

Land off High Street Colney Heath

Planning Statement

Tarmac Ltd

February 2022

Contents

1.	Introduction	2
2.	Site Description	4
3.	The Application Proposals	5
4.	Relevant Planning Policy	8
5.	Assessment of the Application Proposals	12
6.	The Planning Balance and Conclusions	24
Appendix 1: Site Location Plan		34



Steven Kosky
steven.kosky@turley.co.uk

Client

Tarmac

Our reference

TARC3006

February 2022

1. Introduction

- 1.1 This Planning Statement has been prepared by Turley on behalf of Tarmac Ltd (herein referred to as Tarmac) pursuant to an outline planning application for the erection of up to 45 new homes on land off High Street, Colney Heath, adjacent to Colney Heath Football Club (the Site). A Site Location Plan is attached at **Appendix 1**.
- 1.2 The Site falls within the administrative control of St Albans City and District Council (SADC). This application is submitted in outline with all matters reserved except for access. Matters relating to appearance, landscaping, layout and scale are reserved for later approval. This outline application is supported by an illustrative site layout plan (the Masterplan). The illustrative Masterplan demonstrates that up to 45 dwellings can be accommodated on the Site, whilst making appropriate provision for appropriate new areas of high quality public open space. A more detailed analysis of the Site and the proposed development is provided within the submitted Design and Access Statement.
- 1.3 This Planning Statement outlines the primary objectives of the Scheme and provides a description of the Site and its surroundings. It outlines the benefits of the development, and provides a detailed planning rationale for the proposals, having regard to the revised National Planning Policy Framework - July 2021 (NPPF), the Planning Practice Guidance (PPG) and the extant Development Plan for St Albans. This Statement also considers the relevance and weight of the emerging St Albans Local Plan.

The Applicant: Tarmac

- 1.4 Tarmac is an established land promotion and development company with a significant portfolio of freehold and other commercial land interests in St Albans District. Tarmac is also a major national employer with nationwide experience of bringing forward strategic sites of all scales for new residential, mixed-use and industrial development.
- 1.5 Tarmac is promoting numerous freehold sites in St Albans District within the A414 and M25 corridors for a potential mix of uses, including residential, employment and other related development, including new transport infrastructure and contributions to the public realm. Tarmac oversees the entire planning process and seeks to work closely with local communities, Planning Officers, Councils and key Stakeholders to secure the most appropriate planning consent before appointing a development partner. Tarmac will similarly apply this development approach to their Colney Heath site.

The Proposed Application

- 1.6 The outline application proposes up to 45 new homes, including 40% (18) new affordable new homes which exceeds SADC policy requirements. The application also proposes an additional 10% of Custom Build homes to achieve 50% of the overall site being “other types of housing offering choice” together with new landscaping and public open space, associated infrastructure works, with all matters reserved, except for access.

- 1.7 This Statement and supporting technical assessments, demonstrates that the proposals will deliver much needed market and affordable housing as a natural and sustainable extension to the village of Colney Heath. Other than for the new point of vehicular access, the Site does not require any major new infrastructure to facilitate development for the proposed use. The Site can be brought forward early and delivered quickly.
- 1.8 The Site is therefore capable of contributing to the Council's five year housing land supply, as all the development can be completed within five years of securing outline planning and reserved matter permissions. This is a material consideration of very substantial weight, given the continuing major deficit in the five year housing land supply position of SADC, which is discussed in context at Section 6. In accordance with the Council's validation list, the submitted planning application comprises the following reports and drawings:

Document / Drawing	Author
Planning Statement (inc Affordable Housing Statement)	Turley
Site Location and Ownership Plan	Turley
Design and Access Statement	Turley
Opportunities and Constraints Plan	Turley
Development Framework Plan	Turley
Illustrative Masterplan	Turley
Heritage Assessment	Andrew Josephs Associates
Landscape and Visual Impact Assessment	Turley
Ecology Impact Assessment	Ramm Sanderson
Biodiversity Net Gain Assessment	Ramm Sanderson
Arboricultural Assessment	Ramm Sanderson
Transport Assessment	David Tucker Associates
Transport Assessment Appendices and Access Drawings	David Tucker Associates
Level 1 Utility Study	Utilities Connections Ltd
Air Quality Assessment	Kairus Ltd
Flood Risk Assessment	BSP
Phase 1 Ground Investigation Study	BSP
Statement of Community Involvement	EQ / Cratus

2. Site Description

Site Description

- 2.1 The Application Site (the Site) is located off Colney Heath High Street immediately south of Colney Heath Football Club, approximately 60 metres due east of Colney Heath School and Nursery, as indicated on the Site Location Plan attached at **Appendix 1**.
- 2.2 The Site lies within the St Albans Green Belt and comprises approximately 1.68 ha of undeveloped, arable land abutting the eastern edge of Colney Heath. The Site is accessed from Colney Heath High Street, via a shared, hard surfaced, private road.
- 2.3 The Site is broadly rectangular in form and is not covered by any statutory environmental designations. The Site is not a valued landscape under the NPPF Paragraph 174 definition and there are no protected trees or designated heritage assets directly affecting the Site.
- 2.4 The Site is shown on the Environment Agency's 'Flood Map for Planning' as being within Flood Zone 1 and therefore is at very low risk of flooding.

Site Context

- 2.5 The local area around the western and southern areas of the Site is predominately characterised by existing residential development which forms the eastern village edge of Colney Heath. The Site is bounded to the north by the clubhouse and sports pitches associated with Colney Heath Football Club. The Site is bounded to the south by other arable land, although this is visually separated by a significant linear boundary of trees, hedgerows and a drainage ditch, which run parallel with the northern access track.
- 2.6 The western boundary of the Site adjoins the rear gardens of a small cluster of dwellings which similarly take access directly from the High Street. The south western corner of the Site is bounded by other residential properties and is located within 30 metres of the nearby Crooked Billet Public House on the High Street.
- 2.7 Access to the Site is via Colney Heath High Street, via a private road which is shared with the Football Club. This access runs also close to the southern boundary of the nearby Colney Heath Primary School and Nursery, which is located approximately 60 metres due west of the entrance to the Site.
- 2.8 The closest bus stops to the Site are located on Colney Heath High Street, approximately 400m from the centre of the Site. These bus stops are served by services (230, 305, 312 & 355) and provide links to St Albans and beyond. These services stop at a number of key destinations along their route. Further details are set out in the accompanying Transport Assessment submitted with the planning application. The Site is additionally very well connected to the strategic road network and benefits from direct access onto the A414, via Colney Heath High Street.

3. The Application Proposals

- 3.1 The submitted application seeks approval for a high quality residential development of up to 45 new dwellings, including new affordable, self-build and custom homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works.
- 3.2 The application is made in outline, with all matters reserved for later approval except access. The inclusion of detailed plans for the access road offers certainty and cumulative benefit. The new access road will provide betterment by including footpaths, which will provide pedestrian segregation and enable the access road to be offered for adoption.
- 3.3 All other detailed matters (other than the primary access) will be determined by way of later reserved matter applications. A detailed description of the proposals is provided in the accompanying Design and Access Statement.
- 3.4 In summary, the proposed development comprises the following:
- Up to 45 new, high quality, sustainable homes of a range of scales;
 - A mix of tenure and house types, including the provision of affordable housing at a rate of 40% (18 new homes) which exceeds existing SADC planning policy requirements;
 - Circa 10% additional provision for custom homes (4 new homes).
 - Vehicular access provided from existing access point off Colney Heath High Street;
 - New access footpaths, which will provide pedestrian segregation.
 - A high quality landscaping scheme with retention of most of the existing high-value boundary tree specimens, with significant additional planting of native and new specimen tree / hedge planting to create new landscaped boundaries;
 - Excluding drainage areas, around 28% of the Site is proposed for new public open space and amenity area, for both existing and future residents, complemented by the proposed new landscaping; and
 - Surface water to be drained via a Sustainable Urban Drainable System (SuDS).
- 3.5 The conceptual vision for the Site at Colney Heath is to create a high quality, sustainable new neighbourhood, which successfully integrates with the existing settlement and which balances the need to ensure an efficient use of land, whilst respecting its edge of settlement location.

- 3.6 The precise number and layout of the new homes is reserved for later determination (Reserved Matters) but the Masterplan illustrates an indicative layout which shows that the Site can comfortably accommodate the capacity of the new residential development proposed, whilst also allowing for generous areas of green open space, with substantial new tree planting within the proposed development.
- 3.7 The developable area for the residential dwellings (including residential parcels and streets) will comprise approximately 0.97 ha, whilst the remaining 0.71 ha will comprise new public open space and the required attenuation areas. This land use budget is set out in more detail in the submitted Design and Access Statement.
- 3.8 The proposed overall indicative land budget, as set out in the illustrative Masterplan which accompanies this application, is therefore as follows:

Table 3.1: Land off High Street, Colney Heath: Indicative Land Budget

Red Line Site Area	1.68 ha
New Residential Areas	0.97 ha
Public Open Space	0.47 ha
Self-Build	0.15 ha
Access Road	0.09 ha

- 3.9 The development will be built out at a sustainable density with residential unit heights which will reflect the existing dwellings that surround the Site. The proposals have been formulated on high-level design principles, which respond well to the Site and its local context.
- 3.10 The Site will be accessed via the existing access off Colney Heath High Street, providing access and egress for the Site via a network of internal roads. The existing access road off Colney Heath High Street will also be improved and upgraded into the Site.
- 3.11 In terms of the pattern of settlement, the development of the Site will consolidate an area adjacent to the eastern village edge of Colney Heath, which is already in significant community use, by reason of the adjacent school and clubhouse.
- 3.12 The limited development proposed on the Site will therefore sympathetically reflect the existing pattern of residential development in this part of the village. The proposed green open spaces and additional structural planting will together also help to create an attractive environment for residents in addition to improving local biodiversity.

- 3.13 New planting across the western edges of the scheme will assist with containment in relation to adjoining residential boundaries and new structural landscaping adjacent to the eastern boundary will also assist with softening views into the Site from the west.
- 3.14 Ecological enhancements will also be a key element in the green infrastructure provision to help achieve Biodiversity Net Gain (BNG).
- 3.15 In summary, the proposals seek to create a high quality development which can provide a strong sense of place around its internal spaces but also achieves assimilation within its immediate village and wider landscape context.
- 3.16 The benefits and potential impacts of the scheme are discussed in more detail in the following sections, having regard to the evidence prepared in support of the planning application, the NPPF and the current adopted Development Plan.

Proposed Housing Trajectory

- 3.17 Following the grant of outline planning permission, the subsequent approval of reserved matters and the discharge of conditions, the timescale for the delivery of the Scheme, from the start of construction, is approximately as set out in the table below:

Table 3.1 Proposed Housing Trajectory

Year	2023/24	2024/25
Number of New Market Homes Constructed	11	12
Number of New Affordable Homes Constructed	9	9
Number of New Custom Homes Constructed	2	2

4. Relevant Planning Policy

- 4.1 The Planning and Compulsory Purchase Act 2004 carries forward the provisions of the Town and Country Planning Act 1990 giving statutory force to a plan-led system of development control. Under Section 70(2) of the 1990 Act and Section 38(6) of the 2004 Act, the determination of planning applications must be in accordance with the approved Development Plan unless material considerations indicate otherwise.
- 4.2 This section sets out the relevant national and local planning policy applicable to the submitted development proposals.

National Policy Context:

National Planning Policy Framework

- 4.3 The revised National Planning Policy Framework (NPPF) published in July 2021 sets out the Government's planning policies for England and how these policies are expected to be applied.
- 4.4 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). Paragraph 8 states that there are three dimensions to sustainable development: economic, social and environmental, and that these dimensions give rise to the need for the planning system to perform a number of roles:

'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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;

A 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 fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities, health, social and cultural well-being; and

An 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, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

- 4.5 Paragraph 11 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise):

‘Approving development proposals that accord with an up-to-date development plan without delay; or

Where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.*

- 4.6 Footnote 7 within paragraph 11 of the NPPF identifies that those policies deemed to be ‘out-of-date’ include for applications involving 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’.*

- 4.7 Paragraph 60 of the Framework highlights the need for Councils to support the Government’s objective of significantly boosting housing supply. Paragraph 61 explains that a local housing needs assessment should be used to determine the minimum number of homes that are needed.

- 4.8 Paragraph 69 recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area due to their ability to be built-out relatively quickly. Pursuant to this objective, Paragraph 69 (a) also encourages Councils to specifically identify sites to accommodate at least 10% of their housing requirement on sites of no larger than one hectare.

- 4.9 Paragraph 74 states; *‘local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirements set out in adopted strategic policies, or against their local housing need where strategic policies are more than five years old’.*

- 4.10 To promote sustainable development in rural areas, Paragraph 79 of the NPPF states; *‘housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should therefore identify opportunities for villages to grow and thrive, especially where this will support local services’.*

- 4.11 The proposed Site on land off High Street, Colney Heath, will assist in maintaining the vitality of rural communities and so meets this national criterion.
- 4.12 Paragraph 137 of the NPPF reaffirms that the Government attaches great importance to Green Belts. Paragraph 148 of the NPPF further states:

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

Local Policy Context

- 4.13 The Adopted Development Plan for SADC, comprises the Saved Policies of the District Local Plan Review 1994, the Hertfordshire Minerals Local Plan 2007, the Waste Core Strategy 2012 and the Waste Site Allocations July 2014.
- 4.14 Where policies were adopted prior to the publication of the Framework, Paragraph 219 of the NPPF allows for due weight to be given to them, according to their degree of consistency with the Framework. However a number of the saved policies of the Local Plan Review 1994 are only partially consistent with the Framework and so only limited weight can be afforded to some of them. The proposed Application Site is located within the Green Belt and so the most relevant Saved Policies of the SADC Local Plan Review are **Policy 1** (Green Belt) and **Policy 2** (Settlement Strategy).
- 4.15 Other policies of general relevance are Policy 69 (General Layout and Design) Policy 70 (Design and Layout of New Housing) and Policy 74 (Landscaping and Tree Preservation). The above three policies primarily concern matters that are proposed to be reserved as part of this proposed outline Planning Application. In this regard, the applicant intends to submit suitable parameter plans to provide comfort that the requirements of these policies can be appropriately met at the reserved matters stage.
- 4.16 **Policy 1:** Green belt, requires that applicants demonstrate very special circumstances for inappropriate development to proceed, which accords with the NPPF. This requires the harms and benefits of a proposed scheme to be weighed in the planning balance and this assessment is undertaken at Section 6 of this Statement.
- 4.17 **Policy 2:** Settlement Strategy, seeks to direct development to the main towns and also seeks to protect and enhance the character of existing settlements.
- 4.18 In the case of the Tarmac proposals, the impacts of the development are in the context of the Colney Heath Site area having an urban village edge character and as such, these impacts will be sympathetic to the existing character and highly localised.

Housing Need and the Five Year Housing Land Supply

- 4.19 A key Government planning priority is to significantly boost the delivery of new housing. As stated, the NPPF recognises that small to medium scale sites, particularly those of 1 hectare in area, such as Land off High Street, Colney Heath, which are unconstrained and do not require any significant upfront infrastructure can be built out relatively quickly.
- 4.20 The Saved Policies of the Local Plan Review 1994 are now approaching 30 years old and so exceed the five year threshold set by Paragraph 74 of the NPPF by a considerable margin. Therefore, for the purposes of identifying the five year housing land supply, the local housing need must be based on the Government's new standardised methodology. For St Albans, this broadly equates to approximately 900 new homes per annum over the new Plan period, which represents a step change in previous housing requirements.
- 4.21 Unsurprisingly, in the absence of an up to date adopted Local Plan, SADC is unable to demonstrate a five year housing land supply and has acknowledged in both appeal and committee planning decisions throughout 2021 that from a base date of 1st April 2020, that there has only been a 2.4 year housing land supply. This represents a 50% shortfall below the national minimum policy requirement which is materially significant.
- 4.22 However, at the time of writing this position has now been further revised downwards. The evidence for this is set out in the officer's report presented to the Planning Referrals Committee on 20th December 2021, for an application proposal in the Green Belt on land off Orchard Park Road, Park Street, St Albans, (application reference 5/2021/2730/SSM). The officer's report confirms that from a base date 1 April 2021, SADC currently now only has a housing land supply of **2.2 years**, which is substantially below the required 5 years. This clearly indicates that in the absence of an up to date Local Plan and any permissive framework within which new strategic housing can legitimately come forward, that the residual housing land supply has seriously declined and will continue to do so.
- 4.23 This position is also unlikely to be resolved for the foreseeable future as the Council does not have an emerging replacement Local Plan, to which any weight can yet be attributed. In this regard, whilst many attempts have been made to replace the Local Plan, since 1994, these have all been rejected by the Secretary of State, due to either a lack of soundness or failings under the Duty to Cooperate. The most recent (third) emerging Plan was abandoned for these reasons in November 2020. Whilst a fourth attempt at drafting a Local Plan has now commenced, with a target of producing a new Local Plan for Examination before the end of 2024, there can therefore be no certainty as to when the extant 1994 Local Plan is likely to be replaced.
- 4.24 Accordingly, and for the foreseeable future, the Council will continue to not have a five year supply of housing land, contrary to Paragraph 74 of the NPPF, which is a material consideration of very substantial weight. This was the scale of weight attributed by the Inspector in the July 2021 Bullens Green Lane appeal decision, which is discussed in context at Section 6. In terms of affordable housing provision, the outlook is also considerably bleak, as discussed in Section 5.

5. Assessment of the Application Proposals

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the relevant Development Plan unless material considerations indicate otherwise. In view of this principle, this assessment of the application proposals section takes into consideration the NPPF, the current (saved) Development Plan policies for St Albans District Council and the emerging Local Plan (where relevant and to the extent that any material weight can be attached to it at this stage), and technical considerations including highways, flood risk, drainage and ecology.

The Planning Balance

- 5.2 The NPPF has a presumption in favour of sustainable development whereby Paragraph 11 states that LPA's should approve development proposals that accord with an up to date development plan without delay; or, where there are no relevant development plan policies or the policies which are most important for determining planning applications are out of date, to grant planning permission, unless

i) the application policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposal;
or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework as a whole.

- 5.3 The Site lies outside, but closely adjoining, the settlement boundary of Colney Heath. However, the considerable and persistent lack of a deliverable five year housing supply means that the most important development plan policies for determining the Tarmac application are out of date as they do not provide for a sufficient supply of housing land.
- 5.4 Whilst the Site is currently located in the Green Belt, there are many substantial benefits of the Scheme which can be demonstrated in this case to justify the release of the Site for development, as presented here and summarised in Section 6 of this Statement.

Suitability of Location

- 5.5 The Site is in a sustainable edge of settlement location adjacent to existing education and community facilities and within a reasonable walking distance of other local services. Importantly, the Site is located within 5 minutes of bus stops on the High Street which provide a frequent service into St Albans Town Centre and to nearby London Colney, which has an extensive, sub-regional retail offer (Colney Fields).
- 5.6 The Application Site is therefore a suitable and highly sustainable location in principle and this attracts **significant positive weight** in the planning balance.

- 5.7 The public benefits of the development include: the **social benefits** of the provision of market housing and affordable housing in circumstances where there is a local and national shortage against assessed needs; the **economic** and **employment** benefits associated with the construction and subsequent occupation of the housing, including local spending in shops and services; benefits to bio-diversity of flora and the provision of on-site public open space in full accordance with local policy requirements.
- 5.8 The NPPF encourages new housing developments to make the best use of land. The net residential area is 1.1 ha for up to 45 dwellings. The proposal therefore makes efficient use of the land at a sustainable density which is appropriate given the Site's location on the edge of Colney Heath. The proposed development therefore performs a positive economic, social and environmental role and comprises sustainable development.
- 5.9 Given the significant unmet identified housing need in the District and that the Council's strategic policies are considerably more than five years old, the Tarmac proposals at Colney Heath can help make a positive early contribution to the Council's continuous delivery of housing, as required by Paragraph 74 of the NPPF.
- 5.10 The socio-economic benefits of up to 45 new market and affordable homes on this sustainable site are therefore afforded **very substantial weight** in the planning balance.

Affordable Housing Statement

- 5.11 The position with regards to affordable housing in St Albans District was confirmed at Paragraphs 53 and 54 of the Roundhouse Farm, Bullens Green Lane, Colney Heath, Planning Appeal (APP/B1930/W/20/3265925), dated 14th June 2021 (see Section 6).
- 5.12 Since the period 2012/13, a total of only 244 net affordable homes have been delivered in the St Albans District at an average of 35 net dwellings per annum. This equates to a shortfall in the region of 4000 dwellings (94%) which, if the Council were to attempt to address over the next 5 years, would require the delivery of 1,185 affordable dwellings per annum. In this regard, it is also important to note that this scale of affordable housing supply deficit was uncontested by the Council at the above Bullens Green Lane Appeal, as confirmed by the Inspector at Paragraph 53 of the decision.
- 5.13 The uncontested evidence provided as part of the above appeal demonstrates that the affordable housing needs in the area are therefore very acute. At Paragraph 54, the Inspector noted that the *'persistent under delivery of affordable housing.... presents a critical situation'*. The Inspector accorded *very substantial weight* to the provision of new affordable housing in the District and this remains the case.
- 5.14 The Tarmac proposals at Colney Heath will provide an above policy compliant level of new affordable homes at a ratio of **40%** of the total housing to be delivered on the Site. This equates to up to **18** new affordable homes, which can be used in part towards addressing the current affordable housing shortfall in the District.

- 5.15 These new affordable homes will include a mix of scales and tenures and will also include **4 First Homes** (25% of the minimum required SADC affordable provision) in accordance with NPPG (Paragraph: 011 Reference ID: 70-011-20210524).
- 5.16 The benefit of the provision of up to 18 new affordable homes on this sustainable and accessible site is therefore afforded **very substantial weight** in the planning balance.

Strategic Green Belt Assessment

- 5.17 The **Green Belt Review Purposes Assessment: November 2013** (Green Belt Study) is the extant strategic Green Belt evidence available to the Council, relative to this site. In this regard, Colney Heath lies within assessed Green Belt Parcel **GB34**. The assessed Parcel is some 419 ha in total area and so the application site equates to less than 0.5% of the area, assessed by the Study. In this regard, the Green Belt Review was criticised by the Local Plan Inspector in 2020 as having been undertaken at too strategic a level, which is suitably demonstrated by this application site as an example.
- 5.18 The function of Parcel GB34 was assessed as making a significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern, by providing a gap between Hatfield and London Colney.
- 5.19 The Parcel was also assessed as making a partial contribution towards preventing the merging of St Albans and Hatfield and preserving the setting of London Colney, Sleafshyde and Tyttenhanger. The wider strategic Parcel GB34 was therefore considered to contribute significantly towards two of the five Green Belt purposes.
- 5.20 The assessment noted that, in combination, GB34 contributed towards maintaining the strategic gap between St Albans and Hatfield. The assessment also noted that as a whole, that the gap contains built development associated with 3rd tier settlements in the Green Belt. However, any minor reduction in the gap would be unlikely to compromise the separation of 1st tier settlements in physical terms, or overall visual openness.
- 5.21 The gap south to Colney Heath was noted as relatively free of development, however the gap to the north is more built up and narrower. Therefore any reduction in the gap to the north of Colney Heath was judged to compromise the separation of settlements in physical and visual terms and local levels of visual openness.
- 5.22 In contrast, any minor reduction to the south was judged to be a less significant assessed impact. Parcel GB34 also adjoins the London Colney and Sleafshyde Conservation Areas, however the assessment noted that visual connection or views to these areas are limited by local routes and wooded areas.
- 5.23 For the avoidance of doubt, Tarmac does not except these findings, even at the high strategic level at which the 2013 Green Belt assessment was prepared. This is qualified by the more Site-Specific Green Belt Assessment undertaken by Turley and submitted in support of the planning application, as set out below.

5.24 Accordingly in terms of assessing the five purposes of Green Belt, as set out in Paragraph 137 of the NPPF the evaluation of the Tarmac Site at Colney Heath can be broadly summarised as follows:

a) To check unrestricted sprawl of large built up areas

5.25 The Tarmac proposal is for a landscape-led development with high standards of design, landscaping and social integration with the existing settlement of Colney Heath including the provision of significant new green infrastructure.

5.26 The development of the application Site for residential purposes, as set out in these submissions, would help to maintain the existing settlement identity of Colney Heath. The proposals would, by reason of their cohesive nature, being located in close proximity to an existing and well used village community hub, would therefore not represent any unrestricted sprawl in this area of the settlement.

b) To prevent neighbouring towns merging into one another

5.27 The nearest affected towns are St Albans and Hatfield which could not be physically coalesced by the residential development of the proposed application site, by reason of its location, relative to these two settlements and the extent of the intervening land area within the A414 corridor.

5.28 As such, the built element of the proposed residential use would be visually contained within the boundaries shown on the Masterplan and would not be prejudicial to this Green Belt purpose.

c) To safeguard the countryside from encroachment

5.29 The areas of the Site proposed for built development are visually self-contained and are adjacent to established and defensible boundaries. Therefore the partial development of the identified sections of this site would not represent any visual encroachment into the open countryside in this particular location. Further evidence in this regard can be found in the Turley **Landscape and Visual Appraisal** submitted with this application which is summarised at Paragraph 5.40 below.

d) To preserve the setting and character of historic towns

5.30 The Site at Colney heath is not directly proximate to any historic towns, as it is located some distance away from the nearest historic town at St Albans.

5.31 The nearest Conservation Area to the site is the Sleafshyde Conservation Area to the north. Sleafshyde is a small village, not a town and any potential impacts would be *de minimis* and effectively mitigated by the physical separation caused by the A414 corridor. However, any perceived impacts can be suitably managed through the detailed design process, as illustrated in principle by the Framework Masterplan.

e) To assist in urban regeneration

- 5.32 The small scale residential development of this Site for sustainable development would not be prejudicial to the delivery of urban regeneration elsewhere in the District.
- 5.33 The combination of the scale of the unmet housing requirement, the limited urban capacity for brownfield redevelopment and the high predominance of Green Belt throughout the District, means that the release of Green Belt will be a necessary key element for both development management decisions and the spatial strategy of the new Local Plan.

Local Green Belt Assessment

- 5.34 A Site-Specific Green Belt Assessment (GBA) has been undertaken by Turley and submitted in support of the planning application. The GBA notes that the Application Site is relatively well contained on three sides by the existing hedgerow structure; the surrounding mature tree belts; and, surrounding development to the south and west. The north-eastern boundary is currently open and follows an arbitrary line. Key visual receptors with views towards the Application Site include pedestrians and road users on the High Street; users of Colney Heath Common; the local community of Colney Heath; and, users of the local public right of way network.
- 5.35 The GBA identifies that the Site is situated within Strategic Parcel 34 (GB34) which extends between London Colney and Hatfield, and is defined around the Colne Valley. The Strategic Parcel includes three 3rd tier settlements (settlement washed over by the Green Belt) with Colney Heath being one of these settlements.
- 5.36 The conclusions of the GBA are that; when assessed separately, the Site makes Limited or No Contribution checking the unrestricted sprawl of large built-up areas (Purpose 1). The Site is located adjacent to Colney Heath and is sufficiently separated from a large built up area for there to be no significant potential for urban sprawl. The GBA concludes that the Site is considered to therefore make a notably lower contribution to Purpose 2 than the wider GB34 parcel. The western part of the site is well enclosed by existing development; the gently rising landform to the north east provides a separating feature and reduces inter-visibility between the Tier 1 settlements meaning that it makes only a very limited contribution to the perceived gap between St Albans and Hatfield.
- 5.37 The eastern part of the site makes a greater contribution to the perceived gap between towns due to it being more clearly visible from the public footpaths. However, the gap is relatively large in this area and the preservation of the Site in its current form is not critical to maintaining this gap. A strong actual and perceived gap would also remain if development were introduced. The Site is assessed as having a 'Limited or No Contribution' to Purpose 4, due to it not being part of the setting of any historic town. The nearest Conservation Area is Sleafshyde Conservation Area 500m to the north, however, the North Orbital Road/A414, and the vegetation along the carriageway, together with the woodland to the north of the Site, provides strong separating features.

- 5.38 In summary, the Turley GBA considers that the Application Site makes the same or an even lower contribution to Green Belt purposes than the wider G34 Green Belt parcel. Development of the Site would result in the loss of openness of a single, rectilinear field. However given its location on the edge of Colney Heath, adjacent to a well-used village hub, comprising a Football Club and a primary school, there are opportunities, through good design, to limit harm to the wider Green Belt. The open qualities of the views, associated with the arable fields and surrounding public rights of way network would also be maintained by the proposals.
- 5.39 This lack of harm reinforces the suitability of the Scheme location and is therefore afforded **neutral** weight in the planning balance.

Landscape and Visual Appraisal

- 5.40 A Site-Specific Landscape and Visual Impact Appraisal (LVIA) and Site-Specific Green Belt Assessment (GBA) has been undertaken by Turley and submitted in support of the planning application.
- 5.41 The study area for the LVIA includes both the Application Site and the surrounding wider context within a 1km radius. The extent of the study area was informed by the field study and review of available mapping data to determine the approximate Zone of Visual Influence (ZVI) of the Application Site.
- 5.42 A preliminary desk study was undertaken to establish the physical components of the Application Site and its surroundings. This was followed by a field study undertaken by a chartered landscape architect from Turley Landscape and VIA in October 2021. The key features of the Site were verified, and representative viewpoints explored and confirmed as appropriate. This was accompanied by the identification of local landscape character areas within the Study Area to help describe the wider surroundings of the Site and understand how the development may affect the wider landscape.
- 5.43 The conclusions of the LVIA are that in terms of visual openness, there would be minimal or no changes to many of the views currently experienced from the surrounding area. The proposed built form of the Scheme would typically be enclosed by existing built form and vegetation. Limited views of the roofs of buildings would be read in context with other existing views of the existing buildings and this would result in little change to the character of views. The open qualities of the views, associated with the arable fields and shrouding public rights of way network would also be maintained.
- 5.44 The existing field boundary hedgerows and vegetation would continue to filter views of the Site. Whilst there would be some views of the proposed buildings, this would not represent a significant change given the existing built form and the new homes would reflect the character of existing buildings. Following establishment, the strengthening of boundary hedgerows and new tree planting to north-east and south-eastern boundaries would also reinforce the existing characteristics of the landscape, and help to soften the appearance of both existing and proposed built form.

- 5.45 The level of visual openness experienced in views towards the Site would therefore be preserved and the Scheme would not limit any wider views of open countryside, which are already largely prevented by existing buildings.
- 5.46 The Scheme would be perceived as part of the existing settlement and would not sever wider views across the Green Belt or result in a perceived reduction in openness to views. The Proposal would also not alter the perception of openness as experienced in the wider countryside.
- 5.47 This lack of local visual harm reinforces the suitability of the Scheme location and is therefore afforded **neutral** weight in the planning balance.

Transport

- 5.48 A Transport Assessment (TA) has been prepared by David Tucker Associates (DTA) in support of the proposals and considers the traffic impact of the Scheme on the adjacent highway network.
- 5.49 The TA identifies that the site is in an accessible location and within easy walking distance of the primary school, convenience store and village hall. The TA notes that employment areas at Alban Park are within 2km of the site.
- 5.50 The nearest doctor's surgery, secondary school, dental practice and further employment are also within 5km of the site. Furthermore that the Site is also located with close proximity to bus services and the strategic road network.
- 5.51 The TA states that the development would generate only modest vehicular movements during the morning and evening peak. Nearby junctions have been modelled by DTA and are forecast to operate within capacity during the morning and evening peaks. Parking on site will also be provided in general accordance with parking standards set by the Local Authority.
- 5.52 Overall, the TA assesses that the impact of the development will not have a significant impact on the operation of the local road network. The revised NPPF advises that development proposals should only be refused where the impact is severe. The TA however identifies that this is not the case with the Application Site, as the proposals are considered to be fully compliant with current transport policies.
- 5.53 The overall conclusions of the TA are that there are no transportation related reasons why the development proposal should not be granted permission by SADC. This lack of material harm to the local highway network is therefore afforded **neutral weight** in the planning balance.

Flood Risk Assessment and Drainage Strategy

- 5.54 A Flood Risk Assessment (FRA) and a Drainage Assessment (DA) have been prepared by BSP Consulting and submitted in support of the Planning Application.

- 5.55 The FRA notes that the Application Site falls within EA Flood Zone 1 and so is at very low risk of flooding and appropriate for the residential use proposed. The EA Risk of Flooding from Rivers and Sea mapping, shown in Figure 3.2 of the FRA, indicates that the Site has less than a 1 in 1,000 annual probability of flooding from Rivers and Sea.
- 5.56 The FRA identifies that whilst the River Colne, an EA Main River, is located approximately 151m to the south of the site, this River is located on the opposite side of the High Street.
- 5.57 As such, the Site is situated on ground higher than that to the south of High Street and is therefore not at risk of fluvial flooding from the River Colne.
- 5.58 Figure 3.3 of the FRA shows the Risk of Flooding from Surface Water mapping and indicates that almost the entire site is at a very low risk of surface water flooding (<0.1% AEP). However, towards the northern boundary of the site there is a small, isolated area at low risk (0.1% AEP) of surface water flooding. The FRA also confirms that the Site is considered to be at low risk of flooding from groundwater sources.
- 5.59 With regard to flood risk from sewers and infrastructure, the local sewers are operated and maintained by Thames Water (TW). TW sewer records indicate that there is a public foul sewer located adjacent to the northern boundary of the site, to the south of Colney Heath Football Club. There are no other public sewers in close proximity to the site. Enquiries have been made by BSP with TW, as statutory provider, regarding possible capacity issues and historical sewer flooding incidents. In response, TW have not raised any concerns regarding existing flood issues or capacity problems.
- 5.60 The FRA therefore concludes that the Site is developable in terms of the proposed use and flood risk and makes a number of recommendations to ensure flood risk at the Site is minimised, including the use of permeable paving for parking spaces and private pedestrian footways, and the creation of bioretention gardens along the main highway curtilage and in landscaped areas to the south of the site. Foul water from the site should drain to the public foul sewer, located to the north of the site, via a pumped discharge.
- 5.61 This lack of material harm in terms of flood risk and drainage is therefore afforded **neutral weight** in the planning balance.

Ecological Impact Assessment

- 5.62 An Ecological Impact Assessment (EclA) has been undertaken by Ramm Sanderson and submitted in support of the planning application. The EIA also includes a Biodiversity Net Gain (BNG) calculation, which is favourable and of material weight.
- 5.63 The EclA identifies that the existing habitats on the Site are generally of limited ecological value. The arable land offers suitability for ground nesting birds but is otherwise limited. The hedgerows and tree lines were noted for their ecological value, providing linear features for commuting and foraging species and these will be retained where possible.
- 5.64 No invasive or non-native species were identified during the ecological survey, including those listed on Schedule 9 of the Wildlife and Countryside Act 1981.

- 5.65 There are no impacts upon statutory designated sites anticipated from the proposals as it is not within the categories listed for any SSSI IRZ.
- 5.66 The EclA notes that there are no water bodies (including ponds suitable for amphibian breeding) within the site. There are two ponds within 250m of the site and three more ponds within 500m of the site. These are mostly stocked with fish and as such, any amphibians within the lakes are likely to be subject to predation.
- 5.67 With regard to Bats, no roosting features were identified on site during the preliminary ecological appraisal. A number of mature trees were present within the hedgerows and boundaries, however no roosting features were noted at ground level.
- 5.68 With regard to Birds, the tree lines and hedgerows along the boundaries of the site provide suitable habitat for nesting birds, including Birds of Conservation Concern. However due to the limited size of the site, the EclA identifies that these habitats are not likely to support any significant populations of protected birds. Furthermore, these boundaries are to be retained as part of the development and as such, any impacts upon nesting birds will be limited.
- 5.69 Based on the successful implementation of the proposed avoidance, mitigation and enhancement measures, the development is therefore not anticipated to result in any significant residual negative effects on important ecological features. This matter is therefore afforded **neutral weight** in the planning balance.

Biodiversity Net Gain Assessment

- 5.70 A Biodiversity Net Gain (BNG) Assessment has been undertaken by Ramm Sanderson and a BNG Report and Metric are submitted in support of the application. The Government has confirmed its intention to mandate BNG at a minimum of 10% through the Environment Act 2021, which has been enacted into UK law. Schedule 14 (which will require 10% BNG as a condition of future permissions) requires secondary legislation before it can come into force. This is anticipated to be no earlier than November 2023.
- 5.71 In the interim, any increase in BNG on proposal sites will attract due weight in the planning balance, proportionate to the scale of the BNG proposed. However, in advance of the mandatory 10% minimum requirement, it is clear that development proposals which are able to unilaterally achieve a 10% BNG in advance of the requirement should be afforded significant weight in the planning balance.
- 5.72 In this regard, the proposed development has the capability to materially increase the existing biodiversity baseline by at least 10%. Following input of habitat data into the DEFRA Metric 3.0, it is considered by Ramm Sanderson that there will be quantified net gain in biodiversity of 0.85 habitat units (22.56%) and a gain of 0.39 linear units (15.53%) across the site.
- 5.73 This equates to a net BNG increase of over 10 % based on the Draft Turley Masterplan submitted with the outline application.

- 5.74 In consideration of the potential to increase overall biodiversity of the Site by over 10% the matter of BNG is therefore afforded **significant weight** in the planning balance.

Open Space

- 5.75 The Site is predominantly in arable use and is considered to be of low ecological value, as qualified by the EIA. The proposals represent a high quality residential development which will include generous areas of open space in the eastern area of the Scheme with new structural planting to enhance the habitat and green infrastructure credentials of the public realm.
- 5.76 The Illustrative Masterplan provides for approximately 0.47 ha of informal and formal areas of open space, equating to around 28% of the Site (excluding areas of drainage).
- 5.77 These new areas of public open space will deliver both social and environmental benefits for the local community. It is considered that these benefits should therefore be afforded **significant weight** in the planning balance.

Utilities Study

- 5.78 A Level 1 Utility Study has been undertaken by Utilities Connections Management Ltd (UCML) and submitted in support of the application.
- 5.79 The UCML report concludes that, based on the information currently available for review, the existing utility infrastructure within the vicinity of the development site appears to be capable of supporting the additional demand required to provide connections for the proposed development of up to 45 new homes.
- 5.80 In this regard, UCML identify that there are existing electricity, gas, clean water, and telecoms services in the vicinity of the Site, which should have sufficient capacity to serve the development proposed by the application.
- 5.81 UCML recommends that formal applications are therefore made to the relevant statutory network operators to confirm the availability of capacity within the existing networks and to provide the points of connection.
- 5.82 Given the location and proximity to existing services, it is also considered possible to undertake the connections works as part of a multi utility offering which would combine the installation of electricity, gas, water and telecoms under a single works contract.
- 5.83 This lack of material harm in terms of utilities and the availability of likely capacity is therefore afforded **neutral weight** in the planning balance.

Phase 1 Ground Investigation

- 5.84 A phase 1 Ground Investigation study has been undertaken by BSP Consulting and submitted in support of the application.

- 5.85 The BSP report concludes that there is considered to be a low risk to human health and controlled water receptors based on redevelopment of the agricultural land identified on-Site, which is in arable use.
- 5.86 It is recommended that further site investigation should be undertaken to identify ground conditions and confirm a programme of mitigation, these assessments can be secured by way of an appropriate planning condition.
- 5.87 This matter is therefore afforded **neutral weight** in the planning balance.

Heritage Assessment

- 5.88 A Heritage Assessment has been undertaken for the Site by Andrew Josephs Associates (AJA) and submitted in support of the application.
- 5.89 The potential for direct effects upon archaeology and indirect effects upon off site statutorily designated assets have been assessed within the framework of national planning policy and guidance, as well as the saved policies in the SADC Local Plan Review. Specifically, the Assessment has been undertaken in line with paragraph 194 of NPPF.
- 5.90 The AJA assessment concludes that there would be only a slight change to the setting of one Grade II listed building, at Apsley Cottage. Two further Grade II assets; The Crooked Billet Public House and 94 High Street would also experience change, albeit of negligible magnitude. Accordingly, there would be no effect upon the ability to appreciate the significance of these three heritage assets.
- 5.91 The AJA Assessment also notes that each of these assets has also been extended in the 20th century, with the Crooked Billet and No.94 significantly so, to the extent that the legibility of these two listed buildings has been detrimentally affected.
- 5.92 In addition, their setting is in the context of predominantly modern development with a main road along the front of their curtilages. Apsley Cottage is noted in the Assessment as being set back from High Street behind a good hedge. Accordingly the Assessment concludes that with a carefully designed buffer of gardens and enhanced planting along the boundaries, as part of the reserved matters stage, the significance of the change in setting should not be material in decision-making for this outline application.
- 5.93 With regards to archaeology, the AJA Assessment finds that there is no evidence of archaeological significance within the proposed development area and current evidence suggests that the Site is of low potential. The Assessment notes that the Site has also been ploughed since the 19th century which has truncated any archaeology present.
- 5.94 The Assessment therefore concludes overall that there would be no known effects upon archaeology and only a slightly adverse effect upon the setting of one listed building (Apsley Cottage). There would accordingly be no effect upon the ability to appreciate the significance of any designated assets, which is the test set by Historic England.

- 5.95 As such, S.66 (1) of the planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy 86 of the St Albans District Local Plan (1994) which states that where proposals effect the setting of a building of historic interest, the Council will have due regard to the desirability of preserving the building, its setting, or any features of architectural or historic interest which it possesses.
- 5.96 As the proposed development accords with both national and local policies relating to heritage and archaeology, with only a slight adverse effect identified on one building and with no effect upon the ability to appreciate the significance of any designated assets, this matter is afforded **neutral weight** in the planning balance.
- 5.97 Notwithstanding the assessment of less than substantial harm, at the lowest end of the scale, relating to one individual building, the conclusions of this Statement are that any residual minor adverse harm is clearly outweighed by the public benefits of the proposals, which are set out at paragraph 3.4 and reflected in the section below.

S106 Contributions and Heads of Terms

- 5.98 St Albans does not have an adopted CIL Charging Schedule. However the Council needs to comply with requirements of 'The Community Infrastructure Levy Regulations 2010'. Paragraph 122 of the 2010 Regulations sets out limitations on the use of planning obligations under section 106 of the Town and Country Planning Act 1990 as amended to secure community benefits for a scheme.
- 5.99 The following S106 obligations are anticipated as part of the proposed development:
- The proportion of affordable housing to be delivered as part of the development will be **40%** (up to 18 dwellings) details of which, will be secured as part of the S106 agreement.
 - Up to **10%** of the new homes (4) will also additionally comprise Custom Homes.
 - Public Open Space and play provision will be provided directly on site.
 - Where required, financial contributions will be made towards education, as agreed with Hertfordshire County Council, as the relevant Education Authority.
 - Where required, financial contributions towards health care provision will be agreed with the NHS Clinical Commissioning Group.
 - Where required, financial contributions towards new community facilities in Colney Heath will be agreed with SADC.
 - An increase in Biodiversity Net Gain (BNG) will be secured across the site and all new public open space areas will be suitably managed in terms of long term stewardship.

6. The Planning Balance and Conclusions

- 6.1 This Statement has been prepared in support of an outline planning application for the erection of up to 45 new homes, including **18** new affordable homes, with generous areas of landscaping and new public open space at Land off High Street, Colney Heath.
- 6.2 The starting point for the assessment of the submitted proposals is that there continues to be an acute and deteriorating housing crisis in St Albans which is the consequence of a failure to appropriately plan for 30 years. The failure of the last attempt to bring forward a new Draft Local Plan and the trajectory of the latest Local Development Scheme indicates that there is no short or medium term plan-led solution.
- 6.3 Most of the St Albans District is washed over with Green Belt. This means that meeting the District's future housing needs on land which is currently in the Green Belt is not only a possibility, it's an absolute certainty. However, the lack of any plan-led way of achieving this for the foreseeable future, means that the Council must objectively consider the approval of application proposals and deliver the new homes it so urgently needs by applying the planning balance set out in Section 148 of the NPPF.
- 6.4 This section identifies how the limited harm to the Green Belt arising from the Tarmac proposals at Colney Heath is clearly outweighed by the benefits of the proposals and other relevant considerations, including recent analogous appeal decisions in St Albans District and decisions made on other Green Belt proposals by St Albans Council itself.
- 6.5 As set out in the preceding section, the Council's own evidence base suggests that, taken in isolation, the Site makes a limited or no contribution towards the primary function of Green Belt. Accordingly the land is not required in terms of checking sprawl, preventing merging, safeguarding the countryside, preserving setting or maintaining any identified local gaps.
- 6.6 In terms of other potential harms, there will be limited harm to the character and appearance of the settlement, by reason of the concentration of community activities in this part of the village. In addition, all technical issues are capable of resolution by way of planning conditions and/or S106 agreements. As such, taking the primary Green Belt issue aside, given the sustainable location of the proposals, there will be no other material harm arising from this Site, sufficient to warrant any site specific reasons for refusal.
- 6.7 The material considerations which weigh in favour of the submitted proposals are significant and in terms of the overall planning balance, the benefits clearly outweigh the identified limited harms.

- 6.8 Fundamentally, the adopted St Albans Local Plan dates from the latter part of the last Century and so the spatial evidence base which informs the Local Plan was undertaken nearly 30 years ago.
- 6.9 Whilst three attempts have been made in the interim to replace the Local Plan, these have been rejected by the Secretary of State, due to a lack of soundness and other failings under the Duty to Cooperate. Whilst a fourth attempt at drafting a Local Plan has now recently commenced, there can be no certainty as to when the extant 1994 Local Plan is likely to be replaced.
- 6.10 Consequently no weight can be attributed to the latest emerging Local Plan, as the Plan is only currently at the evidence gathering stage and no spatial strategy or site proposals are likely to emerge until at least 2023. Notwithstanding this future inaugural stage of the next Local Plan, it will still carry little or no weight in decision making throughout 2023.
- 6.11 In the interim and for the foreseeable future, the Council will not be able to demonstrate a five year housing land supply, which will continue to diminish. This has been acknowledged in planning appeals and the most recent officer reports confirm that from a revised base date of 1st April 2021, that there is only a **2.2 year** housing land supply remaining which is further evidence of material decline during the course of 2021 and represents more than a 50% shortfall below the national minimum policy requirement. This situation is also likely to persist and further erode for the foreseeable future, for the reasons given.
- 6.12 The provision of new market and affordable housing in a sustainable location, which can be delivered quickly and which, in isolation, contributes very little or no primary Green Belt function, is therefore a material consideration to which very substantial weight should be attached.
- 6.13 This is clearly evidenced by the June 2021 Appeal Decision at **Roundhouse Farm, Bullens Green Lane, Colney Heath** (APP/B1930/W/20/3265925) wherein an Inspector appointed by the Secretary of State, allowed an appeal in the Green Belt for up to 100 new dwellings on an unallocated site, following the refusal of permission by both St Albans and Welwyn Hatfield Councils by reason of harm to the Green Belt (the Site falling within both Local Authority areas).
- 6.14 The Inspector identified that Paragraph 59 of the Framework (Para 60 of the revised 2021 NPPF) seeks to support the Governments objective of significantly boosting the supply of homes. In order to achieve this, the Framework notes that it is important that a sufficient amount and variety of land can come forward where it is needed. At Paragraph 48 of his report, the Inspector noted:

'It is common ground that neither SADC nor WHBC can demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties

also agreed that this is not a matter upon which the appeals would turn. I agree with this position. Even taking the Councils supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant.'

- 6.15 The Inspector concluded that there is no dispute, given the existing position in both areas, that the delivery of new housing represents a benefit. The Inspector also noted that from the evidence presented for both authorities that this is not a position upon which the Inspector envisaged that there would be any marked improvement on, in either the short to medium term.
- 6.16 The Inspector therefore afforded *very substantial weight* to the provision of new market housing, which would make a positive contribution to the supply of market housing in both local authority areas (IR Paragraph 50).
- 6.17 Significantly, neither St Albans nor Welwyn Hatfield Councils chose to challenge this appeal decision. Accordingly in the absence of any new Local Plan for the foreseeable future in St Albans, with no certainty of outcome, given past events, this appeal decision sets a very significant and material precedent.
- 6.18 This has been suitably demonstrated by the subsequent approval by St Albans Council of an application for 150 new homes on land to the rear of **112-156b Harpenden Road**, St Albans, in August 2021. The Site is also situated in the Green Belt and comprises 5.24 hectares of meadow land, located behind the rear gardens of residential dwellings fronting Harpenden Road.
- 6.19 The planning history of the Harpenden Road Site demonstrates that a series of outline planning applications for smaller scales of development were refused by the Council in the period 2011 – 2014. These numerous and repeated refusals were primarily made on the basis of the unacceptable impact on the Green Belt and on the character and appearance of the area.
- 6.20 However, notwithstanding this adverse planning history, the Council approved a larger scheme on the Site, in recognition of the Bullens Lane appeal decision and the uncertainty surrounding the timescale for a new Local Plan (Planning Referrals Committee, 26th July 2021).
- 6.21 The rationale for approving the above application is set out at Section 8 of the Officer's Report, which states that no draft policies for the new Local Plan have been produced and so no weight can be attached to it in decision making. The Officer's Report also makes clear that any argument that an application may be premature cannot justify a refusal of permission because there is no Local Plan for the application to be premature to and the criteria set out in paragraph 49 of the NPPF are also not satisfied. The Report notes that the potential outcome of evidence being prepared for the new Local Plan or the likelihood of land being allocated, or otherwise, as a result of that evidence, must not be prejudged.

- 6.22 The Officer's Report also made clear to Members that any applications before the Council for decisions now, must therefore be treated on their own merits, based on relevant policy and other material considerations which apply at the time of making the decision.
- 6.23 In this respect, having regard to the perilous five year housing land supply position in St Albans and the lack of demonstrable harm on the application site, permission was therefore granted for a speculative new housing development in this part of the St Albans Green Belt, notwithstanding its adverse history.
- 6.24 Of further significance is that this application was subsequently then referred to the Secretary of State, as required, under the Town and Country Planning (Consultation) (England) Direction 2009, whom chose not to intervene in the Council's decision (letter dated 13th August 2021).
- 6.25 Accordingly, it is quite clear that in the context of St Albans district, both the Secretary of State and the Council agree that the chronic housing supply deficit and the absence of any up to date Local Plan are now, in combination, of such material significance that they are capable of being a very special circumstance, as defined by the NPPF. Furthermore, that each new application for planning permission is unique and so must be treated on its own merits.
- 6.26 This has most recently been reflected in the proposed development of land off **Orchard Drive, Park Street**, for 30 new homes. The site is situated in the Green Belt and the housing proposals comprise inappropriate development, for which permission can only be granted in very special circumstances.
- 6.27 In the report to the Planning Referrals Committee, held on 20th December 2021 (5/2021/2730/SSM) officers identify that at Orchard Drive, the harm relates to the Green Belt, some limited harm to character and appearance and some harm to amenity during construction. Officers however confirm limited conflict with the most important policies of the Development Plan (which is analogous to the case we have set out in this Statement for Land off High Street, Colney Heath).
- 6.28 The benefits identified by officers include the provision of new market and affordable housing and the commitment to 10% biodiversity net gain. These considerations are considered by officers to clearly outweigh the harm to the Green Belt in this particular case, given that there are no technical objections to the application. Officers consider the access to be safe and appropriate and that the impacts of the development can be appropriately mitigated by way of planning conditions and obligations in an s106 Agreement.
- 6.29 At the Planning Referrals Committee, held on 20th December 2021, Members resolved to grant outline planning permission for residential development on this unallocated Site in the Green Belt.

- 6.30 The reasons given by SADC Members for approving the Scheme was the lack of any site specific harm, the benefits of new affordable homes and the shortfall in the Council's housing land supply.

High Street, Colney Heath – Considerations and Summary of Benefits

- 6.31 The NPPF obliges all local planning authorities to ensure that substantial weight is given to any harm to the Green Belt. Whilst very special circumstances can be used to justify approval of development in the Green Belt, Section 148 the NPPF states that these 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.
- 6.32 The Site at Colney Heath makes only a minor contribution to the Green Belt in this area and this Statement demonstrates that any potential harm, by reason of inappropriateness, is clearly outweighed by the benefits of the proposals.
- 6.33 The Tarmac proposals also draw strong parallels with other speculative Green Belt development which has been recently approved in the District during 2021. The planning considerations which warrant the approval of the submitted Tarmac proposals at Colney Heath, in the context of Section 148, are as follows:
- 6.34 This Statement identifies that in the case of St Albans, the potential harm to the Green Belt has been clearly outweighed on two recent occasions by other relevant considerations and that the Secretary of State has determined that in the current climate that the timely delivery of new market and affordable homes in St Albans district is a consideration of *very substantial weight*. It is within this acknowledged context that the following benefits of the Tarmac proposals at Colney Heath should be judged:
- 6.35 Primarily, the existing Green Belt designation of the submitted Site serves no significant planning purpose. This is evidenced by reference to the **Green Belt Review Purposes Assessment Final Report (November 2013)** prepared by SKM which identified that, taken in isolation, the Site at Colney Heath performs little or no Green Belt function.
- 6.36 The provision of new housing therefore weighs heavily in favour of the Tarmac proposals at Colney Heath, in principle, by reason of material need and the available evidence which indicates that this is not a critical site in terms of wider Green Belt purposes.
- 6.37 The degree of weight to be afforded to new homes on the application Site is a matter of planning judgement, informed by other material considerations, the most notable being the very significant weight afforded to the provision of new market and affordable homes both by the Inspector at Colney Heath and by the Council at Harpenden Lane and at Orchard Drive.

6.38 With regard to **affordable housing**, the Inspector at Colney Heath noted

‘the persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.’

6.39 There are no known impediments to the delivery of new housing at Land off High Street, Colney Heath and no abnormal site conditions have been identified. The Scheme can therefore deliver up to **18** new affordable homes, which is a material consideration recognised as being of *very significant weight*.

➤ **Suitability of Site Location**

6.40 With regard to the overall suitability of the Site location, notwithstanding the current Green Belt designation of the Site, Land off High Street, Colney Heath is a suitable and highly sustainable location for new housing development for the following reasons:

- a) The Site is cohesively located on the eastern edge of Colney Heath and wholly contained within well-defined landscape boundaries, which will be further consolidated and augmented by additional structural planting to the east.
- c) The Site enjoys good accessibility to adjacent well used community facilities in Colney Heath, including schools, community buildings and public houses. The Site also has good accessibility to St Albans, which is the largest settlement in the District, via established and regular nearby public transport means.
- d) The Site has no statutory or non-statutory landscape designations and is not a ‘valued landscape’, as defined by the NPPF. There are also no protected trees (TPO’s) or designated heritage assets located within the Site area.
- f) The Scheme can provide tangible, long term beneficial landscape and ecological enhancements, including a net biodiversity gain (NBG).

➤ **Early Deliverability**

6.41 At just under 1 hectare (0.97) the proposed residential area of the Site is particularly deliverable and Land off High Street, Colney Heath, provides a viable, realistic and logical opportunity to help the Council meet its housing needs in the short term in lieu of the long term adoption of a new Local Plan. The Site has no overriding constraints, as evidenced by the technical reports and there are no abnormal costs involved with bringing the Site forward quickly.

Conclusions

- 6.42 The Planning and Compulsory Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.43 The Bullens Green Lane, Harper Road and Orchard Drive decisions establish that both market and affordable housing need in St Albans is now so acute and that it is a material consideration of such significant weight, that this unmet need is can now be considered as a very special circumstance in the planning balance.
- 6.44 Put simply, the delivery of much needed new housing can no longer be deferred in lieu of a new emerging Local Plan, given the past Local Plan examination history and the chronic lack of a five year housing land supply.
- 6.45 In addition, the most recent Local Plan Advisory Committee, held on 18th January 2022, made clear that due to ongoing resource issues that there would be no realistic opportunity to have a new Local Plan in place before **2025/26**.
- 6.46 Accordingly, given the available Green Belt evidence which indicates the lack of contribution made by the Site to Green Belt purposes, the dwindling nature of the existing five year land supply and no prospect of any early resolution to the replacement of a 30 year old Local Plan, the case for new development on the Colney Heath Site is, in principle, very strong.
- 6.47 However, the most important policies for the determining the application are out of date and therefore reduced weight should be attributed to them. This arises from the significant historic shortfall of market housing supply in the District and the serious and persistent failure to deliver affordable housing to date, by reason of a very aged Local Plan.
- 6.48 In applying a balanced approach to the assessment of the key factors that affect whether the above proposals at Colney Heath can be considered acceptable, the key balance of considerations are as follows:
- A key Government planning priority is to ‘significantly boost’ the delivery of new housing;
 - There is an urgent and substantial need for both market and affordable housing in St Albans District with an accrued shortfall;
 - The Council lacks a Five Year Housing Land Supply and the scale of both the market and affordable housing shortfall is significant (2.2 years);
 - There have been three previous attempts to replace the existing aged Local Plan, all which have failed.

- The latest planned trajectory for a fourth attempt to replace the Local Plan has been impacted by resource issues and has been deferred to at least 2025/26.
- The Site is in a sustainable location for development in the District, close to Colney Heath, with good access to a major transport corridor (A414).
- The Site is accessible, via regular public transport, to nearby London Colney and St Albans and other nearby town centres with good access to major retail provision, and other services and facilities for future residents;
- The Site is a suitable location for the limited scale of housing proposed, relative to the existing character of the eastern area of Colney Heath;
- The proposals are acceptable in terms of their landscape and visual impact;
- The proposals will provide an appropriate and policy compliant housing mix;
- There are no known site-specific constraints to development;
- The proposals will deliver a range of benefits of significant weight, including economic benefits.

6.49 Paragraph 7 of the NPPF states ‘the purpose of the planning system is to contribute to the achievement of sustainable development’. Paragraph 8 of the NPPF sets out three dimensions for sustainable development. The Tarmac proposals at Colney Heath reflect the policy intentions of Paragraph 8 and are considered to be economically, socially and environmentally sustainable for the following reasons:

- **Economically** - the development would generate both direct and indirect economic benefits. New housing provides a range of economic benefits, and has significant and positive effects on economic output in terms of capital investment, construction work and occupational expenditure (see following referenced evidence). The economic benefits of new housing therefore carries *significant weight* in favour of the proposals.
- **Socially** - the proposal yields positive benefits through the delivery of much needed market and affordable housing.
- These proposals will provide up to 27 new market and 18 new affordable dwellings. This is a material consideration which carries *significant weight* in favour of the proposals, as there remains substantial unmet need for both new market and affordable housing in St Albans District.
- **Environmentally** - the proposal includes generous areas of open space, a high quality landscaping scheme with significant additional planting of native and new specimen trees and hedgerows; and a comprehensive Sustainable Urban

Drainage system which will ensure that the surface water runoff rate from the Site is either at or below the existing rate. The provision of new publically accessible open space is a material consideration which carries *significant weight* in favour of the proposals.

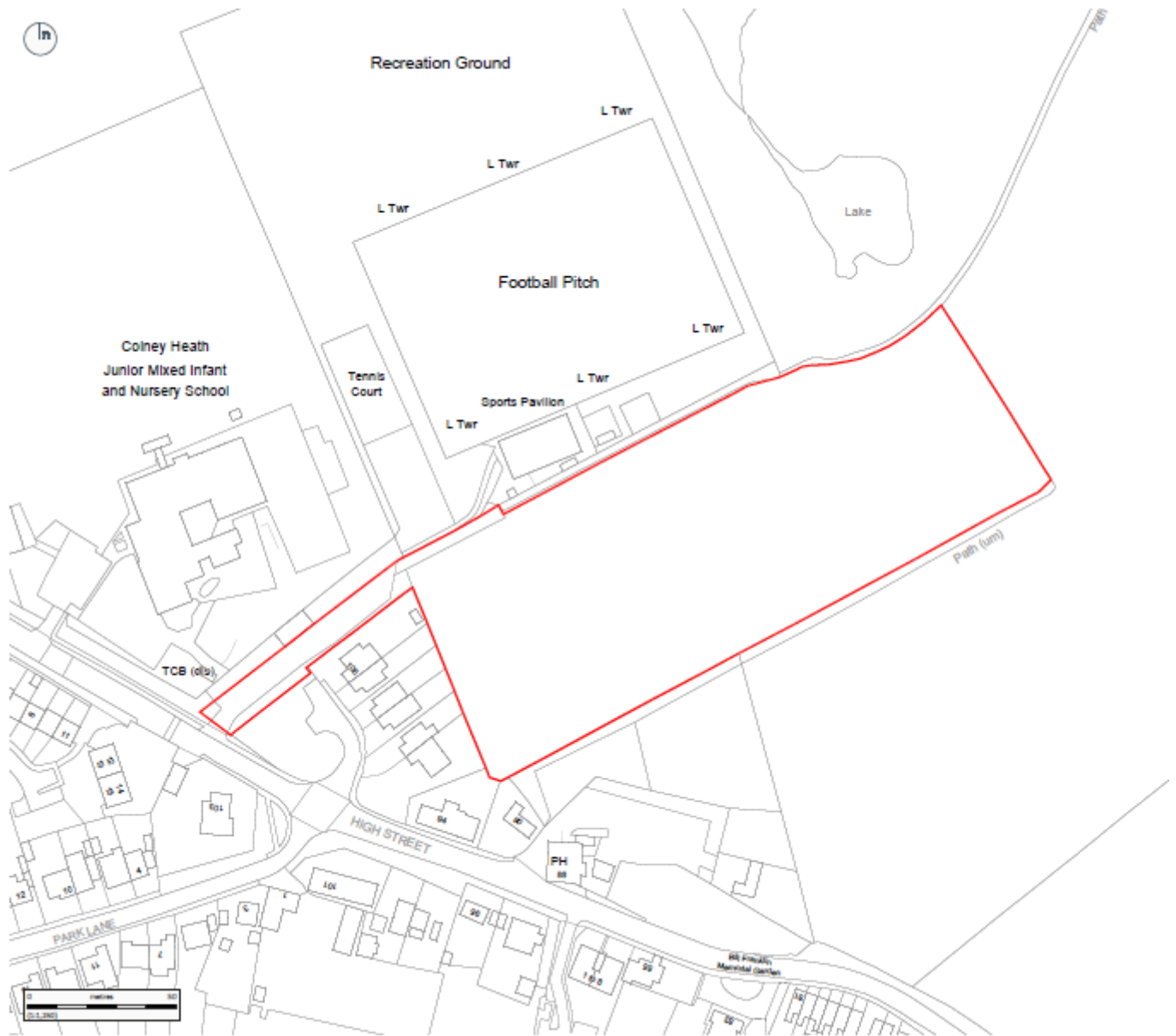
6.50 With regard to the economic benefits of providing new market and affordable housing, in 2015, the Home Builders Federation (HBF) commissioned Lichfields to evaluate the wide and comprehensive range of economic, social and environmental benefits that day-to-day house building generates. The results were subsequently published in July 2018 in a Report entitled '*The Economic Footprint of House Building in England and Wales*'.

6.51 The key conclusions of the 2018 Lichfields Report, inter alia, were as follows:

- Annual capital investment and expenditure on new land for housing development amounts to nearly £12 billion;
- In 2017, house building generated £38 billion of economic output to the British economy, including £19.2 billion of Gross Value Added (GVA);
- The number of people directly employed in the industry is 239,000, equivalent to just under a fifth of total employment within the UK construction sector;
- Annual expenditure on suppliers (i.e. providing goods, services and materials) amounts to £11.7 billion, 90% of which is likely to stay in the UK;
- Taking into account the supply chain and induced effects, up to 697,690 jobs are estimated to be supported across a range of organisations, operations and occupations. This is equivalent to 3.1 jobs per net additional dwelling;
- The residents of new homes built in 2017 are estimated to have generated £5.9 billion of spending in shops and services over the course of the year and a further £1.2 billion of one-off spending on their new home.
- Significant fiscal benefits, notably £392 million of Stamp Duty Land Tax, £1.3 billion of Corporation tax paid and National Insurance and PAYE contributions of over £777 million per year.
- Over £841 million of S.106 contributions are made each year towards funding facilities and services, notably education facilities (£122.3m), public open space (£24.2m), sport and leisure (£15.2m) and healthcare facilities (£5.2m), with a further £669.3m contributing towards important areas such as transportation and highways;
- The industry provides opportunities to over 4,300 Apprentices, 525 graduates and 2,900 other trainees each year, with many more in contractors and suppliers;

- 6.52 The assessment for the proposed development at Colney Heath set out in Section 5 of this Statement, clearly demonstrates that the scheme performs a positive economic, social and environmental role and comprises sustainable development in accordance with the provisions of the NPPF and the Development Plan.
- 6.53 The adverse impacts of the proposals are limited to a change of character of a small field close to the eastern edge of Colney Heath and a minimal impact upon a wider landscape which has no statutory designation and is not identified as a valued landscape under Paragraph 174 of the NPPF.
- 6.54 The NPPF recognises that small to medium scale sites, such as the one proposed, which are unconstrained and do not require significant upfront infrastructure can be built out relatively quickly. This proposal would therefore make a positive contribution to the Council's continuous delivery of housing where there is an identified need, and where the Council's strategic policies are more than five years old.
- 6.55 The Site's opportunities and constraints have been fully analysed and translated into the creation of a well-designed residential development facilitating the delivery of much needed new market and affordable housing, whilst enhancing the amenity benefits through the provision of significant open green space.
- 6.56 As demonstrated in the accompanying technical assessments which form the planning application, there are no significant or demonstrable reasons to outweigh the numerous identified social, economic and environmental benefits of this proposal including much needed new market and affordable housing and new community green infrastructure. Tarmac, as both landowner and promoter, is also committed to progressing a high quality, sustainable, residential development proposal as soon as possible.
- 6.57 In contrast, the Council's strategy for growth and development is clearly out of date and it accepts that it cannot demonstrate a five year housing land supply. The planning application therefore falls to be determined on its own merits in the context of Section 148 of the NPPF. Whilst the Site lies within the Green Belt, the Statement demonstrates that the benefits of the proposals clearly outweigh the harms, including harm to the Green Belt, and therefore the test at Section 148 of the NPPF is passed in favour of permission and very special circumstances are demonstrated in this case.
- 6.58 There are no technical or environmental constraints that cannot be addressed through sensitive design. Accordingly, the balance of material considerations and the benefits of the proposals weigh in favour of the grant of permission on this Site.
- 6.59 Tarmac is an experienced developer with a clear vision and build strategy for this Site. Therefore early delivery is assured and outline planning permission should be granted for this proposal.

Appendix 1: Site Location Plan



Extract from Drawing No 1001 / Rev B - dated 14/01/22 submitted with the outline planning application

Turley Office
8 Quay Court
Colliers Lane
Stow-cum-Quy
Cambridge
CB25 9AU

T 01223 810990