

Planning Statement (including affordable housing statement)

Statement on behalf of Vistry Homes

Proposed residential development of up to 150 dwellings,
including affordable and custom-build properties

Site address: Land at Tollgate Road,
Colney Heath, AL4 0PY



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1.0 INTRODUCTION

1.1 This Planning Statement relates to a proposed development of up to 150 homes at land at Tollgate Road, Colney Heath. The Statement comprises an overarching Planning Statement and includes an affordable housing statement. This statement sits alongside the submitted supporting evidence, a full list of which is provided below:

- Plans
- Design and Access Statement
- Planning Statement
- Transport Assessment
- Framework Residential Travel Plan
- Flood Risk Assessment and Outline Drainage Strategy
- Air Quality Assessment
- Archaeology and Heritage Assessment
- Ecological Impact Assessment and BNG report
- Utilities Appraisal Report
- Landscape and Visual Impact Assessment and Green Belt Assessment
- Arboricultural Survey
- Arboricultural Impact Assessment
- Noise Impact Assessment
- Statement of Community Involvement

1.2 Sections 2 to 4 of this Statement consider the physical, economic, social and historical context of the site, identifying the relevant local, regional and national planning policy framework. Section 5 sets out the details of the proposal. All these sections inform the evaluation of the proposal in Section 6 against the identified planning policy framework. The overall conclusions are set out in Section 7 and which are summarised below.

1.3 There is an urgent need for new housing in St Albans district. The current five-year land supply stands at 2.2 years, the Local Plan dates from 1994 and there is no new Local Plan on the horizon. These factors mean that urgent decisions need to be taken to address the need in the short-term, rather than wait for a plan-led approach.

1.4 The recent appeal decision at the Bullens Green Lane site has demonstrated that doing nothing is not an option for the Council. Very special circumstances can be demonstrated on the basis of the severe housing need in the district. The Council has accepted this rationale through granting a number of planning permissions in the Green Belt.

- 1.5 The report site provides substantial benefits, principally through the delivery of up to 150 homes, 35% of which would be affordable housing – up to 53 new affordable homes. 10% of the market housing delivered on site would be designated as custom-build plots where owners have primary input into the design. The site will also deliver a 10% net gain in biodiversity.
- 1.6 By contrast to the substantial benefits, very little harm is caused by the proposals. Green Belt harm arises in the form of definitional harm and some harm in respect of countryside encroachment and, in line with Government policy, this harm must be given substantial weight. However, the scale of harm is limited and when weighed against the positive aspects of the scheme, the benefits are considered to clearly outweigh the harm.
- 1.7 In summary, the site is in a sustainable location and will have a limited impact on the Green Belt. There are no technical reasons not to support the application and the application should therefore be approved.

2.0 SITE & CONTEXT ANALYSIS

Location and context

- 2.1 The report site is located in the village of Colney Heath, in the south-east corner of St Albans district. The village of Colney Heath consists of a number of different elements and the report site is within the Roestock part, close to Bullens Green.
- 2.2 The report site lies to the rear of existing properties on the southern side of Tollgate Road, which is the main road through the village and acts as a continuation of the High Street.
- 2.3 The site is an irregularly shaped parcel of land around 7.8ha in size. The northern boundary of the site is formed by the rear of nos 42-100 Tollgate Road. The south-east and north-west boundaries are marked by field boundaries and hedgerows, while the south-western boundary is formed by the River Colne.
- 2.4 The site and surroundings are shown in Figures 1-6 below. The site includes the detached dwelling at 42 Tollgate Road. The remainder of the site is in equestrian use and includes a 12-bay stable building, all-weather manège, equestrian storage and fenced paddocks. The site has two existing accesses from Tollgate Road serving the dwelling and the stable complex. A public footpath runs close to the north-western boundary of the site.



Figure 1: Report site context



Figure 2: Report site detail

Figure 3: Stables looking south-west



Figure 5: Stables and manège looking north

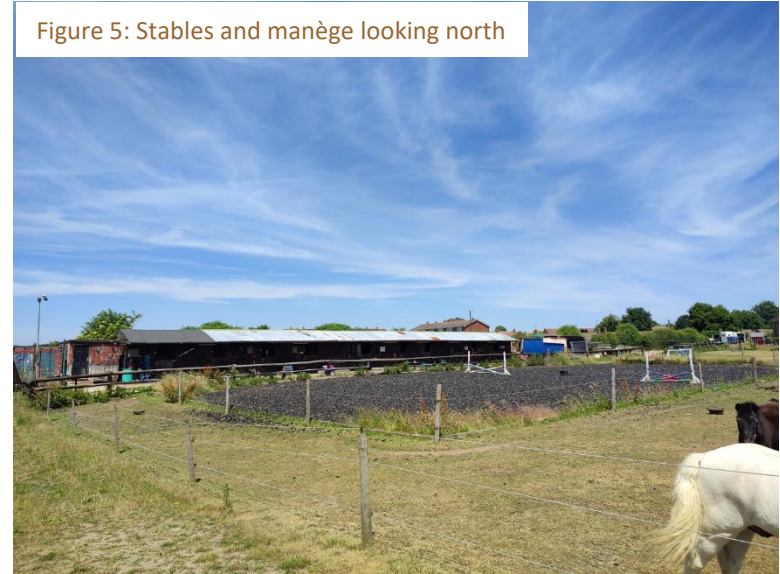


Figure 4: Manège and paddock looking east



Figure 6: lower paddock looking south



Proposals Map Notation

- 2.5 An extract of the adopted Proposals Map is shown in Figure 7 opposite with the report site annotated in red. The site is located within the Green Belt and adjacent to the Green Belt Settlement of Colney Heath. The Proposals Map indicates a Landscape Development Area designation (green vertical hatching on Figure 7) covering much of this part of the district. However, Policy 105 to which this designation relates has not been saved and this designation is therefore no longer part of the Development Plan.

- 2.6 An extract of the Local Plan Key Diagram is shown at Figure 8 below and this illustrates the Green Belt Settlement of Colney Heath. Although the scale is small, the houses fronting Tollgate Road are shown to be within the Green Belt Settlement boundary (in light blue colour).

Figure 7: annotated Proposals Map extract

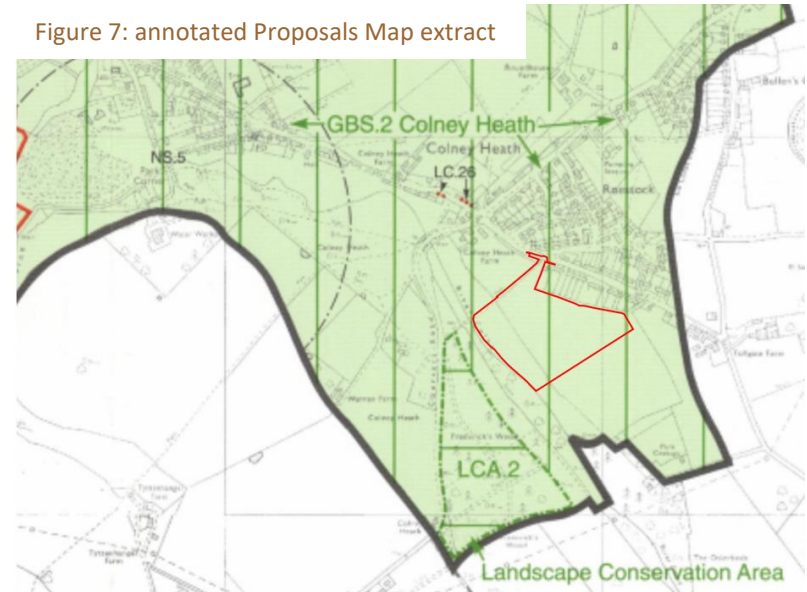
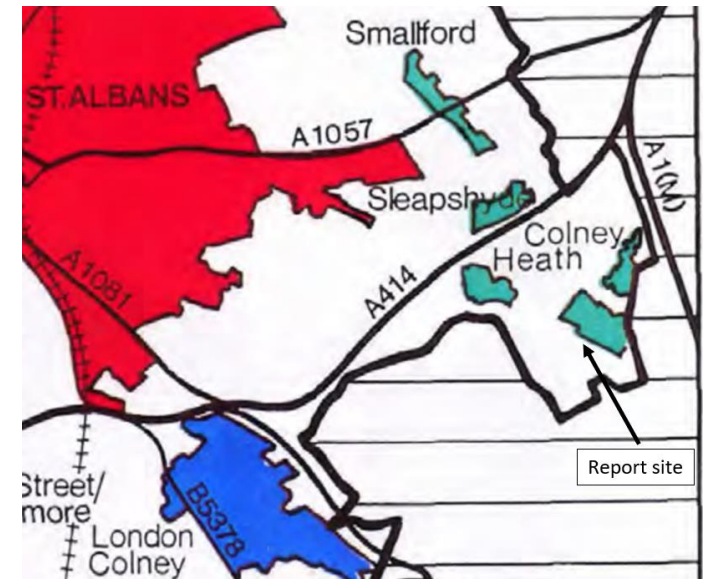


Figure 8: annotated Key Diagram extract



Local Services

- 2.7 As a designated Green Belt Settlement, Colney Heath has a number of village facilities meeting day-to-day needs. Importantly, the village primary school is within easy walking distance of the site, as is the village Post Office, café and Village Hall.
- 2.8 Higher level facilities are available in nearby Hatfield and Welham Green. As examples, Hatfield Leisure Centre and the University of Hertfordshire are both around a 10-minute cycle from the report site.
- 2.9 Table 1 opposite summarises the key local facilities and their approximate distance from the centre of the site, including estimated walking and cycling journey times.
- Accessibility**
- 2.10 The nearest bus stop is around 75 metres from the site entrance. The submitted Transport Assessment describes the bus services currently available and the way in which these could be enhanced through development. This is addressed later in this report.
- 2.11 Welham Green railway station is around 3.6km from the site and could be accessed by bicycle in around 12 minutes, making it an attractive option for commuters.

Table 1: Local facilities

Facility	Local Provision	Prox. to site (km)	Walking journey time	Cycle journey time
Retail	Colney Heath Post Office	600	8	3
	Sainsburys	4400	55	22
Health	Northdown Road Surgery	2200	29	10
	Jhoots Pharmacy	4600	58	23
Leisure	Colney Heath Football Club	1100	14	6
Education	Colney Heath School	1100	14	6
	Nicholas Breakspear Secondary school	3200	40	16
	University of Hertfordshire	3700	46	19
Community	Café	530	7	3
	Village Hall	900	11	4
	Crooked Billet PH	1000	13	5

3.0 PLANNING HISTORY

Planning history – application site

3.1.1 For the sake of completeness, the full planning application history of the report site is summarised in Table 2 opposite. However, none of these applications is of direct relevance for the current proposal.

LPA Ref	Proposal	Outcome
5/1978/1096	House for farm worker (Outline).	Withdrawn
5/1982/1459	Outline. One residential unit.	Refused
5/1984/1494	Exterior features of extension to existing house.	Approved
5/1988/1876	Detached bungalow	Refused
5/1990/0974	Change of use from agricultural to golf course	Refused
5/1990/1708	Construction of clubhouse, new access, car park and ancillary works (outline)	Refused
5/1994/1530	Deemed application on appeal against Enforcement Notice, for the use of land at Colney Heath Farm for car boot sales	Appeal withdrawn
5/1994/1537	Use of land for car boot sales on 30 Sundays per year	Refused
5/1996/0787	Erection of stable	Refused
5/1996/1240	Erection of stable with associated grooming and storage facilities	Approved (appeal against condition allowed)
5/1997/0779	Hard-surfaced access, drive and turning area	Approved

Table 2: planning history

Planning history – Colney Heath appeal decision

3.2.1 On 14 June 2021, planning permission was granted on appeal for a development of up to 100 dwellings at a site on Bullens Green Lane, Colney Heath (PINS ref 3265925). The site straddles the boundary between Welwyn Hatfield borough and St Albans district. The significance of the decision lies in the weight given to the provision of housing and the way that affected the overall planning balance.

3.2.2 In respect of the character and appearance, the Inspector highlighted the surrounding residential development and the way nearby roads provide a degree of containment the site from wider countryside, both of which gave the site an “urban edge” character (para 13). The Inspector highlighted the “glimpse views” of the site where it appears against a backdrop of existing dwellings (para 14). These factors combined to yield only limited harm to the character and appearance of the area, to which moderate weight was ascribed (para 18).

3.2.3 This conclusion influenced the Inspector’s assessment of the degree of Green Belt harm, as set out in paragraph 26 below:

“I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to

the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.”

3.2.4 Contrary to the Councils’ findings, the Inspector considered that the site was a sustainable location for housing, having access to bus routes and local facilities within walking distance (para 41).

3.2.5 On housing provision, the Inspector highlighted the Council’s asserted supply of 2.58 years, describing the position as “bleak” and the shortfall in both authorities as “considerable and significant” (para 48). The Inspector attached “very substantial weight” to the provision of market housing in Welwyn Hatfield borough. Very substantial weight was also attached to the provision of 45% affordable housing and 10 self-build plots.

3.2.6 In the final summary (para 78), the very substantial weight attached to market housing, to affordable housing and to self-build plots was considered to overcome the substantial weight attached to the harm by way of inappropriateness and the harm to openness.

Planning history – Codicote appeal decision

3.3.1 On 28 September 2021, an appeal was allowed for 167 dwellings in the Green Belt in the village of Codicote. The site was a proposed allocation in the emerging North Herts Local Plan but the Council refused the application largely on prematurity grounds.

3.3.2 The Inspector considered the overall housing supply position in North Herts as “extreme”, citing a 1.47-year housing land supply and a housing waiting list of nearly 5 years. In line with the Colney Heath appeal Inspector, “very substantial weight” was afforded to the housing benefits of the scheme.

3.3.3 Crucially insofar as it relates to the report site, the Inspector stated:

“I attach very substantial weight to the critically needed housing benefits of the scheme, significant weight to addressing the urgency for school expansion and further weights to the range of other lesser scale benefits as identified. In that context, and

irrespective of the further support in favour of the proposal drawing from the advanced status of ELP itself and from the Council’s affirmation of it [emphasis added], I find potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to be clearly outweighed by these particular other considerations. Very special circumstances therefore exist to justify the proposal.”

3.3.4 The underlined section above is a clear indication that very special circumstances would have been demonstrated, even without the emerging Local Plan proposals. This is further evidence that the scale of the housing crisis in Hertfordshire is prompted Inspectors to positively determine housing proposals in the Green Belt.

Planning history – Sewell Park

3.4.1 St Albans City and District Council approved an outline planning application for 150 homes at the Sewell Park site in January 2022. The site was part of the North St Albans Broad Location proposed in the now-withdrawn draft Local Plan.

3.4.2 Adopting a similar approach to that taken by Inspector Masters on the Bullens Green Lane appeal, the Council concluded that the Green Belt harm arising from the development was clearly outweighed by the benefits arising from the development, chiefly the provision of market, affordable and self-build housing.

4.0 POLICY CONTEXT

4.1 National Policy / Guidance

4.1.1 The National Planning Policy Framework (NPPF) 2021 sets out the Government’s planning policies for England. The following sections are considered directly relevant:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 13: Protecting Green Belt land
- Section 15: Conserving and enhancing the natural environment

4.1.2 The two most relevant sections of the NPPF are those sections aimed at boosting the supply of housing (chapter 5) and those aimed at “protecting Green Belt land” (chapter 13). The way these two elements are balanced is critical to the determination of this application. The presumption in favour of sustainable development set out at paragraph 11 is also highly relevant, given the acknowledged absence of a five-year housing land supply.

4.1.3 The National Planning Policy Guidance contains detailed guidance on the application of the NPPF.

4.2 Development Plan

4.2.1 This comprises the St Albans District Local Plan Review 1994. The following policies are considered to be relevant:

Table 3: Relevant Development Plan policies

Policy No.	Title
Policy 1	Metropolitan Green Belt
Policy 7A	Affordable Housing in Towns and Specified Settlements
Policy 8	Affordable Housing in the Metropolitan Green Belt
Policy 39	Parking Standards, General Requirements
Policy 40	Residential Developments Parking Standards
Policy 69	General Design and Layout
Policy 70	Design and Layout of New Housing
Policy 74	Landscaping and Tree Preservation

4.2.2 Of particular relevance to this application is the identification of the three separate parts of Colney Heath – Colney Heath proper, Roestock and Bullens Green – as part of the Green Belt Settlement of Colney Heath, as depicted in Figure 8 above.

4.2.3 While still part of the Development Plan, the age of the Local Plan and the continuing housing supply shortfall in the district limit the weight that can be attributed to many of the policies in the adopted Local Plan, in line with the NPPF.

4.3 Emerging Local Plan

4.3.1 Although work has started on a new Local Plan, the process is still in its infancy and there is currently no draft Plan that any weight could be attributed to. Even the Council's evidence base is not sufficiently advanced to be able to inform decisions on planning applications. Both the Green Belt Review and the Housing and Economic Land Availability Assessment (HELAA) are still in progress and no results are available that would meaningfully inform a planning application determination.

4.3.2 The report site has been submitted to the Council through the most recent Call for Sites exercise in March 2021. The report site has been given the reference number CH-37-21 and the 2021 HELAA update provides the Council's conclusion that *"The site is considered be potentially suitable, available and achievable subject to further assessment as part of the site selection process."*

4.4 Housing land supply and affordability

4.4.1 The Council acknowledges that there is not a five-year housing land supply. The latest estimate published by the Council in December 2021 is a supply of 2.2 years. The latest Housing Delivery Test results published in February 2022 describe housing delivery of 1,596 over the three years to 2021 against a requirement of 2,317 homes. The HDT measurement is 69% which triggers the presumption in favour of development to be applied, a 20% buffer to be applied to five-year land supply calculations and the requirement for an Action Plan. The HDT measurement of 69% was among the worst 15% of local planning authorities in England.

4.4.2 The Council's Authority Monitoring Report (AMR) records recent affordable housing delivery and the figures for the last ten years are set out in Table 4 below. Affordable housing completions in 2020/21 were the highest since 2004/5 at 177 completions. However, affordable delivery prior to this has been poor. The 10-year average from 2011 to 2021 just under 70 affordable dwellings per year. The Council's most recent Local Housing Needs Assessment (2020) indicates that 443 households per annum would require affordable housing to rent. A further 385 households per annum require affordable home ownership. It is against these figures that an annual delivery of 70 total affordable homes needs to be measured.

Table 4: affordable housing delivery in St Albans, 2011-21

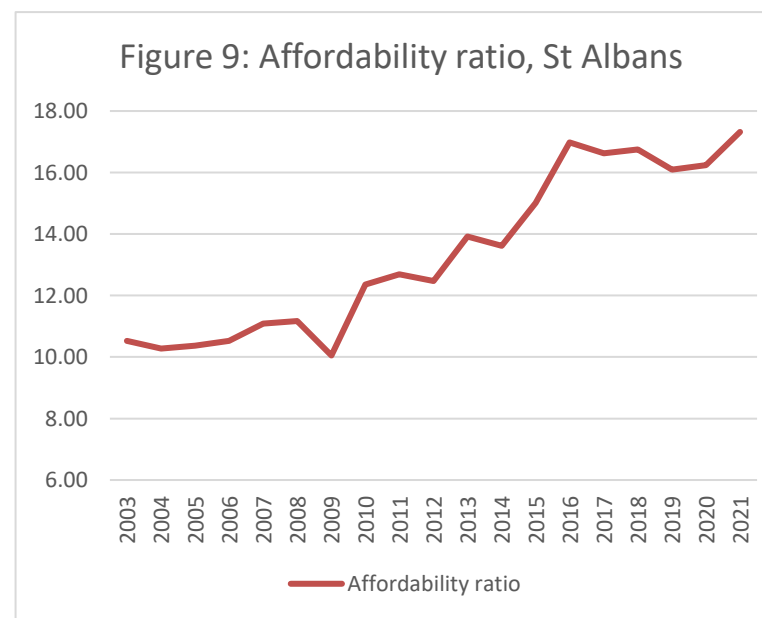
Year	Affordable delivery	% completions as affordable
2011/12	20	5
2012/13	105	33
2013/14	-42	-11
2014/15	70	22
2015/16	97	24
2016/17	59	17
2017/18	106	28
2018/19	82	13
2019/20	31	7
2020/21	169	33
Total 2011-21	697	171
Average 2011-21	69.7	17.1

4.4.3 The ratio of median house prices to earnings is used by the Government as an indicator of housing affordability as is part of the formula for calculating local housing need. For St Albans district, the median house price to median earnings ratio is 17.32. In other words, for the “average” person in St Albans, a house will cost more than 17 times their annual income.

4.4.4 Figure 9 below plots how this ratio has changed since 2003. The ratio in 2003 was 10.53, meaning housing has become

considerably less affordable in the 19 years since then. The Council has not been able to adopt a Local Plan during this period of time, meaning the supply of new housing sites has been severely restricted and new dwelling completions similarly suppressed.

4.4.5 There is a complex relationship between housing supply and house prices and the lack of one does not automatically generate the other. However, it is hard to avoid the conclusion that inadequate housing supply caused by the lack of a Local Plan has been a significant factor in creating severe housing affordability problems in St Albans district.



- 4.4.6 The Council's AMR published in December records the number of self-build and custom-build plots approved and compares it with the number of people currently on the self-build and custom housebuilding register. In total, the Council has delivered 92 self-build and custom housebuilding plots, all of which were replacement dwellings within the built-up area. None were on greenfield serviced plots. There are a total of 645 registrations on the self-build and custom housing register.
- 4.4.7 The Council has a three-year period within which to meet the demand for self-build and custom housing properties. For the base period ending in October 2016, there were 108 registrations. The three-year period to meet this need ended in October 2019 and in this period there were 54 completions – a net shortfall of 54 plots. The next rolling period had 140 new registrations and there were 23 plots approved – a shortfall of 117. The most recent period (ending October 2021) saw 104 registrations and 15 completions – a shortfall of 89 plots. In total, there is a cumulative shortfall of 260 plots so far and the Council only has one year left to meet the need for the next 12-month base period (a further 87 households).
- 4.4.8 In summary, there is a substantial need for self-build and custom housebuilding plots in St Albans district.

5.0 PRE-APPLICATION CONSULTATION

- 5.1 Vistry Group is committed to consulting with the local community on its development proposals and conducted pre-application consultation in advance of submission of this planning application. A Statement of Community Involvement has been prepared by BECG – a specialist communications consultancy – and accompanies this application.
- 5.2 Engagement took place with local stakeholders and third-party groups to introduce the proposals. A wider two-week engagement was then held from Monday 13 June to Sunday 26 June 2022 which featured a virtual exhibition.
- 5.3 A total of 33 responses were received during the consultation period, comprising 27 online feedback forms, three emails, and three phone calls. There was some recognition that affordable housing for local families was required, and support for promoting biodiversity and sustainability. Concern was also expressed about the scale of the development and the village having insufficient infrastructure growth, as well as concerns about the loss of a greenfield site.
- 5.4 This feedback has been carefully reviewed as part of the preparation of this application.

6.0 DESCRIPTION OF DEVELOPMENT

- 6.1 The site is proposed for residential development in a range of sizes, types and tenures. The application is made in outline form so the precise number of dwellings is not known at this stage but the upper limit will be 150 homes, as per the description of development.
- 6.2 35% of the homes proposed will be affordable homes, which equates to up to 53 affordable homes. The affordable units will be of a range of tenures, subject to negotiation with the Council.
- 6.3 Up to 10 of the units will be made available as custom-build properties, which will help the Council address the need for self/custom build plots in the district. There will be up to 97 market units on the site (65% of the total) and 10% of these market units will be made available as custom-build plots (i.e. up to 10 plots).
- 6.4 Although the application is in outline form, a development framework plan (ref CSA/3925/117 – see Figure 10 below) and illustrative masterplan (ref CSA/3925/118 – Figure 11 below) are submitted to illustrate how the site could be laid out and to provide confidence that the stated number of dwellings could be achieved in a satisfactory manner.
- 6.5 While the framework plan and illustrative masterplan are not intended as “approved drawings”, a parameters plan (ref CSA/3925/120 – see Figure 12 below) is submitted that would be an “approved drawing”, in order to provide certainty on the extent of development across the site. In particular, the parameters plan will secure the provision of green space along the north-western and south-eastern boundaries and the large area of open space in the south-west part of the site.
- 6.6 The total site area is around 7.82ha. The area proposed for residential development amounts to 3.75ha – less than half of the total site area. 2.02ha of the site will be used for green infrastructure, which is in addition to the 1.91ha of the site which will continue to be the Colney Heath Farm Meadows Local Wildlife Site. Just over half the site will remain undeveloped.
- 6.7 The submitted Design and Access Statement produced by CSA Environmental sets out a detailed analysis of the site and its context and the proposed design response.
- 6.8 The illustrative masterplan shows access to the site through what is currently no.42 Tollgate Road. A raised table will be provided to secure an appropriate junction of Tollgate Road, Fellowes Lane

and the new access road, while also acting as a traffic calming measure to reduce vehicle speeds through the village.

6.9 The proposed access road loops round behind the existing properties on Tollgate Road and has a number of culs-de-sac leading off it. The density of development gradually reduces towards the rear of the site, providing a transition from the village to the countryside.

6.10 The generous green buffer around the east, south and west of the development provides space for a variety of features, including new recreational routes, children's play space, new planting and habitat creation and the two drainage features. A pumping station is also included within this area.

6.11 Importantly, the Colney Heath Farm Meadows Local Wildlife Site is proposed to be retained and enhanced. The impact on this feature is fully set out in the submitted ecology work. It should be noted that while some limited public access to the meadows is proposed, this will be controlled by low-level fencing in order to avoid excess pressure on the habitat. The 1.91ha area is not included as part of the open space provision of the site. In other words, the open space requirement can be met without relying on the LWS part of the site.

6.12 Vistry Homes has committed to a 10% increase in biodiversity. While biodiversity gains can be achieved on site, the full 10% increase will require offsite provision and arrangements will be put in place and secured through a Section 106 agreement to deliver this uplift.



Figure 10: development framework plan

Figure 11: illustrative masterplan





Figure 12:
parameters plan

7.0 PLANNING CONSIDERATIONS

7.0 Based on the analysis set out above, the application proposal raises the following issues, which are considered in turn below:

1. Principle of development
2. Green Belt Harm
3. Provision of housing (including tenure and mix)
4. Sustainability and suitability of location for housing
5. Impact on character and appearance
6. Ecology and Biodiversity
7. Heritage
8. Drainage and Flood Risk
9. Highways design
10. Impact on physical and social infrastructure
11. Planning Balance

Principle of development

7.1.1 The site is situated in the Metropolitan Green Belt where national policy restricts development unless very special circumstances exist. The approach set out in the NPPF requires an assessment of the harm – Green Belt and other harm – and then an assessment of the benefits to establish whether other considerations clearly outweigh the harm (paragraph 148 of the NPPF).

Green Belt harm

7.2.1 In considering the application against the test in the NPPF of whether “very special circumstances” exist, it is important to identify the level of Green Belt harm which would be caused by the proposed development.

7.2.2 Inappropriate development causes harm to the Green Belt by definition and this harm should be afforded substantial weight (NPPF paragraph 148). In addition to definitional harm, it is necessary to consider harm to openness and harm to Green Belt purposes.

7.2.3 It is acknowledged that there will be a spatial impact on openness. The loss of Green Belt would be permanent for those parts of the site where built development is proposed. While the site does include a stable complex and yard, as well as a dwelling and associated outbuildings, the majority of the site is currently open and without buildings.

7.2.4 Turning to purposes, these are set out in paragraph 138 of the NPPF, and are considered in the context of this site, below:

a) *to check the unrestricted sprawl of large built up areas*: this criteria is not considered relevant, as Colney Heath is a village and is not a large built up area. The Council’s Green Belt Review

(2013) confirmed that for the purposes of this Green Belt purpose, built-up areas were London, Luton & Dunstable and Stevenage. Even if a slightly wider definition were drawn, Colney Heath would still not qualify as a large built-up area. No harm is caused to this Green Belt purpose.

b) to prevent neighbouring towns merging into each other:

Colney Heath is not classified as a town. The nearest town to the site is Hatfield, which although is quite close to Colney Heath, is located on the opposite side of the A1(M) motorway which helps to contain the town. The prospects of Hatfield “leapfrogging” the motorway and growing to the west are remote in the extreme. The site would mean Colney Heath growing in the opposite direction to Hatfield. There is no coalescence caused by development at the report site and therefore no harm to this Green Belt purpose.

c) to assist in safeguarding the countryside from encroachment:

this criterion is relevant, and it is acknowledged that there will be some encroachment into areas that are not currently built on and as a result some harm to this purpose. However, this is mitigated by the presence of built features on or adjacent to the site, including:

- the dwelling at no.42 Tollgate Road – this dwelling will be demolished and replaced by the proposed access.

This means built form will not extend any further north-west than no.42 and will be contained behind the existing dwellings.

- the 12-bay stable complex, manege and associated equestrian storage – while these are often found in countryside areas, they nevertheless do affect the appearance of the countryside and help distinguish this site from an undeveloped green field. The stable building itself is a substantial structure at around 40m long. The Council has determined elsewhere that stable buildings have an impact on the openness of the Green Belt and the presence of such a large stable building on the site does limit the impact of the proposed development on the countryside and therefore the Green Belt harm arising.
- the built development along Tollgate Road – a key feature of the Bullens Green Lane appeal was the Inspector’s description of the site as “urban edge”. The report site is located behind a row of mostly semi-detached houses and is clearly “urban edge” and largely hidden from the road. This limits any impact on the countryside.

Overall the harm caused to this Green Belt purposes is limited.

d) to preserve the setting and special character of historic towns:
this criterion is not relevant as Colney Heath is not a historic town

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land: It is acknowledged by the Council that significant green belt releases will be needed to meet local housing need. In this context, it is not considered that developing this site would have any material impact on urban regeneration.

7.2.5 In the light of the above analysis, the only harm to purposes is considered to be in relation to encroachment into the countryside, and in this case the harm is considered to be limited due to the site's current use and built form and by its location behind existing dwellings and largely hidden from the road.

7.2.6 That said, it is acknowledged that the harm to the Green Belt will be given substantial weight in line with the NPPF. This in itself does not mean that permission should not be granted, rather that the identified level of harm should be weighed against other considerations. These other considerations are assessed in this report, with a final conclusion in the Planning Balance section at the end.

Provision of housing

7.3.1 Section 4.4 of this report outlines the context in terms of housing provision, including market, affordable and self-build/custom-build housing. In summary, there is a 2.2-year housing land supply, a growing shortfall of affordable housing, increasing affordability problems and a lack of self-build/custom-build housing delivery. There is no new Local Plan on the horizon to address these issues.

7.3.2 The weight to be attached to the provision of housing is a matter of judgement. In its decision on the Sewell Park application (section 3.4 above), the Council agreed with the Bullens Green Lane Inspector's conclusion that "very substantial weight" should be attached to the delivery of market and affordable housing and that "substantial" weight should be attached to the delivery of self-build housing. The Sewell Park permission was granted in January 2022 and there is no reason to deviate from this approach. On this basis, the delivery of up to 150 homes, of which 35% would be affordable, and up to 10 custom-build homes (10% of the market homes delivered) weighs heavily in favour of the application.

Sustainability and suitability of location for housing

7.4.1 The village of Colney Heath is defined in the adopted Local Plan as a Green Belt Settlement. It has a range of facilities appropriate

to a village of this size and meets most day-to-day needs of residents.

- 7.4.2 The Council contended at the Bullens Green Lane appeal that that site was in an unsuitable and isolated location. However, the Inspector concluded otherwise, stating that:

“To my mind, the facilities and services available within Colney Heath and the accessibility of these facilities both on foot and by cycle mean that a number of day to day needs could be met without reliance on the private car. As a result, the location of the appeal site cannot be described as isolated. These factors weigh in favour of the appeal proposals.” (Bullens Green Lane appeal decision, paragraph 40).

- 7.4.3 In the Inspector’s view the Bullens Green Lane site was a sustainable location for new residential development. The Tollgate Road site is in a more sustainable location than the Bullens Green Lane site, being closer to key facilities in Colney Heath such as the school, shop and village hall. There is no reason to consider this site anything other than a suitable location for development.

Impact on character and appearance

- 7.5.1 The site does not carry any statutory or non-statutory designations for landscape or heritage value or quality. Tollgate Road is made up of mixed suburban housing with no defined character or visual traits. The existing dwelling to be demolished (No.42) is of no particular architectural value or interest. There is a Listed Building nearby but this is covered in section 6.7 below.

- 7.5.2 The Landscape and Visual Impact Assessment concludes the following at paragraph 7.6:

“Given the Site’s edge-of-settlement character (which extends to the fields to the north and south of the Site as well), alongside the settled character clearly evident alongside the Site and on Tollgate Road and Coursers Road in the immediate vicinity, the proposed development at the Site will not appear out of character, and will be well related to the adjoining settlement. The development will remain separated from the more rural countryside around Colney Heath, by the intervening development to the north and east, by the woodland to the west, and by the paddocks to the south (with these paddocks also displaying a character more akin to the edge of a settlement, than to the rural countryside). There will therefore be no significant landscape effects on the character of the landscape/townscape in the immediate vicinity of the Site, as a result of the proposed

development, and no material effects on the wider, rural landscape character around Colney Heath.”

- 7.5.3 As set out in the LVIA, the majority of the development will be screened from the road by the row of houses on Tollgate Road. Oblique views of the site are available from the road and footway when travelling east on Tollgate Road looking south-east across the site. This view is shown in photograph 13 of the submitted LVIA. The current view is of a boundary hedge with the stable complex behind. When complete, the development would be visible from this vantage point. However, the impact is reduced by the distance (the nearest house would be more than 100m away), by the intervening hedge (which will be enhanced with additional planting) and the fact that this view features existing buildings.
- 7.5.4 The site is also visible by users of the public footpath running parallel with the north-western boundary of the site (footpath 33), although these views are largely seen in the context of the backs of the houses on Tollgate Road. As set out on the indicative masterplan, new tree and hedge planting will take place along this boundary to further reduce the visual impact of development.

- 7.5.5 In summary, the impact on the character and appearance of the local area is considered to be limited.

Ecology and biodiversity

- 7.6.1 CSA Environmental has been commissioned by Vistry Group to undertake an Ecological Impact Assessment (EclA), consisting of a desktop study and a suite of species and habitat surveys.
- 7.6.2 The most significant ecological feature on the site is the Colney Heath Farm Meadow Local Wildlife Site (LWS), which makes up 1.91ha of the report site. Surveys of the site describe this habitat as “other neutral grassland” in “moderate” condition.
- 7.6.3 The impact of development on the LWS is varied. There will be some positive impacts through the cessation of horse grazing and improved ecological-focused management. There is also potential for some negative impacts through recreational pressure, including dog fouling. The strategy set out in the EclA involves limiting public access by reinstating the hedgerow between the LWS and the development and by providing a small number of mown paths through the site, discouraging access to the remainder of the site. In addition, interpretation boards and information leaflets will inform residents about the importance of the habitats and ways to minimise their impact.

- 7.6.4 The surface water drainage arrangements involve water entering the River Colne and this brings with it a risk of sediment and chemicals entering the watercourse. This is proposed to be managed by way of a surface water treatment train through the proposed SuDS system.
- 7.6.5 Subject to suitable mitigation measures being employed, no significant effect is expected in respects of any protected species.
- 7.6.6 A Biodiversity Metric has been used to calculate the baseline habitat units and any projected change after development. The current baseline is 39.47 units, which would reduce to 30.23 post-development, equating to a loss of around 23%. There is a significant gain (+185% in total hedgerow units), although these units cannot be summed.
- 7.6.7 While opportunities for on-site improvements will be taken, a Biodiversity Net Gain is unlikely to be achievable on site and off-site compensatory measures will be required. Vistry is currently exploring options to carry out habitat enhancements on land it owns around 10km from the report site.
- 7.6.8 Vistry have committed to achieving a 10% net gain in biodiversity, the details of which will be included within a Section 106 agreement.

Heritage

- 7.7.1 An assessment of the impact on above- and below-ground heritage assets has been carried out in the form of a desk-based assessment (DBA) and geophysical survey.
- 7.7.2 The DBA found limited evidence of prehistoric and Roman period activity in the study area. This was followed up by a geophysical survey in June 2022, which identified no anomalies suggestive of significant archaeological features, although anomalies were detected that were of undetermined classification.
- 7.7.3 The two most relevant above-ground heritage assets are Tollgate Farmhouse – a grade II listed building around 170m north-west of the site boundary – and North Mymms Park – a grade I house around 1,400m to the south. In relation to both of these assets, the DBA concluded that, *“with sensitive design, it is anticipated that any harm to these designated heritage assets would be negligible at most, which is to say less than substantial harm at the very lowermost end of this harm spectrum”*.

Drainage and flood risk

- 7.8.1 While part of the site is located within Flood Zone 3, no built development is proposed here. The proposed residential development is entirely located within Flood Zone 1 and is therefore at “very low” risk of flooding.

7.8.2 Testing at the report site has illustrated that the options for disposing of surface water via infiltration limited. While some potential for shallow infiltration might be possible, it is not sufficient to base a drainage strategy on at this stage. In order to produce a robust drainage design, sole reliance on infiltration has been ruled out at this stage, although infiltration may play a lesser role at the detailed design stage.

7.8.3 The surface water strategy is therefore based on providing two lined basins towards the south-west of the site, from where surface water is then conveyed via pipes to two swales that then channel the water into the River Colne. This approach not only provides an effective and safe strategy for surface water but also provides valuable habitat for biodiversity.

7.8.4 In terms of foul water drainage, sufficient capacity exists within the existing sewer network to serve the development. A connection will be made to a manhole on Tollgate Road, with part of the site discharging by gravity and part by way of a pumping station located within the site.

Highways impact

7.9.1 Access to the site is proposed via a new access road of 6m width with a 2m footway either side. A raised table is proposed where Fellowes Lane and the new access road meet Tollgate Road. This raised table will act as a traffic calming feature to reduce vehicle

speed through the village and help to create a more pedestrian-friendly environment in this part of the village. A new section of footway is also proposed on the northern side of Tollgate Road to ensure a continuous east-west route for pedestrians.

7.9.2 The impact of the new housing on the local road network has been assessed and shows that the proposed development will not cause any safety issues or have any significant impact on highway capacity. In addition, a contribution will be made to improving sustainable transport options in the local area in line with the County Council's "Toolkit". This contribution will benefit existing residents as well as those living in the proposed development.

Impact on physical and social infrastructure

7.10.1 The development could have a positive impact on the local village in terms of supporting local businesses. The additional residents brought to the village will help sustain village services and facilities such as the post office and local café, both of which are within easy walking distance of the site.

7.10.2 The development will also bring additional pupils for the local primary school and the Local Education Authority will respond to the proposals and the impact on school place planning. We understand there is limited current capacity at the school but

that the school site is large enough to be able to expand to two forms of entry. Given the approved development at Bullens Green Lane, expansion of the school is likely to be necessary in any event. The Bullens Green Lane site will provide almost £1.4m in Section 106 contributions towards primary education provision.

7.10.3 Development at the report site will provide the Local Education Authority with more options on how to respond and, importantly, more financial resources (through Section 106 contributions from the report site) to do so. Further discussion will take place with Hertfordshire County Council in due course but at this stage there is no reason for education infrastructure to be seen as a constraint on development.

7.10.4 A Utilities Impact Appraisal has been carried out for Vistry Group by Stantec. This confirmed that sufficient capacity exists or can be created in key local infrastructure to support the proposed development. There are no known infrastructure barriers that would prevent development.

Planning balance

7.11.1 The test for whether inappropriate development should be allowed in the Green Belt is set out in the NPPF 2021. It reads:

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

148. 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.

7.11.2 The scheme proposed for the Tollgate Road site is considered to meet the very special circumstances test. The key reasons for this are as follows:

1. Inappropriate development is by definition harmful to the Green Belt and significant weight must be attached to this harm.
2. The Council cannot demonstrate a 5-year supply of land for housing. Nor has it provided sufficient affordable housing to

meet the need. In this context, the delivery of market and affordable housing should be given very substantial weight.

3. Insufficient self-build and custom-build housing has been made available to meet the demand set out in the self-build and custom housing register. The delivery of up to 10 custom-build plots at the report site carries substantial positive weight.
4. The site is in a suitable and sustainable location for housing.
5. The site will deliver a 10% net gain in biodiversity through a combination of on-site and off-site measures. In line with Council decisions elsewhere, this commitment should attract moderate weight in favour of the application.
6. There are no technical impacts of the scheme that cannot be appropriately mitigated.

7.11.3 Through a combination of substantial benefits and very limited harm, it is considered that the planning balance weighs firmly in favour of the grant of planning permission in this case.

8.0 CONCLUSIONS

8.1 This Planning Statement relates to a proposed development of up to 150 dwellings on land at Tollgate Road, Colney Heath.

8.2 There is an urgent need for new housing in St Albans district. The current five-year land supply stands at 2.2 years, the Local Plan dates from 1994 and there is no new Local Plan on the horizon. These factors mean that urgent decisions need to be taken to address the need in the short-term, rather than wait for a planned approach.

8.3 The recent appeal decision at the Bullens Green Lane site has demonstrated that doing nothing is not an option for the Council. Very special circumstances can be demonstrated on the basis of the severe housing need in the district. The Council has accepted this rationale through granting a number of planning permissions in the Green Belt.

8.4 The report site provides substantial benefits, principally through the delivery of up to 150 homes, 35% of which would be affordable housing – up to 53 new affordable homes. 10% of the market housing delivered on site would be designated as custom-build plots where owners have primary input into the design. The site will also deliver a 10% net gain in biodiversity.

8.5 By contrast to the substantial benefits, very little harm is caused by the proposals. Green Belt harm arises in the form of definitional harm and some harm in respect of countryside encroachment and, in line with Government policy, this harm must be given substantial weight. However, the scale of harm is limited and when weighed against the positive aspects of the scheme, the benefits are considered to clearly outweigh the harm.

8.6 In summary, the site is in a sustainable location and will have a limited impact on the Green Belt. There are no technical reasons not to support the application and the application should therefore be approved.

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