

**Land South of Chiswell Green Lane,
Chiswell Green, St Albans:**

**Summary Proof of Evidence of Lisa Toyne
BA (Hons) DipLA DipTP CMLI**

Section 78 Appeal PINS Reference: APP/B1930/W/22/3313110

Application Reference: 5/2022/0927

Prepared on behalf of Alban Developments Limited and Alban Peter
Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd

March 2023

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1.0 SUMMARY AND CONCLUSIONS

Landscape Character

- 1.1 The Appeal Site sits within Landscape Character Area (LCA) 10: St Stephen's Plateau, as illustrated on **Figure LT1: Landscape Character Plan**. LCA 10 surrounds Chiswell Green to the east and north; adjoining the southern settlement edge of St Albans and the western edge of Park Street; and extending east to the London to St Albans Railway Line and much further west beyond the M1. The Appeal Site is therefore located on the edge of LCA 10, where it adjoins the western settlement edge of Chiswell Green, within the eastern part of LCA 10, and where there is a higher instance of settlement, and infrastructure, such as the A405 North Orbital Road, A414 North Orbital Road, Watling Street/Frogmore Road and the London to St Albans Railway Line.
- 1.2 The Appeal Site is only partially representative of Landscape Character Area (LCA) 10: St Stephen's Plateau, in that it comprises medium scale fields, with the settlement edge of Chiswell Green prominent on the southern, eastern and north-eastern edges of the Appeal Site. As noted in the 'Visual Impact' section of the character area description, *"the raw built edges of Chiswell Green and How Wood represent significant suburban impact"*, and this strongly influences the character of the Appeal Site, being affected by the detracting influence of the western settlement edge of Chiswell Green which adjoins the Site to the north, east and south, such that the Appeal Site and its immediate context sit within an urban fringe landscape with a strong relationship with the settlement edge.
- 1.3 The character of the Appeal Site is not characteristic of the wider LCA 10, as the fields are not open arable fields, but grazed horse paddocks subdivided with post and rail and post and wire fencing, with a degree of clutter associated with horse keeping and its settlement edge and urban fringe location, and with a high degree of enclosure provided by the surrounding existing settlement on the north-eastern, eastern and southern boundaries and vegetation on the western and south-western boundaries.
- 1.4 The Appeal Site is therefore set part within the existing settlement edge of Chiswell Green, and between the settlement edge of Chiswell Green, and the former Butterfly World and Garden of the Rose, both of which are not representative of LCA 10 and which separate the Appeal Site from the wider landscape to the west of the Appeal Site. The mounding and maturing structural landscape associated with the access to the former Butterfly World, combined with the existing hedgerow and mature tree belts on the western boundary of the Appeal Site, provide substantial enclosure and containment to the Appeal Site to the west. The Appeal Site

is therefore located within the transition from settlement to the east and the wider landscape to the west and south-west, beyond the former Butterfly World and Garden of the Rose. Furthermore, the surrounding landform and vegetation combine to limit the visibility of the Appeal Site from the wider area, thus limiting the influence of the Appeal Site over the more open wider landscape to the further west.

- 1.5 However, the Proposed Development provides the opportunity for the improvement of the landscape through mitigation as part of the Proposed Development, in particular, the opportunity to retain, supplement and enhance the western boundary, to soften and mitigate the settlement edge of Chiswell Green on the adjoining countryside.
- 1.6 The overarching principles for the landscape strategy would provide a framework for development on the Appeal Site that reflects the local characteristics and responds to the guidance set out for the St Stephen's Plateau LCA 10, including through hedgerow restoration following the pattern of historic field boundaries, providing visual and ecological links between existing woodland areas; creation of smaller copses linking with hedgerow restoration on the open arable areas, emphasising topographical variation; and broadening the range of recreational opportunities.
- 1.7 The Proposed Development includes a central green spine connecting publicly accessible green spaces, as well as the restoration and reinforcement of the western boundary, enabling the creation of a strong settlement edge with a clear transition to the countryside to the west. All these elements would improve the connectivity of existing landscape features, increase the accessibility of the landscape and strengthen the amenity value of the Appeal Site. The delivery of a comprehensive landscape framework on the Appeal Site would help to improve the contribution of the Appeal Site to the local sense of place and reinforce local identity.
- 1.8 The LVIA acknowledges that at Year 1 there would be a major adverse effect to the landscape character of the Appeal Site, reducing to a neutral effect at Year 15. The LVIA also records a minor adverse effect on LCA 10: St Stephen's Plateau in Year 1, reducing to negligible adverse at Year 15, and a negligible adverse effect on NCA 111: Northern Thames Basin at Year 1, reducing to a neutral effect at Year 15. Therefore, in summary, as set in Paragraph 9.11 of the LVIA, and quoted in the Committee Report, **(CD3.4)**, Paragraph 8.5.7, Page 102, in the long term:

"The Proposed Development would not cause any substantial changes to the character of the landscape within the [Appeal] Site or the wider area but would extend the existing settlement edge into the [Appeal] Site. The new residential development would be at an appropriate location and of an appropriate scale

to be successfully assimilated into the existing settlement of Chiswell Green, with limited effect on the wider landscape to the west."

- 1.9 The Committee Report, with regard to landscape character, concludes at Paragraph 8.5.17 Page 104, that:

"In light of the above discussion [with the HCC Landscape Officer], the landscape and visual impact of the proposed development is considered acceptable. Nevertheless, it is considered that the introduction of built form across the existing fields would cause some harm to the local landscape character, to which some limited weight is given."

- 1.10 This accords with my assessment on the effect on landscape character, in that development within the Appeal Site would introduce housing to an area of land on the western edge of Chiswell Green already influenced by its urban fringe location. The development would directly relate to the existing settlement edge and reinforce the existing settlement pattern by a rational rounding off of the settlement of Chiswell Green. It would also provide an opportunity to create a robust and permanent boundary to the settlement, and assimilate it into the immediate and wider context, with limited detrimental effects on landscape character or appearance of the landscape beyond the Appeal Site, and therefore very limited harm to the wider landscape character beyond the Appeal Site.

Green Belt

Openness

- 1.11 I am of the opinion that the Appeal Site exhibits a limited perception of openness beyond the extent of the Appeal Site due to the restricted extent of visual connection to the wider landscape. The existing western boundary vegetation would be retained and enhanced, and this would serve to contain introduced built forms on the Appeal Site and thus limit any further impact upon the openness of the Green Belt beyond the Appeal Site. As a result, there would be some loss of physical and perceptual openness on the Appeal Site, as would be inevitable on the development of any greenfield site. The loss of physical openness would arise from development of 59% of the Appeal Site compared with the current 4%, and some loss of perceptual openness, which would be limited to the Appeal Site and its boundaries. This would result in **moderate harm with regard to the physical, or spatial, openness of the Green Belt, but this would be restricted to the Appeal Site itself, with no effect on the physical openness and a barely perceptible to no effect on the visual openness of the remaining Green Belt to the south-west and west.**

- 1.12 This accords with the opinion of the SACDC Officers, regarding the effect on the openness of the Green Belt, as set out in Paragraphs 8.3.7 to 8.3.9, Page 94, which state that:

"The construction of up to 391 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, ...

In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. ... Officers are of the view that the LVIA demonstrates a low level of impact on the perception of open Green Belt countryside to the north and west. This means that whilst there is spatial harm to openness as a result of the proposals, there is no additional harm to openness as a result of the limited visual impact on the openness of the Green Belt."

Purpose 1

- 1.13 In my opinion, as supported by the BWnS Green Belt Review, the Proposed Development would replace the existing sporadic and dispersed development on the Appeal Site, with the removal of the existing clutter on the Appeal Site. In contrast the Proposed Development would be well designed and integrated into the existing settlement edge of Chiswell Green, with an enhanced western boundary to soften, screen and filter the western edge of the Proposed Development, with an improvement to the appearance of the western settlement edge of Chiswell Green. As such, it would not constitute sprawl in that it would not be incoherent, sporadic, dispersed or incoherent. Whilst there would be a minimal outward spread of development, this would be contained by not only by an existing enhanced, robust, coherent and well-defined western Appeal Site boundary, but also contained to the west by the existing development of the former Butterfly World and associated access, mounding and maturing structure planting. Proposed Development on the Appeal Site would, therefore, **not contribute to unrestricted sprawl, and would not be harmful of Purpose 1 of the Green Belt**, but instead would constitute a well-planned, contained and logical rounding off of the existing settlement of Chiswell Green.
- 1.14 This accords with the opinion of the SADCD Officers as set out in the Committee Report at Paragraph 8.3. 22 (a), Page 96, with states that:

"The site is directly adjacent (west) to the settlement of Chiswell Green and will effectively provide an extension to this settlement. The site is bound by Miriam Lane to the west, providing a strong a defensible barrier and restricting the sprawl of Chiswell Green into the wider area. The western boundary has existing trees and hedges, which will be retained and enhanced

through the proposals, which include a landscape buffer of at least 5m along the entire western boundary to further strengthen the western boundary of the site. The proposal is therefore not considered to represent unrestricted sprawl and there is not considered to be any significant harm to this Green Belt purpose.

Purpose 2

- 1.15 The Proposed Development would result in a very limited extension of built form to west, beyond the existing settlement along Chiswell Green Lane to the immediate north, no more than approximately 150m, and the western extent of existing settlement of Chiswell Green to the south of the Appeal, no more than approximately 140m, as evident on **Figure LT1: Appeal Site Context Plan**.
- 1.16 In addition, the western extent of Proposed Development would also be effectively contained by the former Butterfly World and its associated access, Miriam Lane, and the associated mounding and maturing structure planting. Therefore, whilst there would be some loss of open land between the existing first tier settlements of St Albans and Watford, the Proposed Development on the Appeal Site would not result in the physical, or perceived, merging, or coalescence, of these towns, and a substantial swathe of largely open countryside would remain as functioning Green Belt, providing separation between them, as supported by the BWnS Green Belt Review.
- 1.17 I am, therefore, of the opinion that the Appeal Site therefore makes **very limited to no contribution to Purpose 2**, preventing neighbouring towns merging into one another, and Proposed Development on the Appeal Site **would not prejudice, nor be harmful to, the function of Purpose 2** of the remaining Green Belt beyond the Appeal Site.
- 1.18 Again, this accords with the opinion of the SADCD Officers as set out in the Committee Report at Paragraph 8.3. 22 (b), Pages 96 and 97, with states that:

"The development of this site would introduce built form between Chiswell Green and Hemel Hempstead, however the north west of the site is bound by existing development – the former Butterfly World. In any case, a significant gap would be maintained to Hemel Hempstead. The integrity of the gap between St Albans and Watford would be maintained. Very limited harm is identified in relation to this purpose."

Purpose 3

- 1.19 I am of the opinion that the Appeal Site only makes a **partial contribution** to safeguarding the countryside from encroachment as, whilst the Appeal Site is 'countryside' insofar as it is land outside the 'Specified Settlement Boundary' and within the Green Belt, much of the Appeal Site is strongly influenced by its existing urban fringe location, and some existing development on the Appeal Site, which detract from the character of the 'countryside', such that the Appeal Site does not exhibit the attributes of unspoilt countryside. The Proposed Development of the Appeal Site would result in the loss of a very small part of countryside, already affected by development. This loss of countryside would be physically and visually contained by the retained and enhanced vegetation on the western boundary, thus preventing any further encroachment into the adjacent countryside, with the much wider swathe of more open intact countryside remaining unaffected to the west of the Appeal Site, the former Butterfly World and the Garden of the Rose. Therefore, the **harm to Purpose 3 is very limited and contained to the Appeal Site itself.**
- 1.20 This broadly correlates with the opinion of the SACDC Officers as set out in the Committee Report at Paragraph 8.3. 22 (c), Page 97, with states that:

"The site is bound to the east and south by existing residential development, whilst the north of the site is bound by Chiswell Green Lane. The west of the site is bound by the former Butterfly World and Miriam Lane, creating a physical barrier to the open countryside, which was noted in the SKM Green Belt review 2013:

- "the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries."*

"The site has urban fringe characteristics, which was also noted in the SKM Green Belt review 2013. As a result of the locational characteristics, the proposals would only have a localised effect on the Green Belt. The broad purpose of the Green Belt in this location would remain, and the encroachment into the countryside would not be significant. However, the existing site comprises four open fields, with built form limited to the north west and north east of the site. The proposals would therefore encroach into an existing area of countryside, although further encroachment beyond the site would be restricted by the clearly defined site boundaries. Low to moderate harm is identified in relation to this purpose."

Conclusions

- 1.21 With regard to the alleged harm to the Green Belt caused by the Proposed Development due to the harm to the Green Belt purposes relating to encroachment to the countryside [Purpose 3], urban sprawl [Purpose 1] and merging of towns [Purpose 2], as set out in RfR 1; I am of the opinion, based on reference to the BWnS Green Belt Review and my own assessment, that the Appeal Site makes a **Partial** contribution to Purpose 3, **No contribution** to Purpose 1, and a **Very Limited to No Contribution** to Purpose 2.
- 1.22 This broadly correlates with the opinion of SACDC Officers as set out in the Committee Report, with the SACDC Officers noting that with regard to Purpose 3 *"the encroachment into the countryside would not be significant"* with *"further encroachment beyond the site [being] restricted by the clearly defined site boundaries"*, with *"Low to moderate harm identified in relation to this purpose"*; with regard to Purpose 1 the Proposed Development is *"not considered to represent unrestricted sprawl and there is not considered to be any significant harm to this Green Belt purpose"*; with regard to Purpose 2, *"very limited harm is identified in relation to this purpose"*.
- 1.23 Again my assessment of the contribution that the Appeal Site makes to Purposes 1, 2, and 3 of the Green Belt is further validated with reference to SACDC's own evidence base, that is with reference to the SACDC November 2013 Green Belt Review (**CD8.3**) and then the subsequent SACDC February 2014 Green Belt Review (**CD8.5**) which identified Sub-Area S8 as making a limited or no contribution to four of the five purposes of the Green Belt, Purposes 1, 2, 4, and 5, and a partial contribution to one, Purpose 3) of the five purposes.
- 1.24 There is, therefore, a high degree of agreement in terms of the contribution that the Appeal Site makes to the purposes of the Green Belt and the harm arising from Proposed Development on the Appeal Site. It is also of note that, considering the level of contribution and harm, SACDC's own evidence identified that Sub-Area S8, the Appeal Site, is *"considered to make the least contribution towards the Green Belt purposes as compared to all of the nine sites assessed"* [identified for further consideration in the SACDC Green Belt Review February 2014]. It indicates a residential capacity for the Appeal Site of between 270 and 450 dwellings; and ranks **Sub-Area S8 as the highest of nine sites for suitability for release from the Green Belt and future development**. Furthermore, **an area which correlates with the extent of the Appeal Site is identified within Sub-Area S8 'Land for potential Green Belt release'**.

- 1.25 Therefore, not only is Sub-Area S8 identified as the most suitable area within St Albans City and District for release from Green Belt, but within Sub-Area S8, the area correlating with the extent of Appeal Site is identified as the boundary of land for potential Green Belt release and for accommodating urban development areas, infrastructure and public open space.
- 1.26 Therefore, in addition to the generally agreed overall limited harm identified, SACDC's own evidence base identifies the Appeal Site as suitable for release from Green Belt and future development.
- 1.27 Therefore, in conclusion, with regard to the alleged harm purported to be caused by the Proposed Development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns, and the relating to landscape character, I would respectively request that the Inspector takes into account the considerable evidence that demonstrates the limited harm arising from the Proposed Development, both to the openness and purposes of the Green Belt, and landscape character; the high degree of agreement between the Appellant and the SACDC Officers with regard to that harm; and the well established SACDC evidence, in particular the SACDC Green Belt Reviews of 2013 and 2014, which have identified that the Appeal Site is the most suitable site within the St Albans City and District for release from Green Belt and for development, and which SACDC have confirmed are relevant to the determination of applications and they remain applicable to the Appeal Site.