

Appeals against refusal of planning permission

Land south of Chiswell Green Lane
APP/B1930/W/22/3313110

and

Land north of Chiswell Green Lane
APP/B1930/W/22/3312277

Chiswell Green, St Albans

Statement of Case
by
Keep Chiswell Green



KEEP CHISWELL GREEN

March 2023

Introduction

In the 12th century, a market was granted to the Abbot of St Albans which he located in Watford, as the route between the two settlements¹ was already well established. This route is now known as the Watford Road and it runs through the centre of Chiswell Green village.

The village is located about half a mile from junction 21a of the M25, and comprises the main road north from Watford to St Albans with an off-set cross-roads in the village centre, leading east towards A405, How Wood and Park Street, and west into the Green Belt in the direction of Hemel Hempstead.

When the Green Belt was designated in 1955, the A405 by-pass road had already been built and the settlement pattern in the village still consisted of a single row of houses on each side of the main road.

Since then, the village has grown significantly with development completely filling the area between the Watford Road and A405, as well as to the north of the east-west cross roads at the village centre. The village now numbers approx. 1, 350 homes and has a population of approximately 3,000. The 16th century smithy, The Three Hammers, still welcomes local residents and travellers.

¹ <https://www.ourwatfordhistory.org.uk/content/our-history/watfords-history> and Ordnance Survey maps of Chiswell Green village dated 1897, 1920 and 1946

Who is Keep Chiswell Green

Keep Chiswell Green is a local volunteer-led campaign group, formed in March 2022 in response to the planning proposals for the land to the south and to the north of Chiswell Green Lane. We are a small committee of private individuals, who have each lived in Chiswell Green for between 12 and 28 years, and we can confidently say we represent 98% of the roughly 3,000 local residents of the village.

None of us has experience in town planning or a related profession. We offer our local knowledge as evidence, with the exception of evidence on Traffic and Transport for which we retained the professional assistance of David Walpole of THaT Consultancy. Mr Walpole reviewed what are now the appeal applications against current policy, design standards and good practice guidance. His findings confirmed our lived experience. A copy of THaT Consultancy's Transport Note dated October 2022 as submitted to the LPA is attached (*CD 1*). Mr Walpole is preparing a proof of evidence for the purposes of these appeals.

Statement of Intent

Keep Chiswell Green wishes to influence the discussion around Harm to the Green Belt, the Benefits of the appeal schemes, and the weight to be given to

the various components included in the Planning Balance for each of the two appeal applications.

In addition, while Traffic and Transport information was included in the two planning applications and there was discussion of the problems relating to traffic and transport during the respective Planning Committee decision meetings (*CD 2, CD 3 Transcripts of these two meetings*), these were not overtly stated as a reason for refusal for either application :

"2. In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of highways improvements and sustainable transport measuresthe infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met ..."

Keep Chiswell Green refers to the NPPG July 2019 :

Ref ID: 64-001-20190722 - what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt - include but are not limited to :

- *the degree of activity likely to be generated, such as traffic generation*

and asserts that Traffic and Transport is a material consideration in the determination of these applications and wishes to make representation on this subject.

Land to the South of Chiswell Green Lane

Harm to the Green Belt

It is accepted by the appellant that development of the Metropolitan Green Belt constitutes harm which attracts substantial weight in the planning balance.

However, the appellant has sought to detract from this in various ways.

The site is described as being “surrounded on all four sides” by built form, screened from views from the wider countryside, and accepted as a strategic allocation for development.

Keep Chiswell Green will demonstrate that there is a strong urban boundary to the settlement of Chiswell Green, but that the site is not contained; any visible built form is unlawful and subject to enforcement action (*CD 3 aerial image - Boom Construction and CD 4 aerial image - Butterfly World*), or relates to activities permitted in the Green Belt such as farming (*CD 5 video - Land to the South of Chiswell Green Lane*) and conservation (*CD 6 aerial image - The Royal Entomological Society and The Royal National Rose Society*). The current Green Belt boundary has remained unchanged since its designation in 1955, following the natural line of the main road, and has, to date, competently fulfilled its purpose in accordance with NPPF Para 137 and 138 by limiting urban sprawl, by keeping land permanently open, and safeguarding the countryside from encroachment.

The appellant refers to the site being proposed as a strategic site allocation in the now withdrawn Draft St Albans Local Plan (2018). However, the land review on which this proposal was based (*CD 7 Green Belt Review Sites and Boundaries Study 2014*) has now also been withdrawn, and its findings have been further invalidated by the fact that the Butterfly World went into liquidation in 2015 and ceased trading. The Butterfly World site is now subject to enforcement of planning conditions to return the site to Green Belt (*CD 8 Enforcement Notice and appeal – Butterfly World*). The environment around the appeal site has therefore changed.

Gateway development

Against a background of significant pressures on local councils to provide housing, and the increasing rates of erosion of the Green Belt (*CD 9 CPRE The State of the Green Belt 2018*), Keep Chiswell Green will demonstrate how the appeal site will act as a “gateway development” and expose this particular parcel of Green Belt land to pressure from a further development (*CD 10 Call for Sites map*). This will lead to *very substantial harm* being caused to the Green Belt.

Benefits of the appeal scheme

The provision of housing

The appellants claim very substantial weight should be given to the provision of housing, including affordable and self-build housing. Keep Chiswell Green recognises the need for housing provision, but asserts that all previously developed land (“brownfield land”) should be utilised first before permission should be granted for large swathes of land to be released from the Green Belt. As there are still brownfield sites available for development (*CD 11 Brownfield Land Register*) and not all permitted development has been undertaken, KCG believes it to be inappropriate to accord very substantial weight to the provision of housing on Green Belt land. The weight to be accorded to the provision of housing on this particular site should also be influenced by the fact that the site will inevitably open up a flood of further applications from other sites within the same land parcel, encouraged by claims of previously developed land from the site of the now-defunct Butterfly World and from Rose Farm.

2FE Primary School

The appellant attributes substantial weight to the provision of land for the future development of a 2FE primary school. Keep Chiswell Green will demonstrate why this weighting is inappropriate for a speculative event and that this should weigh neutrally in the planning balance.

10% Biodiversity Net Gain

Keep Chiswell Green will demonstrate that it is inappropriate to attribute any positive weighting to a 10% BNG on this appeal site.

Open and play space

Until the appeal site was reviewed positively in the "*Green Belt Review : Sites and Boundaries 2014*" study (CD 7) conducted in preparation for the now withdrawn Local Plan, the appeal site was open to the general public and offered welcome benefit to local residents. The vaunted provision of open and play space must be considered against the impact of the development and the enduring loss that will be suffered by local residents and community groups who have benefitted from the previous openness of the appeal site over many years.

Socio-economic benefits

In order to fully understand whether there are any socio-economic benefits to this development, and to ascertain an approximate value of these, and to what extent these would be temporary or enduring, a full assessment would be necessary, showing the assumptions made, the calculations done etc. Until this has been proven, no benefit can be claimed.

Land to the North of Chiswell Green Lane

Harm to the Green Belt

Keep Chiswell Green acknowledges the benefit of the provision of housing, particularly affordable housing in a city whose house prices are amongst the highest in the country. However, like the linked appeal application for development of the land to the south of Chiswell Green Lane, the appellant asserts that the benefits of housing delivery and any other benefits of the proposal justify the release of the appeal site from the Green Belt.

It is clear that the appeal site serves many purposes of the Green Belt and is suitable for use as agricultural land. Development of this site is therefore, by its nature, harmful to the Green Belt (*CD 12 Land to the north of Chiswell Green Lane video*).

Furthermore, Keep Chiswell Green will demonstrate that the site would act as a gateway development to the release of further Green Belt land which sits between the appeal site and the urban boundary edge and which has been proposed under the local council's Call for Sites for 100 new dwellings. This plot would be extremely vulnerable if the appeal site were to be granted permission so it must be considered that release of the appeal site would inherently risk the release of a further parcel of land in addition.

Affordable housing

The appellant has put great emphasis on the aim of this development being exclusively affordable housing for key workers and military personnel.

It is difficult to assess whether the affordable housing scheme proposed by the appellant would offer the benefits suggested without the opportunity to know who the financial partner might be and to see illustrated examples of what the scenarios and costs would be. With interest rates not expected to return to the levels we have seen over the last few years for the foreseeable future, many workers are hesitant to take on new financial commitments and the costs may have become so high as to exclude those for whom the scheme was intended.

Community integration

A further concern regarding the targeted audience for this development is that the new residents are likely not to integrate well into the existing population. There is very little employment in the local area for key workers; the new residents would then be working outside the home, most likely doing shift work, leaving home early and returning home late so that the development would become a dormitory commuter enclave with little interaction with the local community.

This section refers to both appeal applications

Traffic and Transport as a material consideration

Traffic and Transport concerns were amongst the most prevalent voiced by local residents with regard to each of the two appeal applications, concerns that were just as prominent for each application individually and amplified in combination.

Keep Chiswell Green therefore engaged a Traffic and Transport Consultant to review the applications and to assess their implications. The full report is attached (*CD 1 – THaT Consultancy Transport Note*), but to summarise the consultant's conclusions :

- *The local highway network, and particularly the double mini roundabout in the centre of the village, is operating at capacity at present. The additional traffic arising from either one, or both, of the proposed developments will lead to a significant worsening of the situation.*
- *Both applicants, and the LHA, have ignored the significant traffic impact and instead focussed on providing improved provision for pedestrians, cyclists and bus users in an attempt to mitigate the transport impacts of the proposed developments.*
- *We consider that a more balanced approach is needed that merges highway improvements (ie junction improvements) with increased provision to support sustainable modes of travel.*
- *We think it is unrealistic to expect sustainable transport initiatives on their own to satisfactorily overcome the major transport impacts arising from these developments in an area where the car is, and will remain, the primary mode of transport for most people, most of the time.*

- *We note that in the last census only 1% of residents travelled to work by cycle, only 5% used public transport and only 5% walked. Clearly sustainable modes of travel are not realistic options in this area.*
- *The two application sites which are located in the Green Belt beyond the boundary of the built-up area of Chiswell Green are unsustainable locations in transport terms*
- *The sites only have access on foot to a limited range of services and facilities. Again this is primarily because the two sites are located in open countryside beyond the urban area.*
- *The sites have relatively poor cycle access despite the proposed new cycle lanes to be provided along Watford Road.*
- *The sites have poor access to the bus network primarily because the distance residents will have to walk to their closest bus stop is excessive.*
- *These factors when taken together mean that there is unlikely to be a genuine choice of transport modes available to the new residents.*
- *If permitted then the developments would lead to the creation of car-based dormitory communities.*
- *The proposal to fund more frequent bus services along Watford Road for a period of 5 years is a highway benefit. Whether or not these services remain financially viable once the funding runs out is uncertain.*
- *The proposed developments (either individually or collectively) will exacerbate the already serious highway safety and capacity concerns on the local highway network and particularly at the Watford Road/Chiswell Green Lane/Tippendell Road double mini roundabout junction.*
- *The additional traffic arising from the proposed developments will change the function and character of Chiswell Green Lane from that of a “street” to a “road” with an emphasis on its traffic carrying capabilities rather than its place function.*

- *The development proposals are therefore contrary to local and national policy that seeks to create safe, attractive sustainable communities where the overall need to travel is reduced and where residents have a genuine choice of transport modes.*
- *The proposed development will provide highway benefits by way of the improvements to the pedestrian and cycle facilities in the village and by funding an increased bus frequency along Watford Road for 5 years.*
- *However, the serious transport and highway issues must override any benefits arising from the provision of housing and the sustainable transport initiatives.*

There are a number of further findings that we believe it is important to highlight :

- *The provision of a 3m wide shared pedestrian and cycle way will be the main point of access to the sites for those travelling on foot or by bike along Chiswell Green Lane but this is totally inadequate provision for its proximity to a primary school anticipated to generate 420 pupils. The situation created will be dangerous and inconvenient and, combined with other reasons, will not be effective in achieving the shift away from private car usage that is being sought.*
- *Although cycling distances would not be extreme to St Albans or the surrounding areas, not one of the 205 respondents to our survey responded that they used a bicycle to get to work. This is highly likely to be due to the topography of the land, and by the council's own admission, undesirable behaviour along certain routes (CD 13 KCG Transport Survey).*
- *Initiatives to promote sustainable travel do not go far enough to change travel behaviour and will have limited effect. Residents of Chiswell Green – new and*

existing – will still not be able to find all the facilities they need in the village and will use private vehicles to access main shopping, leisure and health facilities.

In summary, the residents of Chiswell Green have significant concerns that Traffic and Transport has not been accorded the attention it requires when considering these two appeal applications.

Committed development

When considering new planning decisions, decision makers are expected to consider the impact that the proposed development will have on the local area, taking into account any other development that is already committed or approved. This ensures that new development is sustainable and does not have a negative impact on the local area or its infrastructure.

At paragraph 8 of the NPPF, the Framework sets out the requirement for decision makers to take a "plan-led approach" to development, which involves considering the cumulative impact of development in the area.

Policy TC4 requires that development proposals should be designed to "take account of the capacity of existing and committed infrastructure to accommodate the cumulative effect of traffic generated by the development." By implication, proposals should be refused if the impact of the development in the area is going to have a negative impact and cannot be mitigated.

Within the original and the appeal applications for both Land to the South of Chiswell Green Lane and Land to the North of Chiswell Green Lane, there appears to be no reference to the committed development that is the Strategic Rail Freight Interchange, nor the Retirement Village at Burston Nurseries.

Details on the Strategic Rail Freight Interchange are scant, but modelling by opposition group, Save St Albans : Fight the Freight based on vehicle movements at other rail freight interchanges indicates that this development is likely to generate in the region of 10,000 additional vehicle movements a day on the A414 between the London Colney and Park Street roundabouts to add to the 35,000 which already use it daily (*CD 14 Strategic Rail Freight Interchange vehicle modelling*). 80% of these vehicles are expected to travel south, down the A405 and onto the M25. Work is currently expected to start on this development about the end of March.

Work on the Retirement Village at Burston Nurseries includes traffic lights on the dual carriageway outside the front of the Nurseries with a 50mph speed limit in order to slow the traffic. Work is starting this week.

This combined effect of these two committed developments will push all local traffic onto the Tippendell Lane and Watford Road, or onto Watling Street, then Watford Road to pass along a single main road through the village which is already over capacity.

The local residents of Chiswell Green already know what this congestion will look like; it happens already every Friday from about 2pm, and every time there is a problem on any other part of the road network, even relatively far away - we get the impact.

Prematurity

Applications can be said to be premature if they are presented for determination when a Local Plan will soon be available, the detail of which would provide the criteria for appropriate determination of the application. In the case of the two appeal applications, there is clearly no emerging local plan at a sufficiently advanced stage for this to be relevant.

However, it is clear that there is currently great uncertainty in the political arena with regard to the planning framework, uncertainty which may be resolved within a reasonable timeframe – before any construction could start on either of these proposals were they to be granted. It is mooted that councils may be given greater powers to protect Green Belt land - that they may be relieved of an obligation to approve planning applications in order to meet housing need if the only way in which this could be achieved is through release of Green Belt - and a re-issuance of the NPPF following the now completed consultation may enable Councils such as St Albans to be given an exemption from the housing targets which are so challenging to achieve in a District made

up of 85% Green Belt. On this basis, maybe it could be said that prematurity is relevant to the determination of these applications.

Conclusion

Keep Chiswell Green recognises the “presumption in favour of sustainable development” at para 11 of NPPF, but believes that development should be undertaken in a thoughtful, planned manner – not by speculative, stand-alone, developer-led projects. According to the NPPF para 63, “well designed places have compact forms of development that are walkable, contributing positively to well-being and place making, and accessible local public transport, services and facilities, to ensure sustainable development”. The two appeal applications do not satisfy this stated guidance.

Core documents

CD 1	THaT Consultancy Transport Note
CD 2, CD 3	Planning Committee meeting transcripts (<i>to follow</i>)
CD 3	Aerial image - Boom Construction (<i>to follow</i>)
CD 4	Aerial image - Butterfly World (<i>to follow</i>)
CD 5	Video - Land to the South of Chiswell Green Lane (<i>to follow</i>)
CD 6	Aerial map – RES and Royal National Rose Society (<i>to follow</i>)
CD 7	Green Belt Review Sites and Boundaries Study 2014
CD 8	Enforcement notice and appeal – Butterfly World (<i>to follow</i>)

CD 9	CPRE The State of the Green Belt Aug 2018
C 10	Map - Call for Sites (<i>to follow</i>)
CD 11	Brownfield Land Register
CD 12	Video - Land to the north of Chiswell Green Lane (<i>to follow</i>)
CD 13	Local Transport Survey conducted by Keep Chiswell Green
CD 14	Strategic Rail Freight Interchange vehicle modelling (<i>to follow</i>)
CD 17	KCG's formal response to Cala
CD 18	KCG's formal response to Polo
CD 19	Proof of evidence – Traffic & Transport - David Walpole (<i>to follow</i>)
CD 20	St Albans Housing Delivery Test 2022

Interested parties will speak on :

1. Gateway development
2. 2FE Primary School
3. Open and play space
4. Traffic in Chiswell Green

KCG wishes to reserve the right to present a speaker on any housing affordability scheme put forward by Headlands Way Ltd

KCG wishes to reserve the right to present a speaker on socio-economic benefits if analysis is offered by the Land South of Chiswell Green Lane team