

March 2024

Land to Rear of 96-106 High Street,
Colney Heath, Hertfordshire

Proof of Evidence

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1 Introduction

Author

- 1.1 I am Nick Collins BSc (Hons) MSc MRICS IHBC. I hold an honours degree in Land Management, I am a member of the Royal Institution of Chartered Surveyors. I also have a Masters (with Distinction) in Historic Conservation and am a full member of the Institute of Historic Building Conservation.
- 1.2 I am a consultant providing advice and guidance on all aspects of the historic built environment. I have undertaken this work since July 2014. Prior to this I was a Project Director in the heritage team at Alan Baxter Associates.
- 1.3 Between 2004 and 2012 I was an Inspector of Historic Buildings and Areas in the London Region of English Heritage (now Historic England) dealing with a range of projects involving listed buildings and conservation areas in London. Prior to this, I was Conservation Officer with the London Borough of Bromley. I began my professional career at Jones Lang LaSalle as a Chartered Surveyor.
- 1.4 I was appointed by the appellant in respect of this Appeal in February 2024. I have visited and inspected the appeal scheme site and its surroundings. I have carefully assessed the appeal scheme and the reasons for refusal.
- 1.5 The evidence that I have personally prepared and provide for this appeal on behalf of the Council is my professional opinion and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

2 The site and its context

2.1 The site is described in detail in the Statement of Common Ground. It is located to the north east of the High Street in Colney Heath, north of the Crooked Billet Public House and to the south of Colney Heath Football Club.

2.2 Within 1km of the site there are 20 designated heritage assets consisting of 19 Grade II listed buildings, and the Sleepshyde Conservation Area. Of these, as agreed as part of the Statement of Common Ground, there are three designated heritage assets that could be affected by the proposed scheme, through development within their setting. These designated heritage assets are:

- The Crooked Billet Public House – Grade II
- Apsley Cottage, High Street – Grade II
- 94 High Street – Grade II

Colney Heath

2.3 Colney Heath is located to the south east of St Albans. Historically a small rural hamlet that, whilst it has grown gradually particularly during the 20th century, remains effectively strung along its High Street in a broadly linear form.



Figure 1: Ordnance Survey Map 1873 (published 1883)

2.4 The Ordnance Survey Map of 1873 shows the three main 'clusters' of the village – to the west at St Mark's Church and Rectory; in the centre with the School and to the east with Post Office. To the south the land is identified as 'furze or whins' (gorse) along the River

Colne, whilst the land to the north is predominantly agricultural. In 1873 the land just to the south east of the Appeal Site is marked as 'orchards or gardens' (later it appears as open land and allotments).

2.5 The three identified listed buildings can be seen in the central cluster of the settlement.

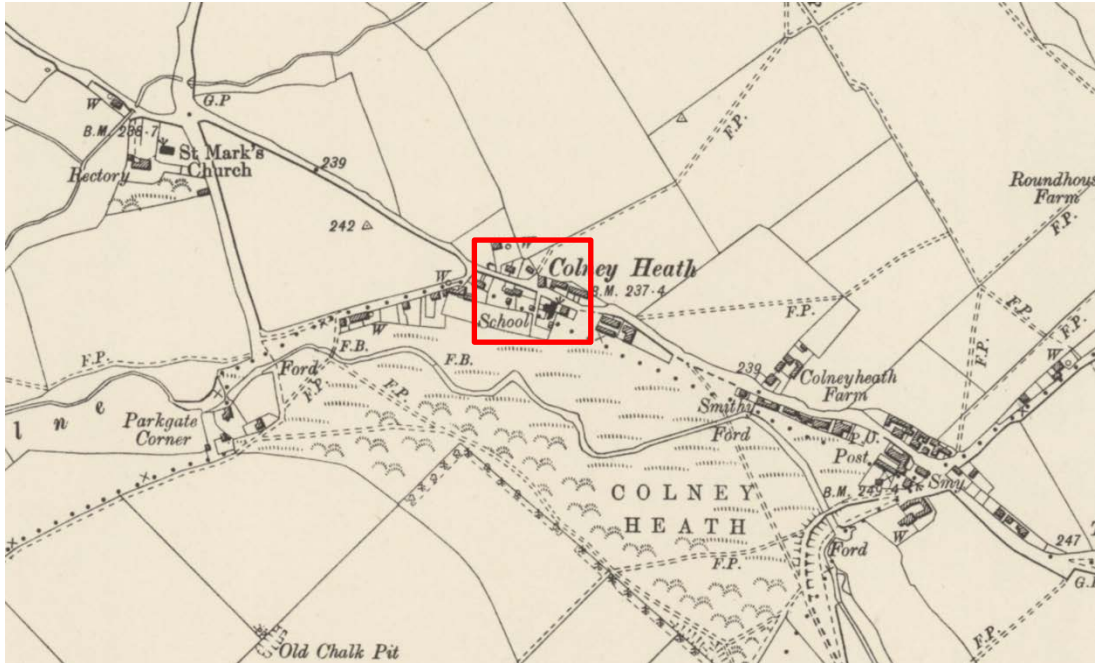


Figure 2: Ordnance Survey Map 1896, published 1899

2.6 By the end of the 19th century the settlement had spread a little more between the three 'nodes' but still remained tight along the High Street. A detail from the Map (figure 3) shows the three listed buildings at that time. No.94 High Street is divided into two properties; the Crooked Billet public house is made up of three parts and is not identified as a public house; and only Apsley Cottage appears, on the map, as it does now.

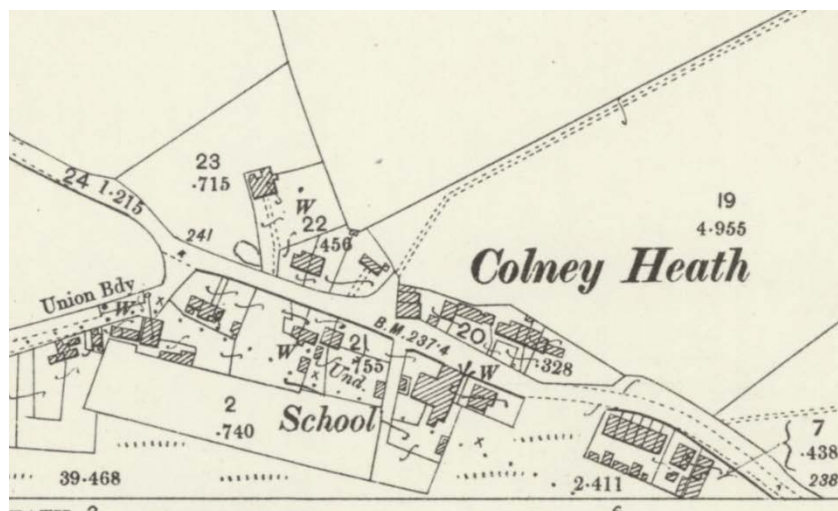


Figure 3: Ordnance Survey Map 1896

- 2.7 By 1937 ribbon development stretched along the High Street, with a new crescent of development at the western end of the village close to the church (Wistlea Crescent), and development on land just to the west of 94 High Street. Most development still remained largely along the edge of the High Street and subsidiary lanes. 94 High Street appears to be a single property by 1937.

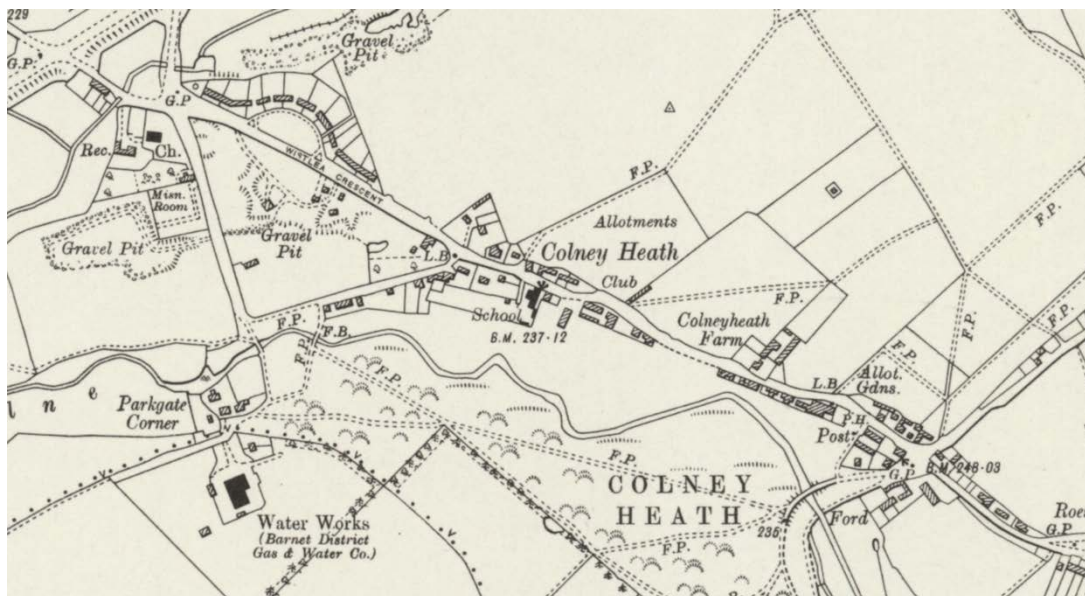


Figure 4: Ordnance Survey Map 1937

- 2.8 The land behind the Crooked Billet public house, just to the south of the Appeal Site is referenced as 'allotments'.
- 2.9 Since 1937 further incremental change has taken place: the cottage that now forms the Crooked Billet public house has been converted to the pub as it is today. Many of the structures to the south east of the Crooked Billet have been demolished, but new post-war housing has been built along the High Street.

The Area Today

- 2.10 Whilst development still runs in a largely ribbon form along the High Street and adjoining subsidiary lanes, such as Park Lane, the overall character of the High Street is now largely post-war in character with the older properties interspersed along its length.
- 2.11 In the vicinity of the site, on the northern side of the High Street, just to the west of 94 High Street a group of 3 pairs of semi-detached houses have been built – set back from the main road on land previously comprising a single dwelling set back from the road.
- 2.12 Also set back from the main road, a new school has been built on the northern side of the High Street with a large parking area to its south also providing access to the Football Club (and Appeal Site) behind.
- 2.13 Beyond, to the west further post-war housing stretches along both sides of the road and the land to the south, formed by Park Lane, High Street and Church Lane is now developed.

- 2.14 The three listed buildings form a group alongside each other with Apsley Cottage being the least prominent from the road, set back behind a mature boundary.
- 2.15 Whilst 94 High Street sits alongside the High Street, set back behind a shallow garden and fence, the Crooked Billet sits prominently on the pavement edge, perpendicular to the road and with a wide (and historic) access in front – that once led to the orchards/allotments behind and is still a public right of way to the fields beyond.



Figure 5: 94 High Street & the Crooked Billet public house (Apsley Cottage is hidden, set back from the road, behind 94 High Street) (February 2024)

The Crooked Billet Public House

- 2.16 The original house was a 2-room plan weatherboarded cottage with a central stack and clay tiled roof. The righthand south bay was added later in the 19th century and the back range (east) is even later – 19th or early 20th century¹. (the southern bay has recently been subject to serious damage from vehicular collision).
- 2.17 Various single storey ad hoc additions have been added that wrap around the eastern and northern sides of the building.
- 2.18 There is access, in front of its western elevation, to a large, tarmacked car park and ‘beer garden’ to the rear – via the historic access to the public right of way and the orchards/gardens/allotments/fields to its rear.

¹ Historic England List Description LEN 1261870



Figure 6: Crooked Billet Pub (Feb 2024)

Apsley Cottage, 90 High Street

- 2.19 Apsley Cottage is a small 18th century timber framed house of two storeys with a steep slate roof and chimney stacks at either end. There is a 20th century single-storey extension on the western, right-hand side².



² Historic England List Description LEN 1172854



Figures 7 & 8: Apsley Cottage from front and rear

- 2.20 Set back from the High Street the cottage is screened by mature boundary planting. To the rear the upper floor and roof can be seen from the Crooked Billet garden and from the fields beyond through hedgerow planting.

94 High Street

- 2.21 94 High Street dates from the late 17th or early 18th centuries and is timber framed with roughcast walls, a plain tiled roof and external gable end stacks, the left one enclosed by a 20th century single storey extension.³ There is also a late 20th century extension to the rear and the house has been extended to the west (right) with a double garage and room above, against the west end chimney stack.
- 2.22 In the 1896 Ordnance Survey Map the house is shown as divided into two halves but it appeared as one by 1937.



Figure 9: 94 High Street February 2024

- 2.23 The small modern 1970s housing estate to the west is built close to the northern side of the house – giving the impression, from the High Street, of tucking behind the listed building.

³ Historic England List Description LEN 1103027

3 The heritage significance of the site & its context

The heritage context of the site

- 3.1 The Appeal Site does not lie within a Conservation Area and there are designated or undesignated heritage assets within the site.
- 3.2 As described earlier, within 1km of the site there are 20 designated heritage assets consisting of 19 Grade II listed buildings, and the Sleepshyde Conservation Area. Of these, as agreed as part of the Statement of Common Ground, there are three designated heritage assets that could be affected by the proposed scheme, through development within their setting. These designated heritage assets are:
 - The Crooked Billet Public House – Grade II
 - Apsley Cottage, High Street – Grade II
 - 94 High Street – Grade II

Heritage Significance

Assessing heritage significance and setting: concepts and terminology

- 3.3 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
- 3.4 Section 66(1) of the Act says that 'in considering whether to grant planning permission or development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 3.5 Listed buildings are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF). Locally listed buildings or structures identified by the local authority can be considered as 'non-designated heritage assets'. In this case none have been identified.
- 3.6 'Significance' is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England "Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently – as 'the sum of its architectural, historical, artistic or archaeological interest'.

- 3.7 'Conservation Principles, Policies, and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.
- 3.8 The setting of a heritage asset is defined in the NPPF as:
- 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.⁴
- 3.9 Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition) (GPAPN 3): The Setting of Heritage Assets (2017) provides a framework to considering the impact of proposals on the setting of heritage assets.
- 3.10 Within the context of this assessment the key steps are as follows:
- Identify which heritage assets and their settings are affected
 - Assess the degree to which these settings and views make a contribution to the significance of the heritage assets or allow significance to be appreciated
 - Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it
 - Explore ways to maximise enhancement and avoid or minimise harm

The Listed Buildings

- 3.11 As outlined above, the special interest – or significance – of a listed building is articulated through its architectural or historic interest with consideration given to how its setting contributes to that significance. The following paragraphs seek to identify the significance of each of the heritage assets before, in Section 4, considering which elements of that significance are relevant and potentially affected by the proposals.
- 3.12 The three identified listed buildings, as well as the other buildings nearby and their relationship to one another collectively illustrate – to varying degrees – the historical development of Colney Heath. They tell us about the nature of the evolution of the settlement – which is further illustrated by the historic maps – showing a hamlet that has grown up firstly in a series of tight clusters along the High Street and then in a more ribbon manner - in a largely rural and agricultural context which, until the post-war period, was largely only one building deep and a rural scene would have been often glimpsed between and behind the majority of buildings.
- 3.13 GPAPN 3⁵ sets out a checklist of potential attributes of a setting that may help to elucidate its contribution to significance. As well as noting elements relating to an asset's physical

⁴ <http://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

⁵ Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition) p.11

surroundings, it also identifies elements that relate to an 'experience of the asset' for example surrounding landscape or townscape character, noise, vibration, tranquillity, remoteness, 'wildness', busyness, bustle, movement and activity, scents and smells – to name but a few.

The Crooked Billet Public House

- 3.14 The significance of the listed building is derived from its special architectural or historic interest. The Crooked Billet represents one of the original vernacular dwellings that line the High Street and backed on to the rural fields behind providing a historical link to the evolution of the village.
- 3.15 The most historic part of the listed building is that part which was originally built as a small timber framed two room cottage and is representative of a typical small rural dwelling. This element of its historical significance has, however, been much diminished by the scale of its extensions – which have encased the cottage on three sides – changing its very humble origins and scale.
- 3.16 The architectural interest of the building lies primarily in those parts that relate to the early 19th century vernacular weatherboarded cottage. The character of this part of the listed building is still appreciable in its front elevation, but otherwise the cottage has been entirely encased in later extensions – none of which have the same character or interest. Of a different scale and proportion to the original cottage they also do not use the same vernacular local materials. There is some also some significance or 'communal value'⁶, that can be attributed to both its conversion to, and use as, a public house. The pub has, for many years now, acted as a location that brings people together and provides, with the beer garden, a place to appreciate the relationship between the village, the pub and its wider rural context.

The contribution that setting makes to the building's significance

- 3.17 The building is prominently located on the main road and the space in front of the cottage has historically been open (see figure 3 for example) as opposed to closed by hedgerow. Views towards the front elevation from the High Street, particularly from the west, still allow for an appreciation of the original cottage, with its weatherboarded front, tiled roof and axial chimney stack.
- 3.18 Other views from the road, particularly the east, are still prominent but of less interest other than in confirming the extent to which the building has been extended over the years.
- 3.19 The setting of the rear of the building has been much compromised by the creation of the car park and the extent of the extensions around the original part of the building. Nevertheless, the fact that the pub garden provides a place where people can sit and appreciate their environment away from the main road and access to the rear car park is

⁶ Conservation Principles, Policies, and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008)

also a historic public right of way adds to its relevance in terms of being able to appreciate the setting of the building. Members of the public can experience the setting and relationship between the Crooked Billet and the rural hinterland in a very direct way.

- 3.20 The public right of way provides a direct link between the more 'semi-urban' feel to the village along the main road and the rural hinterland behind and provides glimpsed views to the countryside beyond – even if this is only a 'sense' of countryside because of the mature hedgerows in between.
- 3.21 Therefore even though little of the 'original' cottage is visible from the car park and beyond, the kinetic experience of the cottage from the main road through to the car park, garden and path beyond still contributes to an understanding and appreciation of its setting and context.
- 3.22 The upper floor and roof of the pub can just be glimpsed from the field beyond through mature hedgerow planting – which is relevant to its setting – marking the historic line of the High Street from across otherwise largely open fields.
- 3.23 The Crooked Billet forms part of a group with Apsley Cottage and 94 High Street whose intervisibility, particularly from the main road, forms an important part of their collective setting – in respect of understanding the evolution of Colney Heath along the High Street. This includes glimpses between and beyond where they are possible.

Apsley Cottage

- 3.24 The historic interest of Apsley Cottage is similar to that for the Crooked Billet in that it represents one of the original vernacular dwellings that line the High Street and that backed on to the rural fields behind and provides a historical link to the evolution of the village.
- 3.25 Unlike the pub, the cottage remains as a single house and its plot appears to be largely un-changed, at least from the middle of the 19th century.
- 3.26 As an 18th century timber framed cottage, its vernacular form and materials are of special interest, although it is likely that the slate roof replaced clay tiles at some point. The house has a single storey extension on its eastern flank, however this does not detract from its character as a simple rural cottage.

The contribution that setting makes to the building's significance

- 3.27 Set well back from the High Street and surrounded on all sides by high boundary planting and fences, setting makes a more limited contribution to the significance of the listed building than both the Crooked Billet and 94 High Street from the High Street itself. However, forming part of the group of historic buildings – with the other two listed buildings - means that even the glimpses of the upper floor and roof help to appreciate the historic nature of the cottage and its relationship with its neighbours and surroundings.

- 3.28 The upper floor and roof to the rear of the cottage is similarly glimpsed over high boundary planting from both the pub garden and also the field beyond – again marking the historic line of the High Street from the open fields beyond and contributing to an appreciation of its historical significance.

94 High Street

- 3.29 The original part of 94 High Street dates to the late 17th or early 18th century and therefore the original cottage is an important element of the development of Colney Heath. However, this historical significance has been diminished by the extent of extension, which has altered the perception of the original small vernacular cottage.
- 3.30 Although the clay tiled roof provides a unifying cohesiveness to the cottage and its extensions and the small first floor dormers are a reminder of its humble origins, the house is now much altered from its original form.

The contribution that setting makes to the building's significance.

- 3.31 The cottage is best appreciated from the High Street where, despite the changes that have been made, its historic character can still be appreciated in views from east and west along the High Street.
- 3.32 The historic nature of the land ownership to the rear of the cottage meant that the cottage itself did not open onto the fields behind, with just a tiny connection between the rear garden and the field. All that is now visible from the fields beyond is the late 20th century extension.
- 3.33 This has been further exacerbated by the 1970s semi-detached houses to the west which, from the High Street, appear to tuck behind the cottage. Therefore in terms of setting, the relationship between 94 High Street and the rural hinterland is extremely limited and that connection much less important in terms of appreciating the significance of the building.

4 The Appeal Scheme

Reasons for Refusal

- 4.1 The proposals are 'outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works'.
- 4.2 The reasons for refusal, in respect of heritage, relates to 'harm to...the adjacent Grade II listed building'.
- 4.3 In terms of the Council's Committee Report, this stated:
- 4.4 'Comments from the Design & Conservation Officer raise concerns regarding the absence of parameter plans, the unused green space adjacent to the boundary, and the uncertainty regarding the retention of existing tree and hedgerow screening. On this basis, the application has failed to demonstrate that the proposed development would avoid harm to the adjacent heritage assets [identified as the Crooked Billet Public House, Apsley Cottage & 94 High Street]. It is considered that the proposed development would cause less than substantial harm, on the lower end of the spectrum. As a result, the proposal conflicts with Local Plan Policy 86.'
- 4.5 It was further recognised that 'overall, it is considered that, in isolation, the public benefits of the proposed development would outweigh the harm to the heritage assets'.

Assessment

- 4.6 The proposals are described in the Design & Access Statement provided as part of the planning application. This provides a Concept Masterplan and over-arching principles.
- 4.7 From a heritage perspective the key issue is the impact of the proposals on the significance of the identified heritage assets through development within their setting and whether this impact affects their significance.
- 4.8 GPAPN 3⁷ also provides a checklist of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. These include physical and intervisibility elements, but also elements such as noise, lighting effects and 'light spill', change to general character (eg. Urbanising or industrialising), changes to land use, land cover, tree cover...to name but a few.
- 4.9 For the reasons given in the previous section, I believe that the Appeal Site forms an element of the wider experience of the assets - both visibly and perceptibly.

^{7 7} Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition) p.13

Impact Assessment

- 4.10 The previous Chapter has considered the special interest – significance – of the heritage assets and the contribution that setting makes to that significance. Whilst change might affect any aspect of that, in this case it is the building’s historical significance that is relevant. The proposals will have no impact on the architectural interest of any of the listed buildings.
- 4.11 There are clearly ways that the impact of the proposed development could be reduced or mitigated – to maximise enhancement and minimise harm. These are identified in the Appellant’s Heritage Statement as potentially including carefully designed buffer gardens and enhanced planting along the proposed development site’s boundaries. I have considered the potential for mitigation in carrying out my assessment below.
- 4.12 In considering the impact of the proposals on the setting of the listed buildings from the High Street the proposals would potentially lead to a loss of glimpsed views through to the rural hinterland that historically formed the backdrop to the cottages (see figures 10 & 11). Even if mitigated and the impact is more ‘perceived’ than visual, it is still likely to change the experience of the setting of the listed buildings. For example, it is likely that light will be visible at night between the listed buildings, and particularly in the gap between the Crooked Billet public house and Apsley Cottage.
- 4.13 This impact is compounded in the kinetic experience of the setting of the Crooked Billet and Apsley Cottage from the High Street through to the beer garden, car park and along the footpath beyond.
- 4.14 It is recognised that the quality of the contribution that setting makes from the rear to these two buildings is diminished by the extent of tarmac hardstanding to the car park and the density of boundary planting (and the multiple extensions to the Crooked Billet in the case of the pub). However, the opening and public right of way, between Apsley Cottage and the Crooked Billet, provides a historic view through, where the listed buildings’ relationship with the High Street, the rural hinterland and each other, can be appreciated. The remaining architectural interest of both buildings can also be appreciated at this point. The beer garden gives an opportunity and reason for people to appreciate this relationship.



Figures 10 & 11: Gaps between 94 High Street, Apsley Cottage & Crooked Billet (February 2024)

- 4.15 Whilst mitigation may be able to reduce the extent of physical intervisibility to the rear, it is unlikely to be able to entirely prevent elements identified above in 4.8, such as noise, light spill, general change in character etc. that relate to elements of significance best appreciated from the rear of the assets.
- 4.16 There are currently oblique long and closer views from across the Appeal Site and adjacent footpath towards the rear of the three listed buildings where elements of their upper floors and roofs/chimneys can be glimpsed between mature trees and hedgerows.



Figure 12: Looking south east across the site towards the listed buildings (February 2024)

- 4.17 Whilst it is difficult to define the architectural interest of the buildings in these longer views, they do nevertheless contribute to the setting of the buildings, by providing a glimpsed understanding of the historic relationship between the listed buildings and the surrounding countryside, and also the building's roles in one of the historic clusters that formed the hamlet of Colney Heath.
- 4.18 Clearly today there are many other buildings that can be seen across the fields which also now 'mark' the location of Colney Heath, and are more prominent than the listed buildings, but the presence of development on land close to the rear of the listed buildings will diminish that historic open setting and contribute to the sense that the listed buildings are now surrounded by 'suburban' development.

Summary of Impact

Crooked Billet Public House

- 4.19 I believe that the residual impact of the Appeal proposal on the significance of the listed building will be less than substantial harm at the lower end of the scale. This is caused by a small diminution in the contribution that an element of the setting of the listed building makes to its significance.

- 4.20 The proposals have the potential to not just alter the visual relationship between the listed building and its rural hinterland but also introduce a 'sense' of suburbia beyond – caused through lighting, noise etc.

Apsley Cottage

- 4.21 The impact of the Appeal proposal on the significance of Apsley Cottage is similar to that for the Crooked Billet public house: less than substantial harm at the lower end of the scale caused by a small diminution in the contribution that an element of the setting of the listed building makes to its significance.
- 4.22 The cottage is far more enclosed than the pub, but is also closer to the Appeal site – meaning that the relationship and setting is far more proximate making the intervisibility and the potential to 'experience' change more likely.

94 High Street

- 4.23 Whilst the listed building is adjacent to the other two and forms part of a group in terms of its setting when viewed from the High Street, in reality its historic relationship with the open fields behind is much compromised and was never as 'direct' as the other two buildings.
- 4.24 Even though the rear extension to the house can be just glimpsed across the fields, this is a late 20th century addition rather than the most historic element of the listed building.
- 4.25 Development to the rear of the listed building will alter its historic setting, introducing a 'suburban' development where previously there was none and therefore for many of the reasons given above, the proposals will cause a negligible (but nevertheless present) element of less than substantial harm.

5 Compliance with policy & guidance

- 5.1 This section of the report considers the reasons for the Refusal in terms of policy and guidance as well as considering why the proposals could be regarded as acceptable.

The National Planning Policy Framework

- 5.2 The revised version of the National Planning Policy Framework (NPPF) was published in December 2023.

Proposals affecting heritage assets

- 5.3 Chapter 16 of the National Planning Policy Framework: 'Conserving and enhancing the historic environment' deals with Heritage Assets describing them as 'an irreplaceable resource' that 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 5.4 Paragraph 200 says that:
- 5.5 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'
- 5.6 Paragraph 203 says that
- 5.7 'In determining applications, local planning authorities should take account of:
- 5.8 'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 5.9 b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 5.10 c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Considering potential impacts

- 5.11 Paragraph 205 advises local planning authorities that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 5.12 Paragraph 207 says:
- 5.13 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- 5.14 the nature of the heritage asset prevents all reasonable uses of the site; and
- 5.15 no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- 5.16 conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- 5.17 the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 5.18 Paragraph 208 says that
- 5.19 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

St Albans City & District Local Plan

- 5.20 The Council's Local Plan was adopted in 1994.
- 5.21 Policy 86 relates to Buildings of Special Architectural or Historic Interest.. Of relevance to this application, this states:
- i) In considering any application for listed building consent for the demolition, alteration or extension of a listed building (and also any application for planning permission for development which affects a listed building or its setting), the council will have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

The proposals

National Planning Policy Framework

- 5.22 In respect of the National Planning Policy Framework and paragraph 206, it is common ground between the appellant and the Council that the proposals do not cause substantial harm to any designated assets or their setting.
- 5.23 With regards paragraph 207, it is agreed that any harm that could be caused by the proposals would be 'less than substantial'.
- 5.24 For the reasons given in the previous section I believe that with regards the Crooked Billet pub and Apsley Cottage, this would be less than substantial harm to the setting of

the designated heritage assets at the lower end of the scale and for 94 High Street it would be a negligible amount of less than substantial harm.

- 5.25 As part of future reserved matters it might be possible to reduce the harm through measures such as a carefully designed buffer of gardens and enhanced planting along the site boundary. However, I do not believe that these would remove the harm for the reasons given earlier in the report and I consider that, even with mitigation, there would still be less than substantial harm.
- 5.26 If it is agreed by the Inspector that an element of less than substantial harm is caused, this should be weighed against the public benefits, including where appropriate, securing optimum viable use.

St Albans City & District Local Plan

- 5.27 With regards to the Council's Local Plan policy 86, whilst the proposals will preserve the features of architectural or historic interest which each of the listed buildings possess, they have the potential to cause a small amount of harm to an element of their setting which contributes to their overall special interest and significance.

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