injury. This includes access required to the site and access within the buildings and open spaces on the site.
- 4.77 **Policy D11** require applicants to submit a design statement with all applications for business, commercial or residential developments. The statement should justify how the development meets the design principles, policies and guidance set out in the Plan.
- 4.78 **Policy D11** requires development briefs for sites proposed for major residential, commercial, business, or mixed use schemes.
- 4.79 **Policy H2** sets out all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously developed sites and/or buildings;
  - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
  - iii. The capacity of existing and potential infrastructure to absorb further development;
  - iv. The ability to reinforce existing communities, including providing a demand for services and facilities; and
  - v. The physical and environmental constraints on development of land.
- 4.80 **Policy H6** requires all residential developments of 5 or more dwellings to be built at densities of 30 to 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan.
- 4.81 **Policy H7** relates to affordable housing provision within towns and specified settlements. Whilst the application site itself is not a within a town nor specified settlement and is therefore not technically beholden to Policy H7, the site would nonetheless provide for local affordable housing needs in excess of policy compliant levels of 30% of overall dwellings for proposals within towns and specified settlements.
- 4.82 **Policy H10** outlines that in all residential developments involving 5 or more dwellings the Council will seek to secure a proportion of dwellings to be built to lifetime homes standard.

- 4.83 **Policy OS3** establishes the play space and informal open space provision in new residential development. It states that substantial new residential development (of 0.4 hectares or above) will be expected to make a contribution to the provision of children's play space and informal open space, where the increased demands generated by the new households cannot be met by current levels of provision. Where new space is created it must be easily accessible by pedestrians and cyclists, and be designed to be a safe and secure environment for all people using the facility.
- 4.84 **Policy RA15** sets out planning permission will not be granted for any form of development not associated with agriculture or forestry on the best and most versatile land (defined as Grades 1, 2 and 3a) unless there is special justification for development that overrides the need to protect such land.
- 4.85 **Policy RA25** details that planning permission will not be granted for development in the countryside which adversely affects the convenience, safety, setting and amenity of an existing definitive public right of way.
- 4.86 **Policy RA28** sets out that the Council will not permit developments which are expected to increase or to change the type of traffic on local rural roads where the road is poor in terms of width, alignment or structural conditions, or the increased traffic would have an adverse effect on the local environment, either to the rural character of the road or the residential properties along it.

Emerging Welwyn Hatfield Local Plan (WHLP)

- 4.87 WHBC has also been trying to bring forward a new Local Plan to replace its current plan. Its draft replacement Local Plan was submitted on 15 May 2017, some 3 years' ago and is currently still going through examination. The Stage 8 Hearings have recently been carried out.
- 4.88 The latest position is that the examination still has some way to run, with their having been correspondence between the Inspector and the Council about the latter proposing to remove some of the allocation sites from the submission version of the Plan and add new sites in. It appears the Council has yet to satisfactorily demonstrate to the Inspector that its Plan is sound and Covid-19 has enforced a further delay to proceedings, the length of which is still unknown. As a consequence, it is considered the emerging policies in the Local Plan can only be given limited weight at this stage.

## 5 Planning Assessment - Principle of Development

- 5.1 The application seeks permission for up to 100 homes in Colney Heath, thereby making a contribution to the housing requirements of SADC and WBHC. Both of these LPAs have Local Plans that were adopted decades ago and are considered substantially out-of-date. Both LPA areas also contain a high proportion of land covered by Metropolitan Green Belt (MGB), which has contributed to preventing the delivery of much needed new housing. The respective emerging Local Plans of these authorities are either likely to fail tests of legal compliance and soundness (in the case of the St Albans), or are a considerable way off from being adopted (As is the situation in Welwyn Hatfield) as detailed within the Planning Policy section above. Consequently, neither LPA is in a position to bolster its supply of housing to meet local housing need.
- 5.2 The following paragraphs set out an assessment of the principle of the proposed development against relevant national and local planning policy.
- 5.3 Given the sites location adjoining a settlement that is washed over by the MGB, an assessment is required as to whether there are “very special circumstances” (VSC) that justify development within the MGB. The following paragraphs identify a number of material considerations that collectively and cumulatively present the VSCs for development at the application site. Summarily, these include:
- The site is essentially “captured” Green Belt land. That is, it contributes little or nothing to the purposes of including land within the Green Belt and was essentially included by default when large swathes of the countryside between major settlements in Hertfordshire were designated as MGB over 20 years ago;
  - The considerable need for new housing in both St. Albans District and Welwyn Hatfield Borough;
  - The impacts of the Coronavirus pandemic on housing delivery; and
  - The suitability of the site in sustainability terms.
- 5.4 The above considerations are now discussed in turn below.

*The Site’s Contribution to Green Belt Purposes and Impact on the Openness of the Green Belt*

- 5.5 As will be explained in detail in the following paragraphs, when consideration is given to the contribution the proposed site makes toward the Green Belt purposes set out in para 134 of the Framework, it is evident that it in fact offers very little towards them and is essentially “captured” Green Belt land, i.e. it has been included by default when large swathes of Hertfordshire were originally designated as Green Belt. Furthermore, development of the site would have little impact on the openness of the Green Belt beyond the sites confines given the level of containment existing and proposed landscaping would provide and its relationship to the existing built form of Colney Heath.
- 5.6 Section 7 of the submitted LVA includes an assessment of the contribution the site makes towards the Green Belt purposes, along with an evaluation of SADC’s Green Belt Review Purposes Assessment and WHBC’s Green Belt Study (GBRs), which were prepared to inform the respective LPA’s Draft Local Plans and assess the contribution wider parcels of Green Belt land within which the site sits make to GB purposes for context. It is worth noting that the SADC’s GBR has been criticised by the Inspectors examining the plan for not considering the contribution smaller small parcels of land, such as this, could make to the housing requirement through selective Green Belt release. By way of example, the application site, which totals 5.25 ha was considered as part of a much larger 419 ha area of land. SADC has acknowledged in its response to the Inspectors’ Letter that it will need to undertake a new GBR even if the DtC issues with the current draft Plan can be overcome. Similarly, the part of the site within WHBC is assessed as part of the much larger parcel in its GBR.
- 5.7 The first Framework purpose is to check the unrestricted sprawl of large built-up areas. SADC’s GBR concludes that the wider parcel makes limited or no contribution to this purpose, as does WHBC’s. The application site lies away from large built-up areas and does not form a connection with a wider network of parcels to restrict sprawl.
- 5.8 The second Framework purpose seeks to prevent neighbouring towns merging into one another. The SAC GBR assesses the wider parcel makes a partial contribution to this purpose, but also concludes:
- “Overall, any minor reduction in the gap would be unlikely to compromise the separation of the 1<sup>st</sup> tier settlements in physical or visual terms, or overall visual openness”.*
- 5.9 The WHBC GBR concludes there is limited or no contribution from the parcel it assessed to this purpose.



**Figure 2: Aerial Photograph indicating site**

- 5.10 The application site is bordered by built form from its northeastern corner all around to its southwestern corner anti clockwise. As illustrative in Figure 1.1 above, its development would not extend built footprint further east or further south than the existing built form of Colney Heath and would not bring the village closer to Hatfield or any other larger settlement. In essence, it would fill in a parcel of land nestled in between existing development and better interlink the residential dwellings in the northeast and southwest of the settlement. It is also worth stressing there is dense woodland to the east of the site, which itself is bounded by the A1(M). As such, the subject site makes no contribution to preventing coalescence given it would not create a continuous built form between two separate settlements, nor diminish an existing tract of open land that separates two distinct built forms.
- 5.11 The third Framework GB purpose is that of assisting in safeguarding the countryside from encroachment. Both LPAs' GBRs conclude a significant contribution to this purpose. This may be true of the much larger parcels assessed in these GBRs, however, the site itself is

a small parcel of land and visually well contained given the nature of the existing boundary treatments, with hedgerow interspersed with mature trees around its eastern and southern boundaries, forming the outer edge of the site given its relationship to existing housing and Roestock Park to the north and west. This boundary landscaping is largely proposed to be retained with only a fraction of the eastern boundary removed to facilitate access to the site. The submitted parameters plan, illustrative layout and illustrative landscape strategy plan also indicate the planting along these boundaries being augmented with considerable additional landscaping, further adding to the sites containment and creating a sympathetic edge to the settlement of Colney Heath in this location.

- 5.12 Beyond the site itself toward the east and south there are open fields, with dense woodland further east of Bullens Green Lane which extends parallel to the settlements limits further reinforcing that the countryside can continue to be safeguarded even with the development of the site. The LVA therefore concludes (para 7.13) that the site alone makes only a limited contribution to the purpose of safeguarding the countryside from encroachment.
- 5.13 The fourth Green Belt purpose is ‘to preserve the setting and special character of historic towns’. Colney Heath is not a historic town, and so the site makes no contribution towards this purpose. This is also the conclusion of both the LPAs’ GBRs.
- 5.14 The final purpose is that of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Given the scale of Green Belt land that is proposed to be released under the emerging Local Plans to meet a significant majority of the housing requirement for the LPAs it is considered opportunities for urban regeneration on previously developed land remains limited in no small part due to the extensive Green Belt boundaries which have not been revised since the current Local Plans have been adopted. This equates to 26 years for SADC and 15 years for WHBC. Consequently, urban regeneration has become an increasingly unviable option for (re)development. The contribution the proposed site makes toward the recycling of derelict and other urban land, then, is minimal. The WHBC GBR considers all parcels to be equally contributing to this purpose and as such they are not distinguished in this respect.
- 5.15 The SADC GBR includes a fifth purpose of “*maintaining the existing settlement pattern*” for which the relevant parcel makes a significant contribution. This is not one of the GB purposes set out in the Framework, however, and given the criticisms of the GBR made by the Inspectors following the initial examination hearings and the fact the Council has itself accepted a new GBR will need to be carried out regardless of whether the submitted Local Plan is withdrawn or substantially amended, this aspect of the assessment can be

given no weight.

5.16 In summary then, it is concluded that the application site does not make more than a limited contribution to the five purposes for Green Belt land.

5.17 Turning to the matter of openness, whilst no clear definition is provided within the Framework it is understood to mean the absence of built form or other features which cannot be reasonably be associated with the open countryside and the vast, extensive views they provide. SADC's GBR also includes an assessment of visual openness. It establishes that the relevant parcel as:

*".... generally open to the north and more enclosed to the south where it is more wooded although there are some extensive panoramas over arable fields towards the Shenley ridge to the south."*

5.18 As set out within the LVA and this Statement, the application site is visually well enclosed and plays a minimal role in openness beyond the site itself.

5.19 Nonetheless, we would invite the Councils to consider the West Malling, Kent appeal (ref: APP/H226/W/18/3202040) which also related to a proposed development within the Green Belt. Harm to openness and encroachment into the countryside were material considerations dealt with at paragraph 15 of the decision letter. Here, the Inspector found that:

*"based on the indicative layout and scale of buildings... the site's relative containment and the opportunities for retained and improved landscaping mean that there be no significant harm to landscape character".*

5.20 As this Statement, the accompanying plans and supporting LVA make clear, the situation is no different in that the application site is well-contained, with there being good opportunities for retained and improved landscaping.

5.21 In visual terms, the LVA notes that views from residential properties towards the application site and any visual effects are likely to be minor or negligible; there are moderate visual effects observed from the public footpaths crossing the site and a minor to negligible effect from public footpaths and public rights of ways beyond the site; and road and transport users would initially observe a moderate effect, subsequently reducing to a minor effects as the new planting along the boundary establishes. Overall, the visual effects are not considered to be significantly or unacceptably harmful with the most sensitive changes understandably observed from within the site.

5.22 Ultimately, there is some impact on openness given the proposal seeks to introduce built



form on land that is otherwise clear of structures or features that are not associated with the open countryside, however, the LVA undertaken by FPCR demonstrates that from most of the wider area, there would be little visual effect from development of the site. The nature of the landscape with the surrounding built development and overlapping effects of trees and hedges, means that there are few public locations where the site can be seen, beyond the site itself. Development of the scheme would have a minimal effect on the openness of the site beyond reducing the overall harm.

- 5.23 As already explained, it also makes a very limited contribution to the purposes of including land in the Green Belt in paragraph 134 of the Framework. It is essentially “captured” land that was included within the Green Belt along with large swathes of Hertfordshire at the time the boundaries were first defined, with little, if any, consideration given to the actual contribution it makes to the Green Belt purposes.
- 5.24 This specific site is situated within Colney Heath. Colney Heath itself is bordered very closely to the east by the A1(M). There is a virtually nil likelihood any coalescence with any settlement beyond the A1(M), nor any capacity for Colney Heath itself to ‘sprawl’ out in this direction and thereby contribute poorly to GB purposes.
- 5.25 This particularly so given that in between the A1(M) to the east and the site, as well as to the south of the site, there is very dense woodland which inherently limits the visual openness of views outward - even if we were to ignore the A1(M) further beyond. As detailed in preceding section, the site is perfectly bordered to the north and west by existing residential development, formalised open space and other built development. In essence, development of this tract of land forms a very logical and assuredly reasonable expansion of Colney Heath which has experienced virtually non-existent levels of growth in recent decades.
- 5.26 It is a settlement that that has been starved and left to stagnate socially and economically due to strictly technical considerations given that the practical benefits of including the site within the Green Belt are very limited. As aforementioned, it is captured land that has inhibited natural growth of the surrounding rural settlement. Few sites within the Green Belt bordering Green Belt settlements can claim to be readily integrated within said rural settlements that invariably define them.

*The considerable need for new market and affordable housing in both St. Albans District and Welwyn Hatfield Borough*

- 5.27 An Affordable Housing Statement (AHS) has been prepared by Tetlow King Planning in support of this application and sets out the dire housing affordability issues plaguing SADC and WHBC by analysing the delivery of affordable housing within these LPAs against their

identified affordable housing needs (AHN) and also examining the worsening affordability indices in both areas.

- 5.28 The AHS takes the South West Hertfordshire Strategic Housing Market Assessment (SHMA) (2016) as the starting point for evaluating SADC's AHN. The SHMA identifies the district of St. Albans as having a net annual need of 617 affordable dwellings per annum over the period 2013 to 2036.
- 5.29 Figure 3.3 of the AHS illustrates the markedly low levels of affordable housing delivery within the District against this identified figure. It is noted that in the year 2013/14 there was a remarkable 107% shortfall in delivery as a percentage of the assessed AHN. Since then, shortfall in delivery has consistently remained above 80% every year.
- 5.30 It is clear that this is a Council that is incapable of independently meeting its own AHN, and paints a damning picture of how Green Belt constraints have limited the supply and delivery of housing thereby exacerbating the social, economic and environmental conditions of the area and its households due to AH shortfall.
- 5.31 Furthermore, the introduction to the SHMA highlights that "*The SHMA does not set housing targets. It provides an assessment of the need for housing, making no judgements regarding future policy decisions which the Councils may take. Housing targets will be set through local plans*". (emphasis added)
- 5.32 If we then turn to the emerging SADC Local Plan, Policy SP4 sets out a housing target of 14,608 homes over the period 2020-2036. This is an annualised average of 913 homes per annum and, when compared to the annualised AHN as identified within the SHMA, stresses the negative implications Green Belt policy has upon achieving ideal social, economic and environmental conditions for residents of the district.
- 5.33 Of course, while Green Belt policy will not be the only factor in this, it is inarguably a significant factor. The substantial under-delivery of overall housing within the District, discussed in detail further below, has meant there are very limited opportunities for AH to come forward to address unaffordability. This has culminated in the AH, and general housing crisis, that is evident within SADC today.
- 5.34 The 617 dpa figure for AHN within the SHMA would constitute 68% of the housing requirement for SADC and represents an unviable level of AH delivery if the Council were to meet its AHN in totality. Instead, the Council has resolved under Policy SP7 of the emerging Local Plan to require AH provision of 35% on qualifying sites. In essence, this Council accepts that it is incapable of meeting its AHN over the plan period even if Green Belt land were to be released and, consequently, has no ambition to better the lives of

all its residents identified as being in need of AH. Such is the scale of the affordable housing crisis that it is inevitable even further land must be released from the Green Belt than that proposed under the emerging Local Plan to deliver adequate levels of affordable housing at a sustainable and viable proportion of overall housing for those in real need now. Given the plight of the emerging SALP, however, there is likely to be a substantial delay (of a number of years) before even that contribution to the affordable supply comes forward.

- 5.35 The situation is no different for WHBC. In fact, it is worse.
- 5.36 The AHS takes the Welwyn Hatfield Strategic Housing Market Assessment Update (SHMAU) (2017) as the starting point for evaluating WHBC's AHN. The SHMA identifies a net annual need of 818 affordable dwellings per annum over the first five years with 602 affordable homes per annum thereafter over the period 2015 to 2032.
- 5.37 Figure 3.5 of the AHS illustrates the exceptionally low levels of affordable housing delivery within the Borough against these identified figures. It is noted that in the year 2017/18 there was an astounding 101% shortfall in delivery as a percentage of the assessed AHN. Since then, shortfall in delivery has consistently remained above 90% every year. This has led to a cumulative shortfall of 3,989 AH to date.
- 5.38 If we then turn to the emerging WHBC Local Plan, Policy SP2 sets out a housing target of approximately 12,000 homes over the period 2013-2032. This is an annualised average of approximately 632 homes per annum. The SHMA identifies a total need of 11,314 AH for the period 2015-2032, whereas the emerging WHBC Local Plan seeks to deliver approximately 10,744 homes in totality.
- 5.39 This means there is no mathematical possibility whatsoever for this Council to meet its AHN over the emerging Plan Period under the current levels of planned growth, irrespective of whether that figure would have been sustainable and viable or not.
- 5.40 It is clear that this Council is in principle no different from SADC in that it is incapable of independently meeting its own AHN, and reinforces the notion that Green Belt constraints have absolutely obliterated any realistic prospect of addressing the real needs of real people in what we will come to show are some of the most unaffordable areas in the country.
- 5.41 The affordability indicators within the AHS help place the above statistics into context by demonstrating just how unaffordable homes have become in SADC and WHBC, and how very critical the need for them is.

- 5.42 The lower quartile house price to income ratio in St. Albans, for instance, has increased by 24% from 13.23 in 2013/14 to 16.92 in 2019/20. For Welwyn Hatfield, the lower quartile house price to incomes ratio has increased by 27% from 9.08 in 2013/14 to in 11.54 2019/20.
- 5.43 In effect, house prices have grown significantly faster than incomes. In SADC, house prices increased 39%, rising from £444,919 to £617,072, between 2013/14 and 2017/18 whilst average earnings in the district saw an increase of just 12% from £42,448 to £47,554 over the same period.
- 5.44 In WHBC, house prices increased 42%, rising from £321,006 to £456,309, between 2013/14 and 2017/18 whilst average earnings in the Borough saw an increase of just 7% from £27,035 to £28,822 over the same period.
- 5.45 Other affordability indicators, such as median house prices, the private rental market, housing registers, are all taken into account within the AHS. In short, however, there is a very clear cut trend of decreasing affordability across both local authority areas. A very different approach needs to be taken by both plan-makers and decision-takers in order to provide the necessary affordable housing to address the acute affordability crisis.
- 5.46 Turning now to the supply side, a Five Year Housing Land Supply Assessment (5YHLSA) has been prepared by Emery Planning and is submitted as part of this planning application, setting out in detail the situation in both LPA areas. The assessment is based on the latest position statements set out in the St Albans Authority Monitoring Report (March 2020) and the Welwyn Hatfield Authority Monitoring Report (February 2020). Both position statements have a base date of 1<sup>st</sup> April 2019 and a five year period to 31<sup>st</sup> March 2024.
- 5.47 SADC's HLS position as per their 2019 AMR stands at 1.9 years' supply or 2,021 dwellings. This is in stark contrast to the five-year housing requirement of 4,480 dwellings with the appropriate buffer. The 5YHLSA concludes instead that the deliverable supply within SADC stands at 2,021 dwellings which equates to only 1.36 years' supply.
- 5.48 Irrespective of whichever figure is taken into consideration for decision-taking, it is undisputed that SADC cannot demonstrate a deliverable 5YHLS against its five year housing requirement. As such, the policies relating to the supply of housing are considered out of date, with the titled balance under paragraph 11(d) being triggered and the presumption in favour of sustainable development being engaged for the determination of planning applications. As is concluded below, the circumstances here are such that very special circumstances clearly exist to justify development in the Green Belt and footnote 6 does not apply as policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.

- 5.49 WHBC's draft 2020 AMR claims a 5YHLS figure of 2.34 years, or 2,345 dwellings. The 5YHLSA concludes instead that the deliverable supply within WHBC stands at 2,109 dwellings which equates to just 2.02 years' supply.
- 5.50 As with SADC, WHBC cannot demonstrate a deliverable 5YHLS against its five year housing requirement as per their draft AMR and the 5YHLSA. Therefore, paragraph 11(d) is also triggered for planning applications made to this LPA.
- 5.51 The above 5YHLS positions of both LPAs is unsurprising given that the saved policies of both adopted Local Plans are over a fifteen years' old and predate the implementation of key objectives of current, national policy that encourage sustainable development.
- 5.52 This is in conjunction with the severe constraints that the MGB places on both LPAs with respect to housing growth. As detailed within the Planning Policy section of this Statement, the emerging Local Plans of both authorities have a very low likelihood of being adopted in the near future to address the above housing shortfall against local housing need.
- 5.53 Ultimately, there is a clear and critical need for housing within both SADC and WHBC. The circumstances surrounding the adopted and emerging Local Plans, together with the constraints imposed by the MGB, have led to a situation wherein to presently meet local housing need, and address the combined 7,008 dwelling shortfall of SADC and WHBC, an inordinate number of planning applications would have to demonstrate VSCs to justify residential development in the region. This in itself is a significant material consideration that, when considered collectively and cumulatively with other factors, contribute to VSCs as has been found in numerous other appeals relating to Green Belt land release and subsequent development. These include appeals at Bromley (ref: APP/G5180/W/18/3206569) and York (ref: APP/C2741/W/19/3227359).
- 5.54 The Bromley appeal decision notes at paragraph 35 that:
- “the future position for general and affordable housing looks bleak. Based on the LPA's existing 5 year supply figures, the forecast total amount of AH is... some 28% of the identified annual requirement.”*
- 5.55 It continues:
- “Whilst the emerging plan attracts reduced weight it does represent the most up-to-date evidence on housing need... Even if this figure is adjusted following the examination, it is reasonable to assume that Bromley's housing target is going to increase materially. Considering the above, very substantial weight attaches to the contribution of this*

*scheme to the provision of market housing and particularly the pressing need for affordable housing.” (emphasis added by Inspector).”*

- 5.56 In considering the incoming changes to national policy and the Standard Method, together with the impacts of Covid-19 discussed further below, it is expected that SADC and WHBC’s own respective housing targets are going to increase materially over what is projected within the respective emerging Local Plans and well above the current levels of growth where both LPAs have a dangerous deficit in their 5YHLS.
- 5.57 With respect to affordable housing, it has been demonstrated above SADC are meeting less than 20% of its identified annual need for affordable housing, and WHBC meeting less than 10% of their identified annual need.
- 5.58 Thus, as a matter of principle it is only appropriate to similarly accord very substantial weight to the contribution of this scheme to the provision of market housing and the acute need for affordable housing. For the avoidance of any doubt, other material considerations are discussed further below, including from the Secretary of State for HCLG, which reinforces our position.
- 5.59 Both Councils have undertaken Green Belt reviews to support their emerging Local Plans (Albeit St Albans will have to redo theirs due to concerns raised by the Inspectors examining the Plan over its methodology, regardless of whether this is in the context of efforts to fix the Plan, or as part of the preparation of a new Local Plan) as they accept there is a need for Green Belt release on greenfield land to meet their respective local housing needs.

#### *Impacts of the Coronavirus Pandemic on Housing Delivery*

- 5.60 The outbreak of the Coronavirus pandemic, or Covid-19, has had wide reaching and damning consequences for the economy, including the construction industry, which in turn has impacted housing delivery across the country, although the full extent is not yet known.
- 5.61 The shutdown of the economy arising from the lockdown implemented in the UK from March 2020 outright halted housebuilding for a number of weeks and has typically slowed output since construction recommenced, due to the need for a greater level of health and safety on site. The subsequent knock on effect in relation to housing supply when evaluated against housing targets, particularly in SADC and WHBC, is dire. Both the 2019 AMR and draft 2020 AMR are snapshots of the HLS positions of the LPAs prior to the outbreak and will not reflect the true extent of the housing crisis residents of these authorities are, and will continue to, experience.

- 5.62 Furthermore, whilst the lockdown has slowly eased in the months following the initial outbreak, social distancing measures remain in effect thereby reducing the efficiency at which homes are built out. Indeed, whilst the effect on build out rates will be stark in the context of SADC and WHBC, it must also be taken into account the ripple effect a reducing build out rate will have nationally and how this will further complicate the ability for many developers to deliver adequate housing for those in housing need as and when they require it.
- 5.63 Given the above, it is then crucial to take into account a recent appeal decision taken by the Secretary of State (SoS) relating to Land Off Audlem Road / Broadley Lane, Stapeley, Nantwich (ref: APP/R0660/A/13/2197532), and Land off Peter De Stapeleigh Way, Nantwich (ref: APP/R0660/A/13/2197529).
- 5.64 Within the decision letter (DL) at DL28, the SoS accords significant weight to the benefit of delivering new market housing thereby significantly boosting the supply of homes as per paragraph 59 of the NPPF. This is notably in the context of the relevant LPA being able to demonstrate a deliverable five-year supply of housing land. In this application's instance, neither LPA can demonstrate a 5YHLS, and indeed the extent of the shortfall is drastic and a serious cause for concern. Taken together with the wide-reaching impacts of Covid-19 on housing delivery then at nothing less than very significant weight can be given to the benefit of delivering significant numbers of market housing as a result of this proposal.
- 5.65 DL29 of the same letter considers the weight to be given to affordable housing provision at a policy compliant proportion. As above, this is in the context of a deliverable 5YHLS. The SoS here:
- “agrees that this is a tangible benefit and merits significant weight”.*
- 5.66 Consequently, given the unique circumstances outlined earlier in this section that have led to the catastrophic housing conditions in SADC and WHBC, together with the abysmal need and level of affordable housing provision, the benefits to affordable housing in this application's particular instance, which is either policy compliant or in excess of policy compliant levels, should be accorded no less than very significant weight.

#### *Sustainability*

- 5.67 The NPPF places a general onus on applicants, decision-takers and plan-makers to promote sustainable patterns of development. Whilst not explicitly defined, this entails exploring the social, economic and environmental dimensions of development.

- 5.68 As set out within the 'Matters of Detail' section below, and within accompanying reports supporting this application, particularly the Green Travel Plan and the Transport Assessment, it is considered the proposal is demonstrably sustainable. In particular, the Sustainability Appraisal included within the Green Travel Plan demonstrates that there are numerous facilities within walking distance of the site and an even greater number within easy cycling distance. Furthermore, the site is within walking distance of a number of bus stops on services that facilitate regular access to a range of other settlements, including Welwyn Garden City, St Albans and Hatfield, which provide a substantial range of facilities. Additionally, the site is within 3.5km of Welham Green railway station, meaning it is accessible by cycle from the site.
- 5.69 The Green Travel Plan concludes that there is a mix of services, facilities and employment opportunities within walking and cycling distance of the site and it is a sustainable location.

*Conclusions on Very Special Circumstances*

- 5.70 As demonstrated above and in the LVA submitted as part of the application, the site makes a very limited to no contribution to the Green Belt purposes set out in paragraph 134 of the Framework. It is very well contained, both by the existing development extent of Colney Heath made up primarily residential dwellings encapsulating the site along its northern and western boundaries, and also by the existing landscaping along its outer eastern and southern boundaries, that would be augmented further through additional landscaping as part of the scheme.
- 5.71 Furthermore, the dense woodland that exists to the east beyond, heavily mitigates any reasonable contribution this site can make to visual openness, further accentuated by the strategic A1 road network beyond.
- 5.72 As has been outlined then, the site is essentially "captured" Green Belt. It was included in the Green Belt by default when large swathes of land between the main settlements in Hertfordshire were designated as such, rather than because it contributes anything meaningful to the stated purposes of Green Belt land in national policy.
- 5.73 Development of this site for up to 100 dwellings would make a meaningful contribution to the housing requirements, market and affordable, of both SADC and WHBC. As is set out above and is covered in greater detail in the Affordable Housing Statement prepared by Tetlow King Planning in support of this application, the housing need in both LPA's areas is acute, with substantial, longstanding and worsening affordability issues a significant consequence of this.



- 5.74 Both Councils acknowledge a need to release Green Belt greenfield land to facilitate housing growth to meet their local housing needs as there is a no land outside of the Green Belt capable of contributing to this. If there were the housing need would not be so extreme. However, in neither case would the affordable housing backlogs be fully met by the housing targets in their draft plans, meaning that affordability would remain an issue.
- 5.75 In any event, neither LPA has sufficiently progressed the emerging Plans that would revise Green Belt boundaries to enable residential development in that manner. In the case of St Albans it now seems highly likely that it will have to withdraw its current draft Local Plan and start again. Even if the Inspectors do accept the Council's recent submission that it did in fact pass the Duty to Cooperate, it is still likely to be years before the Plan can be adopted introducing appropriate policies that would address the housing supply failings, with the Council already accepting it will have to undertake a new GBR and revisit the spatial strategy. Similarly, WHBC's Draft Plan, whilst still progressing through examination, appears a long way off adoption.
- 5.76 During that time, households in need with continue to fail to have their need met. These are real people and families who are being failed by the system. The severity of the current shortfall of over 7,000 dwellings that exists in the combined SADC and WHBC area in the five year period leading to 2024 should not be underestimated.
- 5.77 This shortfall does not even account for the impact that Covid-19 is having on housing supply and build out rates, together with the compounding effects of the economic recession on lower incoming families and their access to affordable homes. Nor does it take into account imminent reforms to the planning system outlined in current Government consultations, which are likely to see a revision to the Standard Methodology to better align policy with government ambition of building 300,000 dwellings per annum. As noted above, the SoS in the aforementioned appeal decisions, relating to Land Off Audlem Road / Broadley Lane, Stapeley, Nantwich (ref: APP/R0660/A/13/2197532), and Land off Peter De Stapeleigh Way, Nantwich (ref: APP/R0660/A/13/2197529), has attributed significant weight to open market housing delivery where proposals accord with paragraph 59 of the NPPF and significant weight to the delivery of policy compliant levels of affordable housing provision - both in the context of an LPA with a deliverable 5YHLS. Thus, it follows that there is a very clear focus and benefit in accelerating housing growth across the country, and this is only accentuated for LPAs that cannot demonstrate a deliverable 5YHLS and especially where the shortfalls that exist are as substantial as those in SADC and WHBC.
- 5.78 Neither LPA has been able to demonstrate a robust 5 year housing land supply for a lengthy period of time. The unequivocal truth is that both St. Alban's and Welwyn Hatfield are

severely constrained in terms of housing growth due to large swathes of Green Belt within their boundaries, yet, within these wider areas there are parcels of land such as the application site that contribute little if anything to Green Belt purposes.

- 5.79 Against a backdrop of very few sites available or viable for regeneration within the existing urban areas of St. Albans and Welwyn Hatfield it is inescapable that Green Belt land must be released to meet future, and *pre-existing*, housing need. Both local authorities have accepted as such in their Local Plan preparations and examinations thus far. The critical questions that remain is where this land is to be released and how quickly can it be delivered to address the huge need in the area.
- 5.80 Both LPAs, but particularly St. Albans, have proposed major and strategic Green Belt land releases to address this question yet have eminently failed to fully acknowledge the substantive benefits of delivering smaller sites. They are delivered quicker, do not have the burden associated with the economic implications for the developer of releasing large amounts of housing in one site at one time, make an immediate contribution to housing that is so desperately needed now, and thus the 5 year supply of deliverable sites.
- 5.81 The situation here then is thus. There is a drastic shortfall of market and affordable housing in both LPA areas which is contributing to, and the primary cause of, dire and worsening affordability issues. The lack of available land for building new homes due to the extent of Green Belt is preventing any resolution to this situation. Both LPAs have accepted the need for this release yet their draft Local Plans are still a long way off adoption and in the case of St Albans, it may have to go back to the drawing board (again) and prepare a whole new plan, which will take years, meaning real people and families continue to have the housing need not met. At the same time there exist sites such as this that contribute little if anything to the Green Belt purposes and which could be delivered quickly, providing much needed housing, including 45% affordable (up to 45 dwellings), which is 10% above emerging policy in both LPA areas, and 10% (up to 10 plots) self-build.
- 5.82 It is worth noting the research undertaken by London First a non-profit organization advocating for the betterment of the lives Londoners, on the views of members of the public on development in the Green Belt in the context of the housing crises when provided evidence on this matter. The findings of their study are available to view online at <https://www.londonfirst.co.uk/news-publications/news/time-for-government-to-review-outdated-green-belt-rules-london-first>, which includes the detailed report on the study.
- 5.83 London First does not question the need for the Green Belt, nor for the strong protection for valued green spaces and sites that have special environmental designations. However,

it does argue that LPAs ought to review their Green Belt boundaries and reconsider how land within it identified as being of poor environmental quality, of minimal to no public benefit, and has suitable connectivity could be re-designated for high-quality, well-designed housing that incorporates truly accessible public green space.

- 5.84 The question posed to a Jury made up of members of the public was whether Londoners may be willing to review land currently designated as Green Belt to help tackle the housing crisis once presented with an account of facts and arguments on the subject from London MPs, CPRE and planners.
- 5.85 The Jury, consisting of 12 people, found in favour 11-1 for a review of Green Belt restrictions. Of those 11 who felt that a review was appropriate and *necessary* in addressing the housing crisis, additional conditions were identified that they felt should accompany such a review. These included:
- A strong call for any development of Green Belt to land to provide affordable homes;
  - Housing built on Green Belt land should strictly be to meet identified need;
  - Farmland in the Green Belt should be preserved.
  - Appropriate design standards with the necessary associated infrastructure to facilitate development.
- 5.86 Interestingly, whilst there was not complete consensus on the overall verdict, there was consensus on the importance of providing affordable housing. All Jurors felt strongly that restrictions should be reviewed *only if* a high proportion of any development was ringfenced for affordable homes, and indeed this was a primary concern for the juror with the minority vote - that Green Belt land released for housing would not benefit those who truly needed it.
- 5.87 It is acknowledged that this Jury was comprised of Londoners, but it does give an indication of the change in public attitude when presented evidence on the realities of the Green Belt. Given many other LPA, including St. Albans and Welwyn Hatfield, are facing identical housing supply issues to London on account of Green Belt land, public perception and views on the Green Belt may not be so different across communities in the South East where such a constraint is so significant, particularly given Green Belt restrictions have been in place since 1955 and not undergone major review since.
- 5.88 On the matter of farmland, it is critical to note that according to the ONS over 70% of Green Belt land is agricultural land. Over 10% of it is woodland, and less than 5% identified as 'natural landscape'. The remainder of Green Belt is built upon. The Agricultural Land

Report submitted with this application demonstrates that the site is in fact a small field, essentially isolated, in the it is leased and does not form part of the a wider holding. There are access issues to it given farm vehicles have to travel along narrow residential roads with parked cars along them to reach the access and its economic benefit is limited.

- 5.89 Evidently, if there is to be a serious and genuine effort in appropriately releasing Green Belt land to address the housing crisis farmland cannot always be reasonably be preserved; as with Green Belt itself, farmland should be released where it is *appropriate*.
- 5.90 The proposed site's unique characteristics mean that it is better characterised as urban fringe that has been 'captured' within the Green Belt given its minimal contribution to GB purposes and visual openness. Despite being farmland, then, the social, environmental and economic benefits of developing this site for up to 100 homes vastly outweighs the disbenefits - including the loss of agricultural which in itself is of limited scale given the site's wider context.
- 5.91 Additionally, the above benefits are even more important in the context of the Jury's decision given that 45% of the scheme - well above policy compliant levels for either authority - will be for affordable homes, and a further 10% will be self-build and custom housing. This scheme acknowledges that Green Belt land should not be released just to provide housing for its own sake, and only incidentally contribute to local housing need, but to provide housing that genuinely addresses the housing needs of real people in real need more whilst tackling the ever-worsening crisis of affordability.
- 5.92 Above all, we stress that in considering whether there are very special circumstances to justify the proposed development within the Green Belt, the material considerations need not be rare or uncommon to be special as was set out in *Wychavon DC v SoS for CLG and Butler* [2008] EWCA Civ 692, paragraphs 19 - 21.
- 5.93 It has been demonstrated above and in the LVA submitted in support of this application that any impact on the openness of the Green Belt would largely only be appreciated within the site itself and that the site makes only a limited contribution to the purposes of including land in the Green Belt.
- 5.94 It is acknowledged that harm to the Green Belt should be given substantial weight in the consideration of this planning application, however, notwithstanding this, numerous very special circumstances exist here that clearly outweigh this harm to the openness of the Green Belt and any other harms that the LPAs may consider would result from the proposed development of up to 100 homes.
- 5.95 It has also been detailed the very minimal contribution the proposed site makes toward

the five purposes of including land within the Green Belt given its nature as a ‘captured’ piece of Green Belt land, and thus the lack of harm that manifest should the site be released for development in this context. The site’s benefits in being able to provide 45% affordable dwellings and 10% self and custom build housing should also be viewed the context of what a Citizen’s Jury has found in relation to reviewing Green Belt land to tackle the housing crisis: that the needs of real people in real need should come first, always.

- 5.96 Woods Hardwick Planning, supported by evidence from the qualified experts in housing land supply, affordable housing and landscaping, consider that the proposal outlined within this Statement maintains an acceptable principle of development and complies with the necessary existing and emerging development plan policies with respect to very special circumstances for residential development within the Green Belt.

## 6 Planning Assessment - Matters of Detail

### Access, Highways and Transport

- 6.1 Access a is matter for approval and is not ‘reserved’ for later consideration.
- 6.2 Access into the site is currently available along the public footpaths leading to / from Roestock Lane, Bullens Green Lane and from the northern section of Roestock Park. There is also an existing agricultural field access from Bullens Green Lane in the north eastern corner of the site.
- 6.3 The application seeks to approval for a vehicular access into the site to be taken from a newly proposed priority T-junction at Bullens Green Lane as per the proposed site access plan (ref: 18770-FELL-5-500). The existing hedge at the proposed junction location on-site is to be replaced with planting behind the junction visibility splays.
- 6.4 This newly proposed access will see the incorporation of a new footway with street lighting at the junction connecting to the existing along Bullens Green Lane, which will continue onward to tie into the existing public rights of way network on-site that are to be retained and extended. A new “green” route is proposed to run from Bullens Green Lane at the north eastern corner of the site running adjacent to the existing and new boundary planting along the eastern and southern boundaries to the sites south western corner providing a pleasant walking route around the site’s perimeter.
- 6.5 Additionally, it should be noted that the applicant is engaging in discussions with the landowner of Roestock Park Recreation Ground, St. Alban’s District Council, and the management body, Colney Heath Parish Council, in relation to providing a footpath link through the recreation ground from the southwest section of the site. This would be in addition to the existing links to the recreation ground at present.
- 6.6 To accompany the planning application a Transport Assessment (TA) and Green Travel Plan (GTP) have been prepared by Woods Hardwick Infrastructure LLP.
- 6.7 The TA includes an assessment to calculate the likely vehicular trip generation of the proposed development and based upon figures extracted from the TRICS database, the development is predicted to generate 48 two-way trips during the AM peak hour and 49 two-way trips during the PM peak hour. This equates to approximately less than one

vehicle per minute travelling in either direction either to or from the site at peak times, which is unlikely to have any noticeable impact on the surrounding highway network.

6.8 In terms of accessibility, the TA and GTP also set out details of the services and facilities that are conveniently and safely accessible by foot, bicycle or bus from the site as summarised below and in doing so, demonstrating that this is a sustainable location for new housing:

- All of Conley Heath is accessible within 2km of the proposed site, which is the preferred walking distance for the purposes of commuting / school journeys / sightseeing as set out in *Providing Journeys on Foot*.
- Within Colney Heath, cars, cyclists and pedestrians are able to follow the same routes which are easily navigable towards the village centre which in light with recommendations detailed in Manual for Streets for pedestrians, and these provisions will continue within the site as part of the proposals.
- A number of Public Rights of Way are situated within the site boundary and the surrounding area. Footpath (FP) 067 and 048 cross the northern half of the site, whilst FP 023 runs along the north western border of the site between Roestock Lane and Roestock Park. FP 067 facilitates access east into Hatfield via the pedestrian bypass under the A1(M), and FP 023 facilitates access into the wider areas of Colney Heath.
- It is noted that the eastern extents of St. Albans and the southern extents of Hatfield are accessible within a 5km cycling distance of the site.
- National Cycle Route 61 is accessible within approximately 3km of the site off Smallford Lane, equating to a short 9-minute cycle journey. Route 61 facilitates access to St. Albans to the West and links to Route 6 which provides access to Watford to the southwest, an Leighton Buzzard to the north west.
- Furthermore, National Cycle Route 12 is accessible within 2km of the site off Dixons Hill Road, which equates to a 7-minute cycle journey. Route 12 facilitates access to South Mimms to the south, and Welwyn Garden City to the north.
- Welham Green Railway Station is an approximate 12-minute cycling distance from the site and provides cycle storage facilities, as to Hatfield Railway Station and St. Albans Railway Station, thereby further encouraging use of sustainable transport solutions for users of the site.

6.9 The nearest bus stop to the site is located approximately 400m from the site on Hall Gardens Road which equates to a short 5-minute walk and is therefore easily accessible for any future residents. The bus stop serves the Routes 200, 230, 305 and 312 which

facilitate access to Essendon, Brookmans Park, London Colney, Welwyn Garden City, St. Albans, Potters Bar, Sandridge and Hatfield. The TA details a number of these destinations together with journey times and service frequency, All are noted to be no more than 30-minutes by bus, with services operating throughout the week for users.

- 6.10 As mentioned previously, a Green Travel Plan has been prepared in support of the application. Upon occupation each dwelling will be presented with a Residential Travel Information Pack. The pack will consist of a booklet containing information about the various sustainable modes of transport available to users of the site. This should include, but is not limited to, bus and train timetables, bicycle route maps, information on local footpaths and information on car-share schemes.
- 6.11 The location of the site in relation to the surrounding land uses thus ensures it is well placed with regard to a mix of services, facilities and employment opportunities within a 2km walk and 5km cycle, to include retail facilities, education establishments and recreation facilities.
- 6.12 Given the sustainable transport links available to the users of the site, along with adequate bus services, it is considered that the site lies in a sustainable location and there would be no unacceptable impacts on the surrounding highway network as a result of the development. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:
- Policy 34 (SADC) Highways Considerations;
  - Policy 36A (SADC) Sustainable Transport;
  - Policy M1 (WHBC) Integrating Transport & Land Use;
  - Policy M2 (WHBC) Transport Assessments;
  - Policy M3 (WHBC) Green Travel Plans;
  - Policy M4 (WHBC) Developer Contributions;
  - Policy M5 (WHBC) Pedestrian Facilities;
  - Policy M6 (WHBC) Cycle Routes & Facilities; and
  - Policy RA28 (WHBC) New Development Using Rural Roads.

#### Design & Layout

- 6.13 A detailed Design and Access Statement (DAS) has been prepared to accompany this planning application and sets out the considerations that have informed the key design principles incorporated in the illustrative layout submitted to demonstrate that the site is capable of accommodating 100 dwellings in an appropriate and sympathetic form.
- 6.14 The DAS notes some features and broad characteristics that can be observed with a degree



of regularity as to contribute to perception of a particular character for Colney Heath. These include simple rectangular forms with ridge lines and the long axis predominantly parallel to the streets, symmetrical layout of fenestration and doors, and predominantly 2 storey dwellings.

- 6.15 Accounting for the character of the settlement, together with the surrounding layout and pattern of development, the scheme has been designed to front onto the eastern and southern boundaries and the building line set back to create a green corridor.
- 6.16 This green corridor has been introduced to accommodate a new footpath link and also a landscape buffer to help create a soft edge to the development, marking the transition from settlement to countryside beyond.
- 6.17 A sizeable area of open space has been indicated in the northwest corner of the site to provide a significant separation between the new built form and the grade II listed, no. 68 Roestock Lane, in order to sensitively minimize any impact on its setting. This is discussed in further detail below.
- 6.18 The proposed dwellings have been deliberately sited and oriented to ensure the sense of arrival is well defined and that no unacceptable overlooking is promoted between interfacing new dwellings.
- 6.19 Furthermore, and despite design being a reserved matter, the intention for this scheme is to produce a traditional architectural response comprising:
- Sensitively proportioned pitched roof dwellings;
  - Locally sympathetic external materials including buff brick, render and both slate effect and plain roof tiles;
  - Vernacular detailing including prominent stone window and door heads, red brick detailing and multi-pane windows;
  - Simple rectangular forms; and
  - Elevations articulated by bay windows, open porches with pitched roofs and chimneys.
- 6.20 With respect to footpaths and shared surfaces, these will be overlooked by active frontages and will be appropriately lit, providing safe and convenient routes throughout the site. Deflections in the street layout and tight corners will help to calm traffic speeds through reduced forward visibility.
- 6.21 Optimising water and energy efficiency is crucial to reducing energy and resource demand and the resultant emission of CO<sub>2</sub> into the atmosphere. With regards to the energy and water efficiency of the scheme, there are various ways to achieve this:
- PV or solar hot water panels;

- Thicker insulation in the floors and roofs;
- High thermal quality lintels;
- High efficiency boilers;
- Possible triple glazed windows (subject to review of individual manufacturers' details at the time of construction);
- WCs with 6/4 litres dual flush or 4.5 litres single flush;
- 185 litre capacity bath;
- Showers with a maximum consumption of 10l/min; and
- Basin taps and sink taps with a maximum consumption of 6l/min and 8 l/min respectively.

6.22 Additionally, the illustrative layout demonstrates the plentiful amount of informal, open space onsite. The proposed site immediately adjoins Roestock Park Recreation Ground which itself also provides plentiful open space, together with playing space for which the applicant would make the full and necessary contribution to upgrade in line with the generated demand of this development. As noted earlier in this section, the applicant is engaging in discussions with the landowner of Roestock Park Recreation Ground, St. Alban's District Council, and the management body, Colney Heath Parish Council, in relation to providing an additional footpath link through the recreation ground from the southwest section of the site. This would be in addition to the existing links to the recreation ground at present from the site, thereby creating an even safer and more secure environment for all to use those facilities.

6.23 Thus, the illustrative site layout indicates how the proposed development will provide a high-quality residential environment with landscaping, good amenity space levels and sufficient resident and visitor parking. Details of the actual scale, appearance and design of the dwellings will be reserved matters however it is expected that the development can respond positively to the general character of the area as set out within the accompanying DAS. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:

- Policy 39 (SADC) Parking Standards, General Requirements;
- Policy 40 (SADC) Residential Development Parking Standards;
- Policy 69 (SADC) General Design & Layout;
- Policy 70 (SADC) Design & Layout of New Housing;
- Policy R3 (WHBC) Energy Efficiency;
- Policy D1 (WHBC) Quality of Design;
- Policy D2-7 (WHBC) Various Design Policies;
- Policy D9 (WHBC) Access & Design for People with Disabilities;
- Policy D11 (WHBC) Design Statement;

- Policy H6 (WHBC) Densities;
- Policy H10 (WHBC) Accessible Housing;
- Policy OS3 (WHBC) Play Space and Open Space Provision; and
- Policy R10 (WHBC) Water Conservation Measures.

#### Landscape and Visual Impact

6.24 A Landscape and Visual Assessment (LVA) has been carried out by FPCR Environmental and Design Ltd to support the planning application and describes in detail the landscape character of the site and its surroundings, the wider landscape character baseline and the landscape sensitivity, together with details on the impact on openness of the Green Belt as a result of the proposed development. Whilst the LVA's evaluation on the Green Belt has been detailed in the preceding section, outlined below are the impacts of the changes in landscape and visual terms.

6.25 The landscape proposals include:

- An area of informal green space to the north of the site, including some sustainable drainage features. These will be designed with shallow banks and will allow for different levels to enable a range of habitats to develop. This could include areas of reed. Other parts of the space will include small areas of copse planting, and open grassland.
- Within the residential area there would be a series of smaller green spaces, mainly simple in design, with regularly mown grass and individual trees. These would be overlooked by the adjacent housing and would form softer entrance spaces to the scheme from Bullens Green Lane.
- Retained footpath routes. These routes would be in areas of new greenspace, with additional planting and overlooked by the new housing areas, providing attractive and safe routes.
- New pedestrian routes. A new traffic free link would be established through the green spaces within the site, from Roestock Lane, through to Fellowes Lane/Bullens Green Lane in the south east.

6.26 The LVA notes that the completed scheme is likely to result in a range of landscape effects at different scales. The site is arable land and the field pattern is not organic, so the site does not represent the element of character for the Mimmshall Valley outlined in the Welwyn Hatfield Landscape Character assessment under which this site falls. The nature of the immediate landscape, with a high degree of enclosure by existing built development and woodland, limits the effect on character and reduces the extent of change on the wider landscape character area. There would be overall a minor landscape

effect in this context.

- 6.27 The development would be set back from Fellowes Lane and Bullens Green Lane and these boundaries would be reinforced with new tree and hedgerow planting. The existing rights of way on site would be maintained on their current alignment, and a new link alongside Bullen's Green Lane would be provided, establishing a green route through the site from Roestock Lane. This would allow pedestrians to have a largely traffic free route to access the wider countryside and woodland.
- 6.28 The impact on the character of the immediately surrounding area would be limited as the existing settlement and tree lines contain the site to a high degree and minimise the effect on the wider area. The site and its immediate context has been assessed as having a medium sensitivity to change, and the scheme would result in a medium magnitude of landscape change on the area.
- 6.29 Overall, this would lead to a Moderate landscape effect at the year of completion. Over time the green infrastructure would establish, including strengthening the tree belts along Bullens Green Lane and Fellowes Lane, and this would further reduce the landscape effects, leading to a Moderate/ Minor landscape effect on the site and its immediate context.
- 6.30 Visual effects would be very restricted, largely limited to users of the paths that cross the site, the lanes that run past it, and the small numbers of properties that border it. There are some very restricted views from paths and lanes a short distance from the site, but any visual effects on users of these routes would be no greater than minor.
- 6.31 Overall development of the site would have very limited landscape or visual effects. Most effects would only be experienced within or adjacent to the site, with very little change to the wider landscape. The site itself makes a minor contribution to the purposes of Green Belt, and development of it would have very little effect on Visual Openness, beyond the site itself. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:
- Policy 74 (SADC) Landscaping;
  - Policy R11 (WHBC) Biodiversity & Development;
  - Policy R17 (WHBC) Trees, Woodland & Hedgerows; and
  - Policy D8 (WHBC) Landscaping.

### Ecology & Trees

- 6.32 A Phase 1 Habitat Survey was undertaken by FPCR Environmental and Design Ltd to support this application, the results of which are produced in a Preliminary Ecological Appraisal (PEA). The application is also further supported by an Arboricultural Assessment (AA), also

produced by FPCR.

- 6.33 One statutory designated site of national / regional conservation importance was identified within 2km of the site. Water End Swallow Holes SSSI is located 2km southeast of the site and is noted for its geological importance which comprise 'the only major sinkholes in chalk which are a permanent feature of the landscape'.
- 6.34 Whilst the site does fall within the Impact Risk Zone for the SSSI, at this distance residential development is not identified as a category likely to impact on the SSSI.
- 6.35 With respect to the site's ecological characteristics, the established vegetation is noted as being restricted to general narrow margins of poor semi-improved grassland associated with the boundary features. An approximate 9m wide belt of semi-mature to mature trees extends along the southern extent of the western boundary with this feature likely having been a hedgerow previously that has become overgrown and reinforced with supplementary planting of trees along the edge with Roestock Park.
- 6.36 A total of seven hedgerows are identified within the site and from sections of the northern, eastern and southern boundaries. All of the hedgerows bar one are native species dominated and are unmanaged in nature exhibiting tall outgrown structures with hedgerow H1 exhibiting a more uniform compact structure. All of the substantive lengths of native hedgerow are species-rich with at least six native species on average per 30m sample sections. Mature to early mature trees form a frequent component of the hedgerows.
- 6.37 With regards to wildlife, there was no evidence of badgers on site or nearby; is of an unsuitable habitat to host common reptile species; is of little interest to invertebrates due to its use as farmed land.
- 6.38 The majority of the hedgerow and boundary trees were in good condition and absent of features suitable for use by roosting bats. One ash tree within the woodland belt along the site's western boundary was noted as having low potential for roosting bats. Boundary habitats are currently unlit and likely to be of value to local bat population providing suitable feeding and dispersal habitat. However, due to the homogenous structure the arable habitat forming the majority of the site is of limited value to bats.
- 6.39 No waterbodies were present within the site to host great crested newts. One single ornamental garden pond is noted to the immediate north of the site and stocked with koi carp. HIS assessment of the pond found it to be poor habitat suitability for GCNs.
- 6.40 Due to the lack of habitat diversity, the site is unlikely to be of any particular value to

breeding birds, however the boundary hedgerows and woodland belts provide suitable nesting, foraging and loafing habitat for more generalist urban edge bird species. Based on the current crop planted, maize, the site represents suboptimal nesting habitat to small numbers of skylark.

- 6.41 Under the proposals, the majority of the boundary habitats of nature conservation value would be retained and buffered from the built development by green space. The hedgerow loss to facilitate access would be compensated for through the planting of a new native species rich hedgerow, setback beyond the line of the visibility splay and through the planting up of existing gaps along the eastern and southern boundaries. The hedgerow in question is species-poor and so replanting is the most suitable solution as opposed to translocation.
- 6.42 The PEA additionally makes a number of recommendations to maximise the biodiversity value of the site and contribute to measurable biodiversity gains. These include sowing the areas of informal green space with wildflower grassland mix appropriate to the local area; existing gaps in the boundary hedgerows to be replanted with native species, and attenuation ponds designed with consideration to their value to local wildlife.
- 6.43 Mitigation measures to limit potential impacts associated with light spill include: avoidance of direct lighting of existing hedgerows, trees and woodland belt or proposed areas of habitat creation / landscape planting, road and flood lighting to use sodium lighting instead of mercury or metal halide lamps; use lighting columns as short as possible; and use of generally low lighting levels where required for public safety.
- 6.44 The AA concludes the presence of 9 Category A trees, 25 Category B trees, 8 Category C trees and 2 Category U trees on-site. All the Category A trees were large mature English oak except for once which was an early mature English oak; all these trees with the exception of the early mature English oak contribute significantly to the local landscape.
- 6.45 To facilitate the proposed main access point short sections of a maintained hedgerow will need to be removed. The hedgerow was regarded as retention category B (moderate arboricultural quality and value).
- 6.46 Mitigation will be provided to replace the section of hedgerow being removed hence there should be no objection on arboricultural grounds.
- 6.47 All other trees recorded by the AA will be retained and integrated into the proposals. The development proposals would deliver other landscape enhancements through the provision of additional new tree and hedgerow planting within the open spaces and within the new landscape buffers to not only create future visual amenity and provide screening

to soften views but would create wildlife connections.

6.48 The AA assesses the proposals against relevant policies and deems them to be policy compliant as they retain all the existing tree cover associated with the site except for a section of hedgerow to facilitate access and incorporate into the design.

6.49 It also notes the proposed green space around the peripheries of the site would provide sufficient access to retained trees and hedges for ongoing management along with the capacity for new tree planting to supplement the boundaries trees. The AA concludes, therefore, that the development proposal should be considered acceptable on arboricultural grounds. It summaries the proposals have shown that all the existing trees could be successfully retained provided they are given due consideration within a future Reserved Matters application. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:

- Policy 74 (SADC) Landscaping;
- Policy R11 (WHBC) Biodiversity & Development;
- Policy R17 (WHBC) Trees, Woodland & Hedgerows; and
- Policy D8 (WHBC) Landscaping.

#### Archaeology & Heritage

6.50 An Archaeology and Heritage Assessment (AHA) has been produced by The Environmental Dimension Partnership (EDP) to support this application.

6.51 The AHA noted that the site area does not contain any designated heritage assets, and that only one designated heritage asset within the site's wider surroundings would be affected through the change to its setting. That is the Grade II listed No. 68 Roestock Lane that adjoins the site's northwestern boundary and is orientated to east-west to face north away from the site.

6.52 Whilst the proposed development would have no impact on the major elements of the listed building's significance as a designated heritage asset, the assessment still concludes that the implementation of the proposals would result in a degree of harm being caused to this listed building through a change to its setting.

6.53 This harm is identified at the lowest end of the very broad *less than substantial* spectrum as set out within the AHA, and, as per paragraph 195 of the NPPF, must be weighed against the public benefits of the scheme which are set out later in this section, and also the following section of this Statement. Summarily, the benefits of the scheme, of which there are many and not least of which is the much-needed open market, affordable and self-build housing that has been lacking in the local area. carry great weight and

overwhelmingly outweigh the lowest end of the *less than substantial harm* proposed as a result of development.

- 6.54 The only archaeological potential of the site is for the presence of low value agricultural remains relating to the utilization of the land from at least the mid-19<sup>th</sup> century to the present day and this assessment is underlined by the results of a geophysical survey undertaken in June 2020. The results were sufficient to suggest that large areas within the redline boundary contain nothing other than below ground remains of former field boundaries.
- 6.55 Consequently, impact of development on the above archeological resource is considered to be limited as there is no evidence that the site contains archaeological features, deposit or remains of greater than low interest. Where appropriate, investigation and recording ahead of development commencing would represent entirely proportionate and appropriate mitigation.
- 6.56 Thus, the AHA concludes there is no conflict between the proposals and national or local policy, and the whilst further evaluation may be required it is still possible to conclude at this stage that there is no reason why outline planning permission should not be granted. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:
- Policy R29 (WHBC) Archaeology.

#### Best & Most Versatile Agricultural Land

- 6.57 An Agricultural Land Quality Assessment has been carried out by Kernon Countryside Consultants in support of this application and concludes there would be no significant loss of agricultural land.
- 6.58 The survey result reports that the land quality across the site is limited by the interaction of soil texture and wetness to sub-grade 3a.
- 6.59 The guidance within paragraph 170 and 171 of the NPPF does not prohibit the use of the BMV agricultural land for development and nor is it a restriction of development in principle. It requires recognition of the economic and other benefits of BMV land and, where significant development of agricultural land is involved, directs that development to land of a poorer quality in preference to that of a higher quality.
- 6.60 The ALQA sets out that the proposals do not constitute significant development in the above context. It notes that what is significant development is not defined within the



NPPF; however, one threshold for determination of what is significant is the threshold for consultation with Natural England, which is set at 20ha or more of BMV land which has been the threshold since 1987. The site at just over 5ha is only a quarter of this threshold and, as such, would not normally be considered significant development of agricultural land.

- 6.61 Further study of appeal and SoS decisions relating to the loss of agricultural have been evaluated to determine whether an alternative threshold exist. Analysis indicates that very few cases exist where loss of less than 10ha of agricultural comprises significant development.
- 6.62 Additionally, there is noted to no significant adverse effects on the farm viability of any local farming business due to loss of this agricultural land, which is farmed by a tenant and does not form part of a wider agricultural land holding.
- 6.63 Accordingly, the existence of a modest area of best and most versatile agricultural land within the site, should be accorded only limited weight. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:
- Policy 102 (SADC) Loss of Agricultural Land; and
  - Policy RA15 (WHBC) Agricultural Land.

#### Noise

- 6.64 A noise report accompanies this application, produced by Cass Allen, which determines the impacts of noise sources on the site to determine what harm, if any, this would have on residential amenity. It should be noted the National Planning Policy Framework does not set out specific targets for internal noise levels, but does require that the planning system should seek to avoid noise giving rise to significant adverse impact.
- 6.65 In light of the above, consideration has been given to *BS8233:2014* and *World Health Organisation (WHO)* standards for noise levels. These indicate that internal noise targets for the daytime are 35 and 40 dB LAeq for bedroom and living spaces, respectively. For night time, these are 30 and 40 dB LAeq, respectively.
- 6.66 The report notes noise levels are highest in the north eastern edge of the site, with these measuring on average 55 dB LAeq and 51 dB LAeq, during the day and night respectively. This is considered to be a 'low noise risk'.
- 6.67 Acoustic design of development has been appropriately considered in relation to the measured noise levels at the site, and the following would optimize the design:
- Set back dwellings from Bullens Green Lane and Fellowes Lane;

- Include 1.8m close-boarded timber fencing around any gardens adjoining Bullens Green Lane or Fellowes Lane; and
- Although no significant noise was identified from affinity water's site to the northwest, it would also be appropriate to include 1.8m close-boarded timber fencing around any gardens adjoining the AW site.

6.68 The above together with standard masonry construction and trickle ventilation in habitable rooms show that BS8233 compliant noise levels will be achieved in the 'worst case' habitable rooms of the proposed development using standard thermal glazing and standard trickle ventilators. The development was therefore concluded to be acceptable with regards to the noise levels that will exist in habitable rooms and acceptable internal noise levels will be readily achieved across the site using standard glazing and ventilation systems.

6.69 Summarily, the proposed residential use of this development would not subject future intended occupiers to excessive levels of noise as the assessment clearly demonstrates that current noise levels would not result in any significant adverse impact as per Paragraph 180(a) of the NPPF. Measures have been identified in the Assessment which would sufficiently mitigate internal noise levels produced from commercial premises nearby. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:

- Policy R19 (WHBC) Noise.

#### Flood Risk Assessment & Surface Water Drainage Strategy

6.70 This site lies within Flood Zone 1 on the Environment Agency's Indicative Flood Maps and therefore has an annual probability of flooding of less than 1 in 1,000. Notwithstanding this Woods Hardwick Infrastructure LLP have prepared a Flood Risk Assessment (FRA) to accompany the application on the basis that the site has an area greater than 1 ha.

6.71 The FRA demonstrates that the site will not be at risk of flooding and the proposed development will not exacerbate the risk of flooding elsewhere within the vicinity of the site.

6.72 The FRA also includes a Surface Water Drainage Strategy that identifies a suitable sustainable strategy for the disposal of surface water from the developed site.

6.73 Infiltration testing was carried out on-site with results indicating that significant infiltration was not noted within any of the 7 trial pits. Consequently, infiltration techniques such as traditional soakaways are not suitable for surface water discharge at

the proposed site. Furthermore, the Affinity Water abstraction point immediately north west of the site preclude the use of infiltration techniques which would not be considered appropriate in this area.

- 6.74 The nearest watercourse is the River Colne, over 0.5km from the site. A number of ditches exist adjacent to the site boundaries, however these were found to be too shallow for a feasible solution, nor do they appear to have an outfall beyond the site.
- 6.75 In accordance with the hierarchy for surface water disposal, therefore, disposal to the public sewer was the next option explored. It is therefore proposed to discharge surface water runoff from the site to the existing Thames Water public sewer located in Bullens Green lane.
- 6.76 Thames Water have already confirmed acceptance of any such connection at a maximum rate of 9.3l/s, with a point of connection to be agreed in ongoing discussions.
- 6.77 In any event, the proposed surface water network is to be designed and tested to ensure flows generated from the site will not exceed a 1 in 100 year plus 40% climate change rainfall event.
- 6.78 A suitable foul sewer network to discharge the residential development will be designed in accordance with Thames Water's adoptable standards, providing a direct point of connection between the site and the agreed Thames Water foul outfall with further details of this to be provided at the detailed design stage.
- 6.79 In terms of sustainable drainage or flood risk, there is no reason why the residential development proposed should not be fully supported. The proposals are compliant with, or are capable of being compliant with, the below policies of the adopted Local Plans:
- Policy 84 (SADC) Flooding and River Catchment Management;
  - Policy 84A (SADC) Drainage Infrastructure;
  - Policy R7 (WHBC) Protection of Ground and Surface Water; and
  - Policy R9 (WHBC) Water Supply & Disposal.

### Utilities Assessment

- 6.80 A Foul Sewerage and Utilities Assessment has been prepared by Woods Hardwick Infrastructure LLP and demonstrates that the site can be satisfactorily serviced by all utilities.
- 6.81 There is no apparatus crossing the site that would serve as an insurmountable constraint to the development proposals. The only apparatus which passes through the site that will

potentially require diversion are three HV cable and one pilot cable, however this will be dependent on the final layout to be agreed at the detailed design stage.

- 6.82 can therefore be concluded that, in terms of utility constraints and supply, the proposed development should be supported through the planning process.
- 6.83 UK Power Networks (UKPN) and GTC were approached to provide budget quotations for the provision of electricity, gas and fibre to the site together with a budget quotation from UKPN for the potential diversion of cables to facilitate construction of the site access the details of which are contained within the accompanying Utilities Assessment.
- 6.84 It can therefore be concluded that, in terms of utility constraints and supply, the proposed development should be supported through the planning process.

#### Land Contamination

- 6.85 Paddock Geotechnical were commissioned to undertake a Geo-Environmental Investigation and this has been submitted with the application together with the results of infiltration testing.
- 6.86 The assessment identifies there is a low risk of potential contaminants however further investigation may be required if ground conditions vary noticeably from the Ground Model. This can be secured by a planning condition if deemed necessary.
- 6.87 Summarily, there is no reason why this application should not be granted outline consent as per the findings of the above contamination and geotechnical risk assessments.

#### Affordable Housing

- 6.88 An Affordable Housing Statement has been produced by Tetlow King Planning in relation to the provision of 45% of the proposed dwellings as affordable homes, which is above the emerging Policy requirements of 35% in both LPA area. The Statement details the benefits of SBCH, together with the appropriate weight to be given to development proposals that offer them.
- 6.89 It accentuates that the provision of affordable housing is a key part of the planning system. The analysis of the adopted development plans, affordable housing delivery, and relevant housing market indicators in the report, clearly point towards the importance of delivering a high level of affordable housing in the respective authorities.
- 6.90 It illustrates that against the latest evidence of affordable housing need neither council will be able to meet its affordable housing requirements unless one accepts that the

significant shortfalls in provision are cleared over the remaining SHMA periods. However, this approach means that the housing need will be met more slowly. It is important not to underestimate the serious economic and social impact that this can have on real people. Households in both authorities may find themselves stuck in unsuitable, overcrowded or expensive housing for longer than is necessary which places a significant degree of emphasis upon the social and economic benefits of development proposals that offer to bring forward affordable housing.

- 6.91 Given then the recognised social and economic benefits of good housing (and conversely, the serious adverse effects of poor quality or inadequate housing), it is Tetlow King Planning's position, and indeed Woods Hardwick Planning's, that every effort should be made to meet affordable housing needs as soon as possible, and ideally within the first five years.
- 6.92 It must also be borne in mind that the NPPF does not suggest that housing requirements and targets are somehow a 'ceiling' to delivery. Paragraph 59 of the Framework makes clear the Government's core objective of "significantly boosting" the supply of housing and paragraph 60 subsequently explains that local housing needs assessments should identify "the minimum number of homes needed".
- 6.93 At present, neither council is on course to achieve this with a shortfall of 2,823 (excluding 16/17) dwellings to date in St Albans administrative area and a shortfall of some 3,989 affordable dwellings in Welwyn Hatfield administrative area. If both councils are to meet their identified needs within the next five years they would need to deliver 1,182 and 1,616 affordable homes per annum respectively. Those in need of affordable housing require it now and not diluted over the remaining SHMA periods. Failing to deal with affordable housing in the swiftest possible way just leaves people languishing on the councils waiting lists.
- 6.94 The grant of planning permission at this site will therefore enable up to 45 additional affordable homes to be delivered within the next five years, helping to meet the Council's existing identified need sooner. This is at a proportion well in excess of provision that is to be provided under either LPA's adopted or emerging Local Plans. Households needing affordable housing will also spend less time on the waiting list stuck in unsuitable accommodation. This will improve the lives of those real households who will benefit from the provision of high quality, affordable homes that meet their needs.
- 6.95 The proposed development will also mean the Councils will be better placed to address the most severe housing issues such as those households facing crisis through homelessness. The proposed affordable housing will come forward in a mix of tenures

including affordable rented housing and affordable routes to home ownership, therefore helping to meet the needs of different parts of the housing market.

#### Self-Build and Custom Build Housing

- 6.96 A Self-Build and Custom Housebuilding Statement has been produced by Tetlow King Planning in relation to the provision of 10% of the proposed dwellings as self-build and custom housing (SBCH). The Statement details the benefits of SBCH, together with the appropriate weight to be given to development proposals that offer them.
- 6.97 It notes that within the NPPF 2019, paragraph 61 requires the size, type and tenure of housing needed for different groups to be assessed and reflected in policy, including people wishing to commission or build their own homes.
- 6.98 Between the two relevant LPAs for this application, no attempt has been made in the South West Hertfordshire SHMA (2016), the Welwyn Hatfield Strategic Housing Market Assessment Update (2017), nor indeed in any other local assessment to undertake a robust assessment of Self-Build and Custom Housebuilding demand in their respective administrative areas. It acknowledges that the level of demand for SBCH cannot currently be verified in the absence of a full demand assessment, but this is because neither the Councils most recently produced SHMAs nor any other local assessments have made robust estimates of Self-Build and Custom Housebuilding demand in either authority area.
- 6.99 The emerging St Albans City and District Local Plan was submitted to the Secretary of State in March 2019. Stage 1 hearing sessions held between 21 and 23 January 2020 on legal compliance, the Duty to Cooperate, the spatial strategy and matters relating to the Green Belt. On 27 January 2020 the Inspectors wrote to the council to raise their serious concerns in terms of legal compliance and soundness and to cancel the subsequent hearing sessions arranged for February 2020. A second letter was sent on 14 April 2020 setting out these concerns in detail.
- 6.100 In respect of addressing paragraph 61 of the NPPF and assessing the size type and tenure of housing needed for different groups, including those wishing to build their own homes, paragraph 91 of the letter states:
- “Although we understand that the Council has commissioned an updated Strategic Housing Market Assessment this has not yet been published. As a result, there is no up to date understanding of how many homes are needed and of what type..” (emphasis added)*
- 6.101 3.18 Emerging policy SP7 of the WHBC emerging Local Plan is concerned with type and housing mix and highlights just four allocations which should make provision for serviced

plots. The policy does not set a percentage target instead stating that provision should contribute towards meeting the evidenced demand for self-build and custom housebuilding in the borough. Paragraph 9.22 goes on to note that:

*“The Council has a Self-Build and Custom Housebuilding Register which commenced on 1 April 2016 and as such it is too soon to draw conclusions on the evidenced demand for serviced plots in Welwyn Hatfield over the plan period. However, it is already apparent from the limited number of applicants who have registered their interest that the demand for plots is often directed at multiple search locations and not solely for plots of land within Welwyn Hatfield. The demand for serviced plots will be monitored to inform the implementation of this policy at Strategic Development Sites and on other allocated or windfall sites.”*

- 6.102 It is however reasonable to state that the true demand for Self-Build and Custom Housebuilding cumulatively across St Albans and Welwyn Hatfield can be expected to lie between the 554 individuals and one association of individuals on the combined Council’s Self-Build Register’s and could be as high as 4,301 people when using national data as a proxy.
- 6.103 The Self-Build and Custom Housebuilding Act (as amended) together with the PPG require local authority’s to give suitable development permissions to provide enough suitable serviced plots of land to meet the demand for SBHC in their administrative area, noting that the level of demand is established by reference to the number of entries added to an authority’s Self-Build Register during a Base Period.
- 6.104 In the case of St Albans, the authority has fallen substantially short of meeting their statutory duty to address demand from Base Period 1 by 30 October 2019. Although Welwyn Hatfield have belatedly been able to address demand from Base Period 1, there is no evidence to suggest that they will be able to do so for Base Period 2 and so find themselves in a not dissimilar position to St Albans in also being unable to meet their statutory duty.
- 6.105 Resultantly, against the scale of unmet demand and the lack of a suitable strategy from the Council to address demand arising from the Self-Build Register’s in St Albans and Welwyn Hatfield, there is no doubt that the provision of up to 10 Self-Build and Custom Housebuilding plots through the application proposals will make a substantial contribution towards helping to address identified demand.
- 6.106 Based on the above evidence and that which is contained within the Statement, it is clear

that nothing less than substantial weight should be afforded to the provision of Self-Build and Custom Build homes in the determination of this application.

### Sustainable Development

- 6.107 Policy SD1 encompasses the principles of sustainable development, and as explained in Section 4 sets out that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the local plan. Detailed below is the manner in which this scheme comprises sustainable development as per the plan and the NPPF.
- 6.108 A number of benefits are associated with the scheme that are mutually supportive and, when taken together, contribute to the three overarching objectives of sustainable development of which there is a presumption in favour as established in Paragraph 11(d) of the National Planning Policy Framework. balancing exercise required by the NPPF should therefore determine whether there are adverse impacts that would significantly and demonstrably outweigh the benefits.
- 6.109 With respect to the economic benefits of the proposed scheme, the development is well located in close proximity of existing facilities and services essential for day-to-day needs, with further, greater provision at nearby settlements. This development would encourage use of these facilities and service is thereby supporting local businesses. Additionally, the construction period would make a small but important contribution to this industry via the creation of jobs and demand. In the long term, the Council Tax that will be collected will also make important contributions in enhancing the social, economic, environmental conditions of the area.
- 6.110 Social benefits that arise as a result affordable housing contribution together with mix of housing provided to address local housing need in Colney Heath and the wider area for small households. Notably, the scheme makes provision for 45% affordable housing, together with 10% self-build and custom housing. It facilitates social inclusivity and enhances community cohesion. This provision of affordable and open market housing, then, should be given significant weight in the context of Paragraph 59 of the NPPF as it is a substantial social benefit with very little, if any, social disbenefits produced by the scheme. While a reserved matter, the design of the site will be in accordance with the *Secured by Design* principles to enhance safety and mitigate opportunities and potential for crime and anti-social behavior. Details of this can be found within the Design & Access Statement.
- 6.111 Insofar as the environmental benefits are concerned, the site incorporates green infrastructure and enhances permeability in addressing the need for sustainable urban



drainage systems. Connectivity with the with PRoW promotes healthier and more active lifestyles within the community - not only for the future residents of the scheme, but for those to be housed and currently houses in nearby dwellings. The wider picture of the scheme would then present an opportunity for net biodiversity gains as a result of the proposals and changes which enhance the immediate and wider environmental landscape. Furthermore, a number of detailed design considerations have been given toward the effects of climate change and the need for sustainability in this context. Measures to be incorporated within the scheme include:

- Helping to reduce the urban heat island effect by planning green space and using appropriate shade when locating the development;
- Using flood prevention/mitigation techniques including landscape features such as ponds. The Surface Water Drainage Strategy includes a 40% allowance for climatic change;
- Reducing the ratio of building height to the spacing between buildings to have a positive effect on natural ventilation;
- Including green roofs and walls to insulate against heat gains, absorb rainfall and provide (for roofs) useable outdoor space as well as improving the external environment;
- Including provision of greenery, such as vertical gardens, climbers and green roofs on the building envelope to help ameliorate the heat gains in summer;
- Planting deciduous trees to provide shade in summer, while permitting solar gain in winter when it is useful;
- Inclusion of larger floor-to-ceiling heights in buildings to help in allowing later addition of any cooling mechanisms. In addition, higher ceilings also trap hot air above the heads of people using the room, making the room feel cooler and negating the need for A/C, fans, etc.;
- Using permeable paving anywhere that loadings will not cause structural failure.
- Providing a rainwater collection system/grey-water recycling for watering gardens and landscaped areas;
- Using surface treatments which reflect heat in summer, such as light coloured block-paving or render on buildings;

- Incorporating electric vehicle charging points;
- Ensuring effective orientation and layout to maximise solar-passive strategies;
- Adding or increasing insulation levels and using well-designed, climate-appropriate, insulation solutions
- Using appropriate glazing and window styles for climate (e.g. low U-value; high solar heat gain coefficient in cold climates and low in warmer climates);
- Sizing and orientating windows to minimise summer heat gains and maximise winter solar gains;
- Using renewable energy such as solar thermal, PV or heat pumps.

6.112 These benefits must be factored into the planning balance. The balancing exercise undertaken in this section clearly demonstrates that:

- Very substantial weight should be given to the provision of market housing as per the Government's objective of significantly boosting the supply of housing;
- Very substantial weight should be given to the provision of affordable housing;
- Substantial weight should be given to the economic, social and environmental benefits of the scheme in the context of a presumption in favour of sustainable development as per the NPPF and in the context of the Coronavirus pandemic.

6.113 There is no significant and demonstrable harm which outweighs the aforementioned substantial benefits of this scheme. Nor do the policies of the Framework which seek to protect assets of clear importance provide a clear reason for refusal given that the public benefits of the scheme outweigh the very minimal less than substantial harm proposed to the setting of the listed building at No. 68 Roestock Lane, as well as harm arising from loss of high quality agricultural land. Indeed, this scheme is compliant with relevant policies in the NPPF, and the NPPF when taken as a whole. There is very limited conflict with the NPPF.

6.114 Thus, in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act (2004), the scheme should be approved without unnecessary delay.

## 7 Planning Balance

- 7.1 Section 38 (6) of the Planning & Compulsory Purchase Act (2004), states that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. This is reinforced by the National Planning Policy Framework (NPPF), which has at its heart the presumption in favour of sustainable development and requires the approval of development proposals that accord with an up-to-date development plan without delay. Equally, where a departure from the development plan is justified by material considerations, development proposals should also be approved without delay.
- 7.2 This planning application seeks outline planning permission for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, and ancillary on Land Off of Bullens Green Lane, Colney Heath. All matters are reserved except access.
- 7.3 It is acknowledged that the site lies within the MGB and that there will be some harm to the “openness” of the land from its development for housing, although perception of this will largely be limited to within the site itself. The LVA produced by FPCR also demonstrates that the site makes only a very limited to no contribution to the purposes for including land within the Green Belt.
- 7.4 This statement has evidenced that there are a number of compelling VSCs, which in this case justify the approval of this development. These include:
- The very limited to no contribution the application site makes toward the purposes of including land within the Green Belt, together with the localized impacts on openness of the Green Belt. This should invariably be considered in the context of a new, more defensible settlement edge being proposed as a result of the scheme and the existence of extensive woodland already to the east, meaning the development would remain entirely constrained.
  - The very considerable need for housing in both SADC and WHBC where, at present, there is an approximate combined shortfall of 7,000 homes over the next five years;
  - The cataclysmic under-delivery of affordable housing within SADC and WBHC that has left many households within these local authorities in the lurch without any realistic prospect of having their needs met now or under the emerging Local Plans;

- The impacts of Covid-19 on housing delivery, together with the social, economic and environmental consequences of this. Of course, this should be considered in conjunction with imminent changes to the Standard Methodology as announced by national government and what the implications are for future housing targets and delivery rates; and
- The sustainability credentials of the proposed development and the proposed location; particularly, the benefits in improving the social, economic and environmental conditions within SADC and WHBC. It is clear from the preceding sections that Colney Heath is a sustainable location when judged in the context of the proposed residential development. The existing services and facilities available within the settlement and within neighbouring settlements are accessible by sustainable, public transport, reducing the need to rely on the car.

7.5 There are then, very special circumstances here which justify the development proposed in the manner allowed for by both the Framework and Policy of the St Albans Local Plan Review 1994. Thus, the principle of development is considered acceptable.

7.6 Careful consideration has been given to the immediate wider context of the application site over the evolution of the development proposals has resulted in a high quality and technically robust proposal which accords with the relevant plans and policies as set out in the Planning Policy section. These include, but are not limited to, noteworthy policies such as:

- Policy 2 (SADC): Settlement Strategy
- Policy 34 (SADC): Highways Considerations
- Policy 36A (SADC): Sustainable Transport
- Policy 74 (SADC): Landscaping & Tree Preservation
- Policy 102 (SADC): Loss of Agricultural Land
- Policy SD1 (WHBC): Sustainable Development
- Policy M1 (WHBC): Integrating Transport & Land Use
- Policy D8 (WHBC): Landscaping
- Policy H2 (WHBC): Location of Windfall Residential Development
- Policy RA1 (WHBC): Agricultural Land

7.7 Ultimately, together with the supporting documents, this Planning Statement sets out how this scheme can be achieved on this site that is sensitive to the surrounding pattern of development and, more importantly, meets the very special circumstances needed to justify development within the Green Belt whilst creating a new and more defensible boundary to the Green Belt.

7.8 The proposed harm is relatively limited and is not considered to be significant or demonstrable enough to outweigh the very substantial benefits of this scheme which replicates sustainable patterns of development which is a key objective of the NPPF. This harm includes and is restricted to:

- Very limited landscape or visual effect, with the majority of effects only experienced within or adjacent to the site and only very little change to the wider landscape. The development of the site would have very little effect on visual openness beyond the site itself; and
- Less than substantial harm to the setting of the Grade II Listed Building No. 68 Roestock Lane, which is the only heritage asset impacted by the proposed development. As acknowledged within this Statement and established within the accompanying archaeology and heritage statement, this ‘less than substantial harm’ is identified as being at the very lowest end of the spectrum and has to be balanced against the public benefits the proposal would deliver in accordance with paragraph 196 of the NPPF.

7.9 The NPPF sets out that there are three overarching objectives to sustainable development, ‘economic, social and environmental’, which are interdependent and should be pursued in mutually supportive ways. The manner in which this development scheme meets these objectives has been detailed in the preceding section and is considered to comprise sustainable development with very clear and highly desired public, planning benefits that overwhelmingly outweigh the proposed harm detailed above and earlier in this Statement. These benefits are:

- The provision of market housing which significantly boosts the supply of housing and helps contribute to meeting the LHN of both SADC and WHBC;
- Affordable homes provision at 45% of the scheme which significantly increases access for income-constrained households in a region where affordable homes are provided at a proportion far lower than is recommended by the relevant SHMAs;
- Associated support to the local economy, inc. construction, following the

economic recession incurred by the Covid-19 pandemic;

- An overall improvement of the character and appearance of the area;
- Ecological enhancements to the site.
- Net biodiversity gain;
- A new and more defensible Green Belt boundary.

7.10 It is settled planning law that a development proposal does not need to comply with every single policy in the development plan in order to be considered compliant with the development plan read as a whole. When considering the bucket of relevant planning policies for this application, we submit that the application complies with the overwhelming majority of these and does indeed comply with the development plan read as a whole.

7.11 In accordance with s. 38 (6) of the Planning & Compulsory Purchase Act (2004), the Council are respectfully advised to grant outline planning permission for the proposed development.

*Tilted Balance*

7.12 There is a significant shortfall in housing supply against the requisite requirement of both LPAs by their own most recent position statements. Those shortfalls are in fact great based on the assessment of Emery Planning in the 5YHLS Assessment submitted as part of this application.

7.13 The tilted balance in paragraph 11d of the Framework is therefore engaged, arguable it is engaged in any event due to policies in the adopted development plan being out of date.

7.14 We have argued above that the proposed development complies with the development plan read as a whole, the engagement of the tilted balance only adds further weight in support of the positive determination of this planning application.



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