

Town and County Planning Act 1990 (As Amended) - Section 78

Town and Country Planning (Inquiry Procedure) (England) Rules 2000

Appeal by Vistry Homes Limited against the refusal of St Albans City and District Council, as Local Planning Authority, to grant outline planning permission for residential development of up to 150 dwellings, all matters reserved except access at Land Rear of 42 - 100 Tollgate Road, Colney Heath, Herts, AL4 0PY

STATEMENT OF CASE OF ST ALBANS CITY & DISTRICT COUNCIL

JULY 2023

PLANNING INSPECTORATE REF: APP/B1930/W/23/3323099

LOCAL PLANNING AUTHORITY REF: 5/2022/1988

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1	Committee Report 5/2022/1988/LSM
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1 Introduction

1.1 The proposal is for residential development of up to 150 dwellings on a site in the Green Belt ('the appeal site'). This appeal relates to an outline planning application ('the application') which was subject to a resolution that, had they been in a position to do so, SADC would have refused planning permission (as per their Officer Report at **Appendix 1**). A public inquiry into the appeal is scheduled to open in September 2023.

1.2 All matters, excluding access, are reserved for future consideration.

1.3 The putative reasons for refusal of SADC are outlined in the Officer Report and set out below:

1. *The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.*
2. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.*

- 1.4 A copy of the Officer Report is attached at Appendix 1 and comprises part of the Council's case and should be read in conjunction with this statement.
- 1.5 This is an outline application with only access to be considered at this stage. The application plans include a parameters plan and concept master plan, however these do not and cannot set the layout, scale or appearance of the proposed development as these matters remain reserved.
- 1.6 It is common ground, as indicated in the Statement of Common Ground that the Council cannot demonstrate a five-year supply of deliverable housing land and their Housing Delivery Test Score is below 75% and as such the so-called tilted balance pursuant to paragraph 11(d) of the NPPF is engaged.
- 1.7 However, the site is in the Green Belt and leads to Green Belt harm and policies of the Framework indicate that permission should be refused. Therefore, the tilted balance is disengaged.

2 Site and Surroundings

- 2.1 The appeal site comprises land extending to a total of 7.82 hectares. It is located to the south-west of a ribbon of houses fronting Tollgate Road that comprise the southerly extent of the washed over Green Belt settlements of Colney Heath.
- 2.2 Colney Heath is situated within the administrative area of St Albans City and District Council close to the administrative boundary with Welwyn Hatfield District Council.
- 2.3 The Council will describe the site which is largely undeveloped and open but includes the dwellinghouse and garden to 42 Tollgate Road as well as a single storey stables building and associated storage containers alongside the north-west boundary.
- 2.4 We will describe the neighbouring land uses noting the rear garden boundaries to houses fronting Tollgate Road to the north-east, open agricultural land to the south-east, open woodland and the River Colne and local wildlife site to the south-west and open land to the north-west. We will note the lack of any meaningful in-depth development along this side of Tollgate Road which is characterised by a ribbon of detached and semi-detached dwellings.
- 2.5 A public footpath linking Tollgate Road to Coursers Road (Colney Heath 033) is located alongside the full length of the north-west boundary, it forms part of an extensive range of local footpaths. The Council will describe the landscape qualities of the area as well as identifying the site as falling within Landscape Area 030 – Colney Heath Farmland (LCA).
- 2.6 We will describe the location of the Colney Heath Farm Meadows Local Wildlife Site (LWS).
- 2.7 The boundaries of the appeal site are delineated by hedge planting and post and rail fencing. Where planting exists it is ‘gappy’ in places and views into the site are available from the public footpath as well as neighbouring dwellings and land.
- 2.8 The Council will describe the location of local heritage assets relative to the appeal site.
- 2.9 The site is located within the Metropolitan Green Belt.
- 2.10 The site is currently predominately open and used for exercising and grazing horses.
- 2.11 Beyond the site to the south, west and east lies open countryside.
- 2.12 The appeal site is open and its boundaries albeit demarked by some landscaping comprising trees, hedgerow and understorey growth are also demarked by open post and rail fencing and both provide permeability and views into and out of the site. The topography of the site and immediate area generally slopes from north down to the riverbed in the south.

- 2.13 The appeal site is situated in a prominent location between St Albans/ London Colney and Hatfield/ Welham Green and outside the washed over Green Belt settlement of Colney Heath (which incorporates Roestock).
- 2.14 The site and area lies within National Character Area 111: Northern Thames Basin and Hertfordshire Landscape Character Area ('LCA') 30: Colney Heath Farmland, which features organic field patterns, woodland blocks and mixed farmland as key characteristics. The overall guidelines for managing change in the LCA are 'Improve and conserve'.
- 2.15 The appeal site is detached from any non-Green Belt settlement and falls in the open green space between St Albans and Hatfield.
- 2.16 We will describe the viewpoints from which the site can be seen and describe these views contrasting the existing open rural appearance with the site developed for up to 150 dwellings.
- 2.17 The appeal site falls within the northern part of the Watling Chase Community Forest area which separates Hatfield and St Albans.

3 The Application and Planning History

- 3.1 Outline planning permission is sought for the development of the land for up to 150 dwellings with new road junctions, internal access roads, car parking and other related development including green infrastructure. All matters are reserved, save for access. Access is proposed from Tollgate Road.
- 3.2 An illustrative master plan has been produced to show how the site may be laid out should permission be granted and to illustrate the impact of a development of this scale and character. A parameters plan accompanied the application the subject of this appeal.
- 3.3 Consistent with the Officers Reports, the Council will describe the proposals and comment on the illustrative layout and the likely impacts of a development of this scale and number of dwellings and will contrast the proposal with the existing open condition of the appeal site.
- 3.4 The proposal includes the following housing tenures:
- 60 affordable units (40%). The tenure is agreed to provide 2:1 affordable rental to shared ownership dwellings as well as 25% First Homes.; and
 - 81 market units (54%),
 - 9 plots for market self-build (6%).
- 3.5 The mix and property sizes would be determined at reserved matters stage.
- 3.6 A new vehicular and pedestrian access is proposed to be created off Tollgate Road, which would require the demolition of no. 42 Tollgate Road. A raised table is proposed at the junction between the site and Tollgate Road and between Fellowes Lane and Tollgate Road. The proposals also include the provision of a new section of footway on the north side of Tollgate Road.

Planning History

- 3.7 The appeal site has no relevant planning history. The three applications comprising the history of parts of the appeal site are detailed at section 3 of the Statement of Common Ground.
- 3.8 Planning permission was granted at appeal¹ for the erection of 100 dwellings on a Green Belt site on the edge of Colney Heath Bullens Green that straddles the boundary with Welwyn Hatfield District Council, we will describe that appeal site and contrast it with the appeal site.

¹ APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

- 3.9 The Council also note the 2016 appeal decision on neighbouring land known as Roestock Depot². In that decision the Inspector found that much of the site was previously developed land but the proposals would lead to a greater loss of openness than existing development and did not amount to infilling:

“Given the sites location in a gap between to distinctly separate built-up areas (Bullen’s Green and Roestock) and the scale of the proposed development, which would not be flanked by existing built form on both sides for much of its depth, I do not consider that the development could be appropriately described as limited infilling in a village. This is notwithstanding the presence of houses either side of the site along the road frontage.”

- 3.10 Having concluded that the proposed development would have a greater impact on openness than the existing buildings the Inspector concluded:

“[...] Therefore, the development would be at odds with the Green Belts essential characteristics, openness and permanence. Furthermore, it would be in conflict with its defined purposes, specifically to assist in safeguarding the countryside from encroachment.”

- 3.11 The Council will also refer to other applications including those detailed at Section 2 of the Committee Report

² APP/B1930/W/15/3137409

4 Planning Policy

4.1 The development plan comprises the St Albans District Local Plan 1994 (SADLP).

4.2 The following saved policies of the SADLP are relevant to consideration of the application the subject of this appeal.

- POLICY 1 - Metropolitan Green Belt
- POLICY 2 - Settlement Strategy
- POLICY 8 - Affordable Housing in the Metropolitan Green Belt
- POLICY 34 - Highways Considerations in Development Control
- POLICY 35 - Highways Improvements in Association with Development
- Policy 36a - Location of New development in relation to Public Transport Network
- POLICY 39 - Parking Standards, General Requirements
- POLICY 40 - Residential Development Parking Standards
- POLICY 69 - General Design and Layout
- POLICY 70 - Design and Layout of New Housing
- POLICY 74 - Landscaping and Tree Preservation
- POLICY 84 - Flooding and River Catchment Management
- POLICY 84a - Drainage Infrastructure
- POLICY 86 - Buildings of Special Architectural or Historic Interest
- POLICY 104 - Landscape Conservation
- POLICY 106 - Nature Conservation
- POLICY 111 – Archaeological Sites
- POLICY 143a - Watling Chase Community Forest
- POLICY 143b - Implementation

4.3 In the Roestock Depot appeal decision, the inspector concluded in respect of Policies 1 and 2:

“Policies 1 and 2 of the LP restrict development in the Green Belt other than for specified purposes. This general approach to Green Belt protection is consistent with that of the National Planning Policy Framework (the Framework) but I note that greater scope for exceptions are set out at paragraph 89 of the Framework and this is an important material consideration.”

4.4 In her decision at Bullens Green the Inspector concluded in respect of Policy 1 inter alia:

“[...] The proposals would lead to conflict with policy 1 of the St Albans District Council Local Plan, 1994. This policy identifies the extent of Green Belt within the Borough, and outlines the developments which would be permitted which broadly align with the development identified by the Framework.”

4.5 It is common ground that Policies 1, 2, 69, 86 and 143b are most important policies.

4.6 SADC has adopted relevant supplementary planning documents including:

- Revised Parking Policies and Standards, January 2002
- Design Advice Leaflet No. 1: Design and Layout of New Housing, November 1998
- Affordable Housing March 2004

National Planning Policy Framework

4.7 The Framework sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. In terms of the most relevant sections for this appeal, Section 9 promotes Sustainable Transport and Section 13 relates to Protection of the Green Belt. Section 2 includes the presumption in favour of Sustainable Development. Section 5 relates to the delivery of a sufficient supply of homes. Section 12 relates to achieving well-designed places, Section 15 relates to conserving and enhancing the Natural Environment and Section 16 relates to conserving and enhancing the Historic Environment.

4.8 Paragraph 11 sets out the approach to the presumption in favour of sustainable development. Paragraph 11d advises that the presumption means, for decision-making:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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 proposed⁷; 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.”*

4.9 It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing land and also via its HDT results the policies of the local plan are out of date.

4.10 Footnote 8 states that in the situation where a Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land and/or the HDT results are below 75% then the policies which are most important for determining the application are deemed to be out of date.

4.11 Paragraph 11(d)(i) and Footnote 7 provides (so far as relevant) that the tilted balance is disengaged in circumstances policies of the Framework protect assets of importance and provide a clear reason for refusing permission. Footnote 7 clarifies that:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: [...] land designated as Green Belt [...]; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); [...]”

- 4.12 As such, when considering planning decisions relating to land in the Green Belt it is necessary to determine whether the application of the Green Belt policies and/or the Heritage policies in the Framework provide a clear reason for refusal under paragraph 11(d)(i). If they do, the tilted balance in paragraph 11(d)(ii) of the Framework is disengaged.
- 4.13 Paragraph 149 of the Framework provides that “the construction of new buildings” is “inappropriate development” in the Green Belt, unless one of the stated exceptions applies. The proposal for up to 150 dwellings and access roads and other development to facilitate the proposed housing comprise inappropriate development. Exception (g) relates to limited infilling to complete redevelopment of previously developed land where it would not have a greater impact on openness or not cause substantial harm to openness where it would re-use pdl where it would contribute toward meeting local affordable housing need. The development does not fall within any of the exceptions.
- 4.14 The Framework advises that inappropriate development is, by definition, harmful to the Green Belt should not be approved except in very special circumstances (paragraph 147). Paragraph 148 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 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.”*
- 4.15 It is common ground that less than substantial harm arises to the setting of listed buildings. In those circumstances NPPF para. 202 requires a decision maker to weigh any harm to a designated heritage asset against the public benefits of the proposal.
- 4.16 Great weight is to be given to the conservation of heritage assets (199).
- 4.17 In the circumstances of this case the Council will acknowledge that the public benefits of granting planning permission outweigh the heritage harm and as such the heritage harm does not disengage the tilted balance.
- 4.18 The appeal site comprises land outside any designated settlement and thus comprises part of the countryside. Although not a “footnote 7 policy”, paragraph 174(b) of the Framework directs that decisions on planning applications should contribute to and enhance the natural and local environment by:
- “recognising the intrinsic character and beauty of the countryside ...”*
- 4.19 The *Cawrey*³ judgment accepts that the recognition of the intrinsic character and beauty and character of the countryside necessarily imparts a degree of protection to those matters.

³ i.e. paragraph 49 of *Cawrey Ltd and SoSCLG and Hinkley and Bosworth BC* [2016] EWHC 1198 (Admin) CD12.12

- 4.20 The Framework seeks to achieve well designed places and as set out at paragraph 127(f) seeks to provide high standards of amenity for existing and future users and being sympathetic to context including landscape setting (127(c)).
- 4.21 Paragraph 169 requires major development to incorporate sustainable urban drainage systems. Section 15 requires the protection and enhancement of biodiversity (180).

The Emerging St Albans Local Plan

- 4.22 The Regulation 22 Submission version of the St Albans Local Plan was submitted in March 2019. The Examining Inspectors expressed concerns that the duty to co-operate had not been satisfied and the Council withdrew the plan.
- 4.23 However, it is material to note that the Green Belt boundary in the area of the appeal site was not proposed to be amended and thus the appeal site was proposed to be retained within the Green Belt (in accordance with the principles of permanence).
- 4.24 The appeal site was submitted through the Call for Sites 2021. The Housing and Economic Land Availability Assessment (HELAA) was undertaken without reference to the Green Belt Review which could change the suitability of sites. It found the appeal site to be potentially suitable, available and achievable subject to further assessment as part of the site selection process.
- 4.25 Furthermore, pursuant to the 2013 Green Belt Assessment, which comprised part of the evidence base for the now withdrawn draft Local Plan, no changes were proposed to the Green Belt boundaries around Colney Heath or the washed over status of the Green Belt settlements (such as Colney Heath). The appeal site was not identified as either a strategic site or a smaller scale site in the Green Belt Assessment. The Examining Inspectors described the Green Belt process as follows in a letter in April 2020⁴ at para. 31:

“The Green Belt Review Purposes Assessment (November 2013) was prepared jointly for the Council with Dacorum and Welwyn Hatfield Councils by SKM (GB004). This Stage 1 of the review identified large parcels of land across the three authorities. Those areas contributing least to the Green Belt were determined and a number of strategic sub areas in St Albans were identified for further investigation. These were taken forward to Stage 2 where SKM undertook a review and detailed assessment of those strategic sub areas in the Green Belt Review Sites and Boundaries Study (February 2014) (GB001).”

- 4.26 In that letter the Inspectors raised concern that the GB Review process excluded consideration of sites of less than 500 dwellings (see paragraph 37) and that the capacity from smaller sites could be greater than estimated having regard to the smaller scale sites identified in the 2013 review not being an exhaustive list. The GB

⁴ See Examining Inspector’s Post Hearing Letter of 14 April 2020 at CD7.01

Review did not take forward the small scale sub areas assessed in 2013 *as making no or little contribution to the Green Belt purposes.*

4.27 The appeal site is not located in a sub area that was assessed in 2013 as making little or no contribution to the Green Belt purposes and in fact was considered to make a significant contribution toward safeguarding the countryside from encroachment (therefore parcel 34 was not considered to perform poorly against the purposes or warrant subdivision).

4.28 The Examining Inspectors' concern is encapsulated at paragraph 41 wherein they state the following about the Council's focus on strategic sites:

"This has ruled out a number of sites that have already been found to impact least on the purposes of the Green Belt. It may well also have ruled out other nonstrategic sites with limited significant impacts on the Green Belt which may have arisen from a finer grained Green Belt Review."

4.29 SADC commenced work on preparing a new draft Local Plan for the period to 2041. As part of the evidence base for the new Local Plan a revised Part 2 Green Belt Review was commissioned to assess a range of sites (both large and small) for release from the Green Belt.

4.30 The Council has published the Regulation 18 First Draft Local Plan, the LDS sets a timetable for publication and adoption. The Regulation 18 Plan identifies the sites for release from the Green Belt and to be allocated for housing. The appeal site does not comprise a site identified in the emerging plan as an allocation site for housing.

4.31 The Council considers that very little weight can be placed on this emerging plan which is at an early stage of preparation for the purposes of this appeal.

5 The Council's Case

- 5.1 The Council will present evidence under the broad topic headings that are covered in the putative reasons, namely:
- a. Green Belt;
 - b. Character and Countryside;
 - c. Location;
 - d. Heritage Assets;
 - e. Infrastructure;

5.2 It is common ground that the proposal comprises inappropriate development in the Green Belt. In that context the Council will consider what other harm arises to the Green Belt as well as considering harm to the character and appearance of the area, harm to the countryside and harm to designated and undesignated heritage assets, as well as the sustainability of the location to support new residential development.

5.3 We will also will briefly address matters of biodiversity, archaeology, and infrastructure before considering whether any other considerations raised by the Appellant clearly outweigh the harm by way of inappropriateness and any other harm such that very special circumstances exist.

Green Belt – Inappropriate Development

5.4 Consistent with the Framework (paragraph 149), Policy 1 SADLP does not define development of up to 150 residential dwellings, access roads etc. as an exception from the definition of inappropriate development.

5.5 The erection of buildings is normally inappropriate development unless it meets an exception identified in NPPF paragraph 149. The Council will show that the proposed development does not comprise one of those exceptions.

5.6 It is common ground that the proposed development comprises inappropriate development. Harm by way of inappropriateness and any other Green Belt harm is harm that is attributed substantial weight.

5.7 Inappropriate development should not be approved except in very special circumstances. "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.

5.8 The application of NPPF paragraph 148 provides a clear reason to refuse planning permission under NPPF 11(d)(i), and it would only ever be through the exercise of the Green Belt planning balance in NPPF para. 148 wherein other considerations are demonstrated to clearly outweigh the harm by way of inappropriateness and any other harm that permission could be granted.

Green Belt - Openness

- 5.9 The Framework (para. 137) identifies openness and permanence as the essential characteristics of the Green Belt with the fundamental aim of Green Belt policy to keep land permanently open and thereby prevent urban sprawl.
- 5.10 The concept of openness means the state of being free from built development; the absence of built form as opposed to the absence of visual impact⁵. However, the word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if the proposed development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents⁶.
- 5.11 The Government updated the PPG in July 2019 (Para 001; ID 64-001-20190722) in respect of openness and it now states:
- “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
 - *the degree of activity likely to be generated, such as traffic generation.”*
- 5.12 In **Samuel Smith**,⁷ the Supreme Court found that the visual component of openness is capable of being a material consideration, but it is not necessarily a consideration in every case.
- 5.13 With this in mind the Council will describe the lawful baseline for the site. The appeal site comprises an area of open land with very little development present that is used for grazing. The Council will identify the area of built development at the appeal site and show it is limited to the house fronting Tollgate Road and stables building and containers close to the north west boundary together with hardstanding and the access. We will also show that the site is located in a wider area of open countryside and attractive landscape.

⁵ **R (Lee Valley RPA) v Epping Forest DC** [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJ, para. 7

⁶ **Turner v SSCLG** [2016] EWCA Civ 466, Arden, Floyd and Sales LJ CD12.03

⁷ **R (Samuel Smith Old Brewery (Tadcaster) & Ors v N. Yorks CC** [2020] UKSC 3 CD12.02

- 5.14 The Council will show that the appeal site is open in both a spatial and visual sense.
- 5.15 Overall, the Council will demonstrate that having regard to the baseline the proposal would lead to a substantial and permanent loss of openness in both a spatial and visual context.
- 5.16 The Council will demonstrate that in addition to the substantial increase in permanent development as proposed the scheme will significantly reduce the visual perception of openness of the site and this part of the Green Belt as well as leading to significant degrees of activity across the site and impact from light and noise.

Green Belt - Purposes

- 5.17 The purposes of the Green Belt are set out in NPPF at paragraph 134:
- a) *“to check the unrestricted sprawl of large built-up areas;*
 - b) *to prevent neighbouring towns merging into one another;*
 - c) *to assist in safeguarding the countryside from encroachment;*
 - d) *to preserve the setting and special character of historic towns; and*
 - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 5.18 The Council, together with Welwyn Hatfield District Council and Dacorum Borough Council, commissioned SKM Consultants to carry out an independent Green Belt Review to inform future plan-making. The Green Belt Review Purposes Assessment (November 2013) sets out findings and identifies that a number of the areas reviewed were considered to contribute least toward the purposes of including land in the Green Belt.
- 5.19 The appeal site falls within parcel 34 which was not one of the areas that performed poorly in the review. In that context Green Belt releases and allocation of land for housing are unlikely to be identified in Parcel 34.
- 5.20 Parcel 34 “comprises the broad and shallow basin of the meandering upper River Colne”. Parcel 34 has not been subdivided, unlike some other parcels where sub areas of those parcels perform differently against the purposes. The assessment also identifies the strong and open characteristics of the land.
- 5.21 With respect to encroachment and safeguarding the countryside the Assessment grades the contribution of the parcel as significant and comments:

“The parcel displays typical rural and countryside characteristics, especially to the south, in medium sized arable fields with hedgerow boundaries, sheep pasture and substantial riverine wetland habitats along the Colne, and areas of heath and semi natural grassland which are locally important at Colney Heath. Tyttenhanger Park and Hall is located to the south. There is evidence of linear built development in the north part of the parcel which contains Colney Heath and Bullens Green. The A1(M) is also a

major urban influence which is audibly intrusive. Levels of openness are generally high especially to the south due to an absence of built development.”

- 5.22 The parcel is also considered to contribute significantly to the maintenance of existing settlement patterns in particular with regard to the separation of London Colney and St Albans with Hatfield as well as smaller settlements such as Colney Heath and Roestock. In this context encroachment into the countryside or development that leads to merger has the potential to erode existing settlement patterns.
- 5.23 The proposed development will lead to the erosion of open space between St Albans/ London Colney and Hatfield/ Welham Green such that it will reduce the open space in the gap between these settlements. However, the development itself will not lead to urban sprawl of any large built up areas and thus would not conflict with the first purpose at para. 138(a) NPPF.
- 5.24 Having regard to the Assessment, the wider area within which the appeal site is located (i.e. parcel 34 as identified in the Assessment) performs a valuable role in containing the Green Belt settlements of Colney Heath, Sleepshyde and Tyttenhanger Park and preventing towns such as London Colney and Hatfield and Welham Green merging. The proposals will erode the degree of separate identity of the component parts of Colney Heath village especially when viewed along Tollgate Road. However, this harm is predominately to the character of the area and the development of the site itself does not lead to the merging of neighbouring towns, albeit parcel 34 contributes positively to this purpose. Therefore, the proposal itself would not conflict with para. 138(b) NPPF.
- 5.25 The Council will show that the proposals will encroach into that countryside with a residential estate development of up to 150 dwellings and incidental development such as access roads etc. The degree of encroachment both in terms of the spread of development and the quantum of development is substantial and leads to substantial harm.
- 5.26 The Green Belt Purposes Assessment considered that parcel 34 makes a significant contribution toward safeguarding the countryside from encroachment. Such matters were considered in the context of the Roestock Depot (a site that comprises in part previously developed land) wherein the Inspector noted at DL17:

*“The existing buildings on the site undoubtedly have an impact on openness but the likely increase in volume and spread of mass and bulk across the site into areas currently absent of buildings would result in a greater impact on openness. Therefore, the development would be at odds with the Green Belts essential characteristics, openness and permanence. **Furthermore, it would be in conflict with its defined purposes, specifically to assist in safeguarding the countryside from encroachment.**”(emphasis added)*

- 5.27 There is therefore conflict with paragraph 138(c) NPPF and the harm by way of encroachment is substantial and carries substantial weight against the proposed development.

Other Harm - Countryside and Character Harm

- 5.28 The submitted LVIA identifies a level of harm at a residual stage on the proposed development site. These adverse effects are identified as still occurring after mitigation measures have established and are providing a maximum level of amelioration to the adverse change.
- 5.29 The development will be noticeable and result in the introduction of development on a greenfield site. The site is located within views that exhibit elements of the existing settlement edge that sits locally but will extend south from the existing 'ribbon' of development that sits along the south of Tollgate Road and appear as a distinct component, with fields remaining to the north west and south east. The proposed site layout is contrary to the current pattern of development that follows Tollgate Road to the south.
- 5.30 The site is located with views that exhibit elements of the existing settlement edge that sits to the north, but these do not overwhelm the current tranquillity that is felt within the site. The landscape evidence will acknowledge that the landscape and visual impacts that occur would be in the context of an existing site that is influenced by some built form that comprises a ribbon of houses located alongside the north east boundary and appreciated locally, but the proposals will be visible in local views and will affect the current baseline adversely as they would be visually intrusive.
- 5.31 The visual aspect of openness as it relates to the Green Belt is not measured in the same way as would be the case with a visual assessment. That change is visible and proof of harm in terms of openness. Consequently, if the proposals are visually intrusive they will affect openness regardless of residual visual effects. That the site is currently seen in the context of the settlement edge is irrelevant, it will appear to extend the settlement to the south.
- 5.32 The proposed development would harm and not improve or conserve the local landscape character in accordance with the guidelines for landscape change in the Colney Heath Farmland Landscape Character Area.
- 5.33 The proposals will not recognise the intrinsic character and beauty of the countryside.
- 5.34 Recognition of the intrinsic character and beauty of the countryside necessarily imparts a degree of protection (after *Cawrey*) and the development of an estate of 150 dwellings and creation of new access would fail to recognise the character and beauty of the appeal site and wider countryside of which it forms part.
- 5.35 This failure to respect context, deliver high quality design and have proper regard to setting and the character of the area together with the loss of existing attractive arable landscape would also conflict with Policies 2 and 69, of the St Albans District Local Plan Review. Furthermore, it would not support the objectives of the Watling Chase Community Forest consistent with Policies 143A.

- 5.36 The proposal would not make a positive contribution to local character and the identified harm would lead to conflict with 127 b), 127 c), 130 as well as 174(b) of the Framework. Furthermore, in the context of character the harm to the setting of the heritage assets would conflict with 197 c) of the Framework albeit the public benefits would outweigh that harm pursuant to NPPF 202.
- 5.37 Overall, in terms of the harm to the character and appearance occasioned by the development of the site for 150 dwellings the degree of harm would be permanent, substantial and irreversible and attracts moderate weight in the planning balance.

Other Harm - Setting of the Designated Heritage Asset

- 5.38 Whilst there are no designated or non-designated heritage assets within the site boundary, within 2km of the site there are 45 designated heritage assets including: 42 Grade II listed buildings, 1 Grade II* listed building, 2 Grade I listed buildings and 1 Conservation Area. There are 2 locally listed building assets within 2 km of the site. North Mymms Park lies within a designed landscape and this is considered to have heritage significance as a historic parkland and garden.
- 5.39 Having assessed the proposals, there are three key designated heritage assets in the vicinity in which the Appeal Site forms part of their setting. These heritage assets are the Grade I listed North Mymms Park and the Farmhouse and Barn at Colney Heath Farm both listed Grade II.
- 5.40 The parkland which surrounds North Mymms Park House is not only an important element of its setting but is also regarded as a non-designated heritage asset in its own right.
- 5.41 Tollgate Farm has also been identified as a non-designated heritage asset, the setting of which could be affected by the proposed development.
- 5.42 North Mymms House and Parkland collectively form an important historic estate, centred around the Jacobean house with 19th century additions. Both the parkland and wider agricultural setting contribute to its significance.
- 5.43 Colney Heath Farmhouse dates to the 17th century and has a contemporaneous attached barn with the separately listed barn from the late 18th century to the north. Whilst the settlement of Colney Heath has grown up to the north and north east side of the farm, the views towards the west and south remain relatively unaltered since the 19th century and form an important part of their setting, contributing to the significance of the listed farmhouse and barn.
- 5.44 Tollgate Farm is located to the south east of the Site -its presence recognised on historic maps. Its setting is broadly agricultural – either agricultural buildings or land although, as with Colney Heath Farm, Colney Heath has evolved to the north during the 20th century.

- 5.45 Review of the documentation presented as part of the application suggests that there is the possibility of an element of harm to the setting of these assets. In the case of the designated heritage assets, judged to be less than substantial at the lower end of the spectrum, when considered with regard to paragraph 202 of the NPPF.
- 5.46 With regards the non-designated heritage assets, this harm is also regarded as less than substantial at the lower end of the spectrum, but considered in the context of paragraph 203 of the NPPF.
- 5.47 The proposals conflict with development plan policy insofar as it would fail to preserve the setting of designated heritage assets, i.e. listed buildings. The public benefits of providing more housing in the circumstances of the Council's housing land supply position together with 40% affordable housing set against the development plan requirements outweigh the harm to these heritage assets. The permanent damage that would occur to the setting in this case is a matter that weighs against the grant of planning permission in the planning balance by constituting an "other harm" under NPPF para 148. In the circumstances of this case and the Green Belt balance great weight applies to the less than substantial harm to the setting of the designated heritage assets.

Other Harm – Sustainable Transport

- 5.48 The appeal site is located on the southern periphery of Colney Heath, a dispersed village with few facilities. The village is an amalgamation of a string of settlement comprising Colney Heath village, Roestock and Bullens Green. The majority of any facilities within Colney Heath are located in the main village as opposed to the Roestock/ Bullens Green parts.
- 5.49 The village relies on surrounding settlements to provide for the day to day facilities such as secondary and tertiary education, employment, libraries, restaurants, supermarkets, banks, doctors surgeries, dentists etc..
- 5.50 The Council will describe the location of facilities to meet the needs of future residents if the appeal site were permitted and how access to those facilities can be achieved. In particular, the Council will describe the suitability and attractiveness of cycle routes to facilities outside the settlement and the availability and frequency of public transport from the appeal site.
- 5.51 The failure to satisfactorily demonstrate that the site has satisfactory access to sustainable modes of transport comprises harm to which additional weight applies.

Conclusion on Harm

- 5.52 Given the overall package of harm to the Green Belt the loss of this open field to a residential housing estate comprises a substantial level of harm and carry substantial adverse weight at the very upper end of such weight. The encroachment of development would not safeguard the countryside and as such the proposal conflict with the purposes of including land in the Green Belt.
- 5.53 As to any other harm that is “non-Green Belt” harm, the proposals would not recognise and harm the intrinsic character and beauty of the countryside and harm landscape character. In that respect it would not respect the landscape strategy as it does not comprise high quality design having regard to context as well as failing to improve (enhance) or conserve landscape character.
- 5.54 Overall, in terms of the harm to the character and appearance occasioned by the development of the site for 150 dwellings the harm would be permanent, substantial and irreversible, which is an adverse factor carrying significant weight.
- 5.55 The less than substantial harm to designated and non-designated heritage assets carries great weight and the failure to demonstrate sustainable transport links to day to day facilities in neighbouring settlements carries additional weight against the grant of permission.

Other issues

- 5.56 The failure to provide a satisfactory mechanism to deliver necessary infrastructure to service the proposed development, and also secure the proposed affordable housing, was an issue at the application stage. However, it is agreed between the parties that a section 106 obligation can address the provision of necessary infrastructure, the securing of affordable housing, and the provision of off-site biodiversity enhancements to off-set the on-site biodiversity net loss.

6 The Appellant’s “Other Considerations” under NPPF para. 148

- 6.1 The Council will assess the other considerations relied on by the Appellant and consider whether they are capable of clearly outweighing the harm identified. We will comment on whether certain matters relied on by the Appellant comprise benefits of this scheme.
- 6.2 The Appellant relies on a number of factors which can be summarised as:
- The provision of housing in an area of housing need
 - Affordable Housing provision
 - Provision of self-build plots
 - Sustainable location for new housing
 - Provision of open space and children’s play space
 - Economic benefits
- 6.3 The Council will analyse each matter and attribute weight recognising the housing need position in St Albans and the need for affordable housing.
- 6.4 It is common ground that the provision of market and affordable housing carry very substantial weight in the planning balance.

7 Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 By reason of the local plan policy conflict identified above, the proposed development does not accord with the development plan taken as a whole.
- 7.3 The Framework is a material consideration in the determination of these appeals. Under paragraph 11(d), the policies most important for the determination of the appeals are deemed to be out of date by reason of the HDT results and housing land supply shortfall: see footnote 8. This requires the decision-maker to consider whether the application of policies in the Framework provide a clear reason for refusing the proposal. One of the key sets of policies in the Framework are the policies protecting Green Belt land, and another is the protection of designated heritage assets.⁸
- 7.4 The proposed development constitutes “inappropriate development” in the Green Belt. This is, by definition, harmful, and should not be approved except in “very special circumstances”. Substantial weight must be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is “clearly outweighed” by other considerations.
- 7.5 The other Green Belt harm by loss of openness and harm to the purposes of the Green Belt leads to substantial harm and must carry substantial weight.
- 7.6 Added to this is “any other harm” arising from the other matters considered above.
- 7.7 The Council carry out its Green Belt balancing exercise assuming that a satisfactory obligation is presented to the appeal.
- 7.8 The weight of factors against the grant of permission present a high hurdle for the Appellant to demonstrate that these harms, taken together, are “clearly outweighed” by other considerations such that “very special circumstances” exist. This high bar is illustrated in an appeal decision in St Albans⁹ wherein the Inspector notes:

*“The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but **decisively.**”* Emphasis added

⁸ i.e. section 13 and footnote 7 of the National Planning Policy Framework 2021

⁹ APP/ B1930/W/19/3235642 at Burstons Garden Centre CD10.03

- 7.9 Overall, notwithstanding the benefits of the scheme taken together, the Council will show that they do not “clearly outweigh” the harms and demonstrate “very special circumstances” to justify inappropriate development in the Green Belt for the purposes of paragraph 148 of the Framework.
- 7.10 As such, the application of the Green Belt policy provides a “clear reason for refusing” the development proposal under NPPF paragraph 11(d)(i).
- 7.11 The proposed development conflicts with the most important development plan policies, and as such conflicts with the development plan taken as a whole. In addition, the policies of the Framework provide clear reasons to refuse permission, and material considerations would not justify the grant of permission. The Council will invite the Inspector to dismiss the appeal.

1

REGISTERED NUMBER:	5/2022/1988/LSM
APPLICANT:	Vistry Homes Ltd
PROPOSAL:	Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works
SITE:	Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road Colney Heath St Albans Hertfordshire
APPLICATION VALID DATE:	23/08/2022
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	No
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	Colney Heath

RECOMMENDATION	REFUSE PLANNING PERMISSION
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1. Reasons for Call in to Committee

- 1.1. This application is being reported to the Planning (Development Management) Committee as a significant scale application with District wide implications.

2. Relevant Planning History

- 2.1. 5/1996/1240 - Erection of stable with associated grooming and storage facilities. Allowed at appeal on 23/07/1997.

2.2. Other recent relevant planning decisions referenced in this report

- 2.2.1. 5/2020/1992 - Roundhouse Farm, Bullens Green Lane, Colney Heath St Albans AL4 0FU - Outline application (access sought) - Construction of up to 100 dwellings together with all ancillary works- no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission for the following reasons:

1. *The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.*
2. *The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to*

the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.

- 3. It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.*
- 4. Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.*
- 5. The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.*
- 6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.*
- 7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms of the impact of the proposal on the historic environment cannot be made and, consequently, the proposal would be contrary to Policy 111 of the St Albans Local Plan Review and the National Planning Policy Framework 2019.*
- 8. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2019, and Policies 7A and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the Council's Affordable Housing Supplementary Planning Guidance.*

Appeal allowed – 14 June 2021.

- 2.2.2. 5/2021/0423 - Land To Rear Of 112-156B Harpenden Road, St Albans - Outline application (access sought) - Residential development of up to 150 dwellings

together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.

2.2.3. 5/2020/3022 - Land To Rear Of Burston Garden Centre North Orbital Road, Chiswell Green, St Albans - Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works. Refused on 26 May 2021 for the following reasons:

- 1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.*
- 2. The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.*
- 3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure*

the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and 143B of the Local Plan and the NPPF 2019.

Appeal allowed – 31 January 2022.

- 2.2.4. 5/2021/2730 - Land Off Orchard Drive Park Street, St Albans, Hertfordshire - Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works. Pending – resolved to Grant Conditional Permission subject to completion of a s106 Legal Agreement at 20 December 2021 Committee.
- 2.2.5. 5/2021/3194 - St Stephens Green Farm, Chiswell Green Lane, St Albans, Hertfordshire - Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions. Refused Planning Permission on 25 October 2022 for the following reasons:
- 1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.*
 - 2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.*
- 2.2.6. 5/2022/0927 - Land South of Chiswell Green Lane, Chiswell Green, St Albans - Outline application (access sought) - Demolition of existing structures and

construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements. Refused Planning Permission on 6 December 2022 for the following reasons:

1. *The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.*
2. *In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.*

3. Site Description

- 3.1. The 7.82ha site is largely undeveloped and is located in the Metropolitan Green Belt. The site comprises two fields grazed by horses, with a stable block and manège located in the north west of the site. The site also includes the house and garden of no. 42 Tollgate Road in the north.
- 3.2. The site is used for equestrian purposes and it understood to have been so since the stables with associated grooming and storage facilities were approved in 1997 (planning permission 5/1996/1240) and subsequently constructed.
- 3.3. The north eastern boundary of the site is formed by the rear gardens of 42 to 100 Tollgate Road. The north and east boundaries are marked by fences, with hedgerows in places. The River Colne and surrounding woodland is located to the west of the site, which forms part of the Colney Heath Farm Meadows Local Wildlife Site (LWS). There are five individual trees and two groups of trees between the two fields in the site, as well as a number of trees and hedges around the perimeter of the site. Public Right of Way (PRoW) Colney Heath 033 is located directly north of the application site, which connects Tollgate Road and Coursers Road.

4. The Proposal

- 4.1. The proposal is for the demolition of the existing buildings and the construction of up to 150 dwellings (Class C3), with associated green infrastructure including open space and play space and the construction of a new access and highways works including new a new footpath and works to junctions.
- 4.2. The planning application is in outline with all matters reserved except for access. As such, it is the principle of the development that is under consideration, plus the details of 'Access'. Details relating to the other reserved matters of 'Appearance', 'Landscaping', 'Layout' and 'Scale' would be provided under future application(s) for approval of reserved matters, if this outline application were approved. As such, the application is accompanied by a Parameters Plan for the proposed development and a detailed plan showing the proposed access.
- 4.3. The proposal includes the following housing tenures:
- 60 affordable units (40%). The precise tenures would be confirmed and secured through a Section 106 (s106) agreement; and
 - 90 market units (60%), of which up to 9 (10%) are proposed to be plots for self-build.
- 4.4. The mix of property sizes would be determined at a later stage through reserved matters application(s).
- 4.5. In terms of proposals for access, a new vehicular and pedestrian access is proposed to be created off Tollgate Road, which would require the demolition of no. 42 Tollgate Road. A raised table is proposed at the junction between the site and Tollgate Road and between Fellowes Lane and Tollgate Road. The proposals also include the provision of a new section of footway on the north side of Tollgate Road. The proposed footways either side of the proposed vehicular access would connect into the existing pavement on the south side of Tollgate Road.
- 4.6. Notwithstanding that all matters except access are reserved, the applicant has submitted a Parameters Plan which seek to guide the scope of reserved matters submission(s). The Parameters Plan deals with extent of built development, green infrastructure provision and building heights.
- 4.7. Any grant of planning permission for this application can be conditional upon future reserved matters applications according with approved Parameters Plan. This is an approach that is widely used for outline applications of significant scale.

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed	Date	01/09/2022 Expiry Date 24/09/2022
Press Notice Displayed	Date	01/09/2022 Expiry Date 24/09/2022

5.2. Adjoining Occupiers

- 5.2.1. Occupiers of adjoining properties were notified on 26/08/2022 and again on 09/01/2023 following the submission of scheme revisions in response to consultee comments.
- 5.2.2. At the time of writing this report, representations in objection have been received from a total of 247 addresses, comprising 232 from within the District and 15 outside the District. These addresses are listed below in turn.
- 5.2.3. Representations have been received from the following 232 addresses within the District:
- Nos. 44, 48, 50, 52, 54, 56, 57, 59, 60, 61, 63, 64, 68, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 84, 90, 91, 92, 94, 96, 97, 100, 101, 106, 107, Park Cottage, Bluebell Cottage and Kennel Cottage, Tollgate Road;
 - Nos. 2, 15, 17 and 38 Admirals Close;
 - Nos. 10, 12, 13 and 14 Bell View;
 - Nos. 1 and 6 Bennetts Close;
 - Nos. 2, 4, 10, 15, 17, 18, 23, 26, 27, 27a, 29, 31, 35, 40, 43a, 44, 45, 51, 52, 54, 55 and 56 Bullens Green Lane;
 - Kushti Tan and The Willow, Church Lane;
 - Nos. 1 and 7 Coopers Gate;
 - The Mill House, Coursers Road;
 - Nos. 23 and 36 Cutmore Drive;
 - Nos. 6, 10, 16, 17, 18, 22, 26, 28, 30 and 38 Fellowes Lane;
 - Nos. 9, 10, 25 and 28 Franklin Close;
 - Nos. 2, 2a, 3, 4, 7, 8, 12, 14, 16, 22, 25, 35 and 51 Hall Gardens;
 - Nos. 1 and 3 Heath Side;
 - No. 1 Heathside;
 - Nos. 9, 15, 16a, 17, 18, 31, 33, 55, 57, 59, 67, 77, 79, 81, 93, 96, 100, 102, 106, 119, 169, 171, 175, Flat 11 and 6 Scholars Court, High Street;
 - No. 105 Hughenden Road;
 - Nos. 12 and 20a Marconi Way;
 - Nos. 2, 3, 14, 27, 31, 37, 38 and 40 Meadway;
 - No. 3 Morris Way;
 - No. 64 and St Davids, Oaklands Lane;
 - Nos. 6, 7, 10, 15, 16, 18, 20, 23, 24, 26 and 27 Park Lane;
 - No. 15 Princess Diana Drive;
 - No. 14 (Flat 3) Prospect Road;
 - Nos. 5, 7, 9, 11 and 19 Richardson Place;
 - Nos. 2, 4, 5, 8, 9, 10, 11, 13, 14, 16, 19, 20, 22, 24, 25, 26, 29 and 30 Roestock Gardens;
 - Nos. 2a, 3, 8, 10, 20, 24, 68, 78, 82, 84, 92, 94, 100, 106, 118, 130, The Grove, The Granary, Lyndhurst, Longview, Fairholme Cottage, 1 Fairview and 2 and 3 Invicta Cottages, Roestock Lane;
 - No. 32 Rosemary Drive;
 - Nos. 1-3 Fairview and 4-5 The Rickyard, Roundhouse Farm;
 - No. 11 Sandridgebury Lane;
 - No. 18 Sewell Close;
 - Nos. 5, 14, 15 and 24 Sleapcross Gardens;
 - Avalon, Sleapshyde Lane;
 - No. 11 Smallford Lane;
 - No. 20 Sparrowswick Ride;
 - No. 17 Starlight Way;

- Nos. 23 and 63 Station Road;
- No. 11 Suffolk Close;
- No. 5 Swans Close;
- No. 4 Tollgate Cottage;
- No. 17 Tytenhanger Green; and
- Nos. 1, 3, 12, 22, 34 and 36 Wistlea Crescent.

5.2.4. At the time of writing this report, representations have been received from the following 15 residential addresses from outside the District:

- 8 Langbridge Close, Hitchin;
- 50 Conifer Walk, Stevenage
- 62 Tattershall Drive, Hemel Hempstead;
- 6, 8 and 10 Home Farm Road, North Mymms, Hatfield;
- 55 Holloways Lane, Welham Green;
- 37 Cobden Hill, Radlett;
- 14 Maxwell Road, Littlehampton;
- 14 Hays Road, Rotheram, South Yorkshire;
- 13 St Wilfrid's Drive, Grappenhall, Cheshire;
- 11 Cockle Way, Radlett;
- 31 Robins Way, Hatfield;
- 4 Meadows Close, Welham Green; and
- Rest Harrow, Barr Lane, Burton Bradstock, Dorset.

5.2.5. A summary of public representations in objection, grouped by topic area is set out below. Representations from interest groups and organisations are then reported separately. No representations in support were received.

5.2.6. Objections in principle/relating to Green Belt

- The proposal is not an exceptional circumstance to justify Green Belt development.
- Should not use green field sites for development.
- Loss of Green Belt land.
- Rural land must be protected from development.
- Contrary to the aims of the Green Belt and would encroach on the countryside.
- Inappropriate development of the Green Belt.
- Brownfield land is closer to transport and facilities.
- Approval would create a precedent which would make objecting to similar proposals difficult.
- The Green Belt is an attraction of Hertfordshire.

5.2.7. Objections relating to landscape and open space

- Negative impact on the character of the countryside for current and future generations.
- Loss of buffer area between built up areas.
- The green spaces in the village are disappearing.

5.2.8. Objections relating to environmental impacts (except for highways)

- Pollution from increased traffic.
- Risk of pollution to River Colne and changes to the ecosystem downstream.
- Climate change may make flooding more severe and the proposed approach to minimising flood risk is not deemed to be effective.

- The proposed development would decrease the amount of permeable land in the area and increase flood risk, putting existing and future residents at risk.
- There is an underground stream running east to west across the northern part of the site, which causes flooding in this part of the site and to which there is no reference in the application submission.
- Part of the site is within Flood Zone 3 and a sequential test is therefore required.
- Overdevelopment of the area will put a strain on future water supplies.
- River Colne chalk stream is a protected habitat.
- The land could be better used for planting trees to absorb greenhouse gases and reduce the carbon footprint of St Albans.
- Harm to existing wildlife living at the site and along the River Colne, including birds, bats and foxes.
- Loss of farmland.
- Light pollution from new homes and street lighting will harm wildlife.
- The national grid may struggle to provide enough power to charge the electric vehicles owned by residents of the proposed development.

5.2.9. Objections relating to access, highways and transportation

- Proposal would result in increased road traffic due to lack of public transportation options locally.
- Cumulative impact of additional traffic from the approved and proposed major residential developments in the area will be severe.
- Higher volume of traffic would make the roads less safe for pedestrians and cyclists, whilst increasing the risk of vehicle collisions.
- It is dangerous and unpleasant to walk along Tollgate Road because of the current traffic levels and because of the number of cars that drive along the pavement as parked cars block the road.
- Tollgate Road is congested at peak times.
- Colney Heath does not have a train station.
- Those living in the affordable housing may not have cars and find getting around difficult.
- Public transport is unreliable and infrequent.
- Incidents on motorways lead to gridlock in the village.
- The developer's claims that the area is easy to walk/cycle around are misleading as many roads do not have footpaths or are on a steep hill.
- It is unrealistic to think that future residents would cycle to Welham Green to get the train, as it is a busy road with a steep gradient.
- The buses run a couple of times a week therefore are not an option for a commuter.
- The single proposed site access is on a congested junction opposite an access route for another 100 houses.
- The proposed site access would be dangerous.
- Routes in and out of the village are limited and unsafe.
- Cycle routes in the area are poor and the underpass connecting Colney Heath and Hatfield floods.
- The underpass linking with Hatfield floods and is a crime hot spot (muggings and vandalism) making it dangerous for pedestrians and cyclists.
- The Alban Way floods and can be unusable in winter when icy and dark, so does not provide a safe or reliable commuter route for cyclists.
- The Transport Statement that accompanies the application lacks 'on the ground' data and the findings are questionable.
- The proposal will lead to overspill of cars onto the surrounding roads if the new homes have insufficient parking spaces, worsening the current situation.

- Car demand generated by the proposed development has been underestimated – every adult living in Colney Heath needs their own car.

5.2.10. Objections in relation to impact on social and physical infrastructure

- There is only one general store in the village.
- Local primary and secondary schools are already oversubscribed, which will be worsened by the proposal.
- Nearby medical and dental services already oversubscribed and no facilities are included in the proposed development.
- Already an increased pressure on local services from the 100 home development nearby.
- Development does not include essential infrastructure to support it.
- Lack of local leisure infrastructure for children and teenagers.
- Increased pressure on the River Colne in terms of water abstraction by Affinity Water.
- Equestrian land may not be provided elsewhere.
- Proposals will result in less outdoor space for local people.
- Local hospitals are already at breaking point.
- Overdevelopment of the village.
- Risk of more power cuts.

5.2.11. Objections in relation to residential amenity

- Noise pollution from increased traffic during the operation of the development and noise during the construction.
- Loss of view/outlook.
- Loss of privacy for surrounding properties.
- Increased traffic pollution would be a health hazard as Colney Heath is in the danger zone from traffic emissions.
- The field should be for recreational enjoyment of the locals.
- Movement of heavy goods vehicles would be detrimental to residents.
- Surrounding properties would be overlooked, overshadowed and impacted by noise, smells, light pollution, dust, vibration and late night activities.
- Harm to local air quality.
- The construction would be a threat to employment for those that work from home.
- Cars travelling through the access route on the site of No.42 would cause damage to other nearby properties.

5.2.12. Objections relating to housing provision

- The development is not for local people but for St Albans/London overspill.
- The 'affordable housing' may not be truly affordable.
- A recession may prevent the houses from being sold.
- There is no demand for this housing as it is in the wrong place.
- Not enough affordable housing.
- New houses are not needed or wanted in Colney Heath.
- The decision approving the Bullens Green Lane appeal was flawed. The Planning Inspector failed to provide a robust analysis of the Districts housing delivery and failed to make the necessary environmental impact assessments.

5.2.13. Objections – other issues

- The submitted photomontages clearly show a severe impact on the openness of the Green Belt from adjacent paths/roads and footpath 33.
- The development would change the community feel of the village.

- The village identity will be lost.
- Site should be reserved for agriculture due to the likelihood of war in Europe, which would impact food supplies.
- The land is important to the nearby stables and there is increasing pressure on equestrian land across the District.
- It does not comply with the Government's 10 point plan for a green industrial revolution.
- The developers have no connection to the land.
- Too many developments have been approved in the past.
- The developers prioritise profit over the quality of life in the village.
- Due to the 'NIMBY' attitude of SADC, they want to develop in Colney Heath to meet Government targets and receive grants.
- The loss of green space would be detrimental to mental health and wellbeing.
- The needs of the village are not addressed.
- Detrimental to the local community.
- The site backs onto two illegal traveller sites which the prospective home owners may not like.
- The reports, including the Design and Access Statement are inaccurate and misleading.
- The developer's claims regarding distance to Links Academy are inaccurate and wrongfully implies that it is a mainstream school.
- A Section 106 Agreement would not be sufficient to mitigate the lack of infrastructure.
- The development is not in keeping with character or scale of local area.
- Small home improvement projects backing onto the application site have been refused.

5.2.14. In addition, a number of representations (in objection and support) were received from parties not providing their full address; these were not displayed on the website in accordance with our standard procedures.

5.3. The application site is within the Colney Heath Parish Council area. An initial response was received from them in September 2022:

CHPC are concerned about the significant and major exaggerations made as to how sustainable Colney Heath is. All the available data shows that Colney Heath village is one of the least sustainable locations in the entire St Albans district, being highly dependent upon car usage due to lack of sustainable alternatives together with a lack of facilities.

The nearest railway station is 4km at Welham Green. Most residents agree that the road to Welham Green is extremely dangerous for both cycling and walking along together with Coursers Road. Colney Heath Lane is also considered dangerous for cyclists.

The village has more bus stops than buses.

The Monday 200 service Essendon Mill to London Colney, Wednesday's 230 St Albans to Welwyn Garden City and 312 Bell Bar to Hatfield services are basically shopper's buses due to their timetabling and a single journey in each direction.

305 Potters Bar to Sandridge, however only one service runs the entire length of the route each day with daytime service only between St Albans and Colney Heath with a total of 5 journeys per day in each direction.

Due to timetabling limitations this is primarily a school or shopper's bus and is unsuitable for most employment hours.

CHPC are concerned about the impact on rural road network with so much unknown in the area, particularly due to the current number of applications in progress.

An additional concern is the unknown status of the potential 6,000 dwelling Bowmans Cross which proposed key road closures which would cause long diversions to access facilities and for onward travel.

CHPC are concerned about the possible impact it would on river Colne. Part of the site already floods in winter. The surrounding fields have drainage ditches, some which have water in them in early September 2022.

CHPC concern must be the impact on health but also the river Colne which is suffering from record low flow rates. As Herts & Middlesex Wildlife Trust informed CHPC this is one of just 200 chalk streams worldwide so is internationally rare.

The land at Ellenbrook Country Park (CP) has one or more layers of impervious clay which impact on surface water drainage. This appears widespread in the area as well as Ellenbrook CP, Smallford and the land at Bullen's Green Lane have similar characteristics so it's likely that the site at Tollgate Road has a similar clay layer given the winter flooding.

During covid the importance of exercise and access to countryside was clearly demonstrated with the area around Colney Heath being heavily used and this still continues.

If this site was developed this would further reduce the area of open countryside and would also introduce urbanising influences into the surrounding countryside.

Leisure walking is restricted in the area due to existing infrastructure and land ownership issues.

M25 (south of site) restricted number of crossings, access is also difficult as the route is via Coursers Road, which is considered dangerous due to traffic, number of HGVs and the lack of a safe walkway.

Colney Heath common is open green space but due to its locally rare flora is sensitive to excessive usage. At the current level of use limited harm is caused however if this was to significantly increase it could result in significant harm to the rare flora.

5.4. A second response from Colney Heath Parish Council was received on 8 February 2023, which states that the Parish Council object to the application on the following grounds:

- Visual impact;
- Flood risks;
- Land quality;
- Sustainability (flooding and groundwater; and sustainable transport);
- Healthcare;
- Schools; and
- Road safety.

5.5. The objection provides detailed comments under the above headings and included the following executive summary:

This consultation response should be read in conjunction with CHPC response dated 27 September 2022 as this document only responds to the latest submission.

A core objective in NPPF is sustainability.

The evidence demonstrates this site is not sustainable

No very special circumstances will not exist to outweigh the harm to the Green Belt any benefits.

5.6. A third response from Colney Heath Parish Council was received on 24 March 2023, which outlined a number of highways-based concerns with the proposed development. The comments raise concerns with the data used in the Transport Assessment submitted with the application and provides collision data on roads surrounding the application site. The comments also raise concerns about HGVs driving through Colney Heath.

5.7. Representations were also received from the following groups/organisations:

- 4ColneyHeath Residents' Association;
- Campaign to Protect Rural England (CRPE) Hertfordshire;
- St Albans & District Footpaths Society.
- St Albans and District Friends of the Earth;
- St Albans Civic Society;
- The Gardens Trust/The Hertfordshire Gardens Trust; and
- Warrington Action Against Inappropriate Development.

5.7.1. An objection was prepared by Principiplanning on behalf of 'Residents of Colney Heath'.

5.8. 4ColneyHeath Residents' Association

5.8.1. Response received on 27 October 2022 with the following summary:

Regarding Housing need (detailed in Section 1 below)

The Sewell Park decision relied on Inspector Masters' decision on the Bullens Green Lane appeal.

However, the Applicant states that the delivery of affordable housing in the St. Albans District was nearly 3 times more than the evidence Inspector Masters considered when assigning weight to that aspect, and the affordable % of the total was more than twice the amount stated by Inspector Masters. The weight attached by Inspector Masters to housing does not de facto apply to this application.

The Applicant has tried to frame the latest housing delivery data as a failure in the affordable housing delivery rate, but when taken against the more recent population projections, substantiated by the analysis done by CPRE, the real affordable delivery rates hold up to scrutiny.

The estimate of housing need and the amount of land required over the 5 years ahead for this reduced population need is very significantly less (CPRE analysis).

5YHS figures by their nature cannot include windfall sites. Due to the high value of St Albans land, this has always been a key contributor to housing delivery that falls outside of projections and further bolsters delivery.

Regarding Green Belt harm (detailed in Section 2 below)

The entire application site is within the Green Belt and any development would relate poorly with the existing settlement context. The application site is open to the countryside on three sides – c65% of the perimeter. It is not enclosed or contained. The development will have significant visual impact on the experience of openness of the Green belt in this location. Added to the harm from the Bullens

Green Lane development (acknowledged by Inspector for the Appeal on that site), the proposal would thus compound the harm to the Green Belt in the locality.

Other harm : Sustainability (Section 3)

Economic (detailed in Section 3.1 below)

The Applicant has not stated what the affordable discounted market sale value would be. It would be at least 20% below local market value to be classed as “affordable”. Even if 2 key worker salaries were combined, the amount they could afford to borrow would be less than 50% of the market value. The “affordable” houses would not be available to the people on the Housing Register waiting list.

Environmental harm (detailed in Section 3.2 below)

Travel & highways

Residents in Colney Heath are dependent upon car usage for most daily needs. The routes leading beyond the village are neither conducive nor safe for walking or cycling. The frequency of buses is very poor. The timetables are alarmingly sparse, with three of the services only coming once a week. The only bus to run a Monday – Saturday service, the 305, is still extremely limited, with hours between each bus and no bus late enough for a homeward commute. Congestion, noise, pollution and safety are concerns in particular at the proposed access to the application site.

Flood risk (detailed in Section 3.2 below)

The lower part of the site is regularly flooded. Development on the site will reduce absorption on the site and in heavy rainfall would increase the risk of flow downstream where flooding on the Common and houses in Park Lane occurs, and upstream at Kennel Cottage. The intensity of the fluctuations between wet and dry seasons has put the future of delicate eco systems of the chalk stream at risk.

Social harm (detailed in Section 3.3 below)

Access to education is a major issue for residents and is one of the most frequently noted causes for concern. Statistics provided by HCC for the junior school in Colney Heath show reception applications have consistently exceeded admissions by more than 50% and significantly more in some years. Access to secondary schools is even more problematic with severe lack of availability for places. They are all too far to walk to and routes to and from the schools are not considered safe for enough for walking or cycling. There is no bus service to schools where places are offered in Hatfield. The proposal would increase the demand and depose many households on the priority list.

Cultural harm (detailed in Section 3.3 below)

The impact would be to change the culture from a village into a dormitory “unsettlement” with residents complaining about the lack of school places, traffic congestion, noise and pollution. For residents, the harm to the “Greenbelt” is not simply a notion of “countryside encroachment”. Generations of residents have lived in Colney Heath, and people have moved to the village, to enjoy living in a village surrounded by green open space. To summarise, Colney Heath is not a sustainable location for further development.

THE PLANNING BALANCE (detailed in Section 4 below)

With the approval of 100 houses at Bullens Green Lane, the Applicant’s proposal is inappropriate as it significantly increases the harm to the Green Belt, and other harm - principally sustainability (economic, environmental and social/cultural). We

therefore consider the weight to be attached to the harm to the Green Belt and other harm outweigh the weight to be attached to “other considerations” (i.e. housing need) We invite you to agree with us that very special circumstances do not exist and that this application should therefore be refused.

5.9. Campaign to Protect Rural England (CPRE) Hertfordshire

5.9.1. First response received on 7 October 2022:

I write with reference to the above application for speculative residential development, to which CPRE Hertfordshire objects strongly for the following reasons.

1. The site lies within the London Metropolitan Green Belt as defined in the St Albans District Local Plan Review which proscribes inappropriate development according to criteria indicated in the National Planning Policy Framework (NPPF) unless very special circumstances are demonstrated. The applicant in their Planning Statement makes it clear that this application is in response to recent planning appeal decisions nearby (Bullens Green Lane and Codicote) and a decision by St Albans Council to permit development at Sewell Park on the basis of the lack of a five year housing supply.

2. The applicant simply quotes these decisions to justify the proposal on the grounds of the inadequacy of the Council’s housing land supply and absence of an up-to-date Local Plan. No further information is supplied with regard to either the local circumstances or planning legislation which requires each application to be determined on its merits, particularly where the land affected is statutorily protected.

3. The application demonstrates a clear encroachment into open countryside beyond the built-up area with severe impact on its openness and character in this location. It constitutes an inappropriate urban extension which the Green Belt designation exists to prevent, preventing the coalescence of settlements and maintaining the character of the open countryside.

4. The recent appeal decision at Bullens Green Lane referred to in the Planning Statement above has caused significant controversy and concern, and it should be noted that the Inspector was at pains to identify the specific circumstances of that application, and that this should not be seen as a green light for all Green Belt applications. It may also be noted that a subsequent recent appeal decision at Broke Hill, Sevenoaks, in broadly similar circumstances, establishes the primacy of designated protected status in determining the appropriateness of development, notwithstanding the lack of a five year housing supply.

5. Significant representations are being made by CPRE and other bodies to the Government to clarify the technical guidance in the area of housing need with regard to protected areas, especially in the absence of an up-to-date Local Plan. The Government’s position is evolving with regard to protection of the Green Belt in response to local community and local planning authority concerns.

6. Recent Regulation 18 public consultations for Local Plans in Hertfordshire have received a record-breaking number of representations from organisations and individuals, including CPRE Hertfordshire, and the majority of these responses are opposing site allocations for future residential and commercial development in the

Green Belt. This has led councils to 'pause' the preparation of their Local Plans pending further consideration of proposals.

7. Recent Ministerial statements, which have policy weight, have reiterated the Government's strong support for protection of the Green Belt. These include correspondence between the then Minister of Housing, Christopher Pincher, and Welwyn Hatfield Borough Council on 18th November 2021, and comments in a back bench debate called by Daisy Cooper MP which appear in Hansard on 21.11.21.

8. The recently published "Levelling Up and Regeneration Bill Policy Paper: Further information" re-emphasises the Government's support for protection of the Green Belt as follows:

"the increased weight given to plans and national policy by the Bill will give more assurances that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty...- will be respected in decision on planning applications and appeals. The same is true of Green Belt, which will continue to be safeguarded." (Creating beautiful places and improving environmental outcomes; In the Bill: LURB Policy paper, May 2022)"

Further,

"Existing Green Belt protections will remain, and we will pursue options to make the Green Belt even greener." (Creating beautiful places and improving environmental outcomes; Alongside the Bill: LURB Policy paper, May 2022)

9. It is clear that the Government's intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for residential developments are in danger of bringing the planning system into disrepute. Recent decisions, as noted above, have highlighted the inconsistencies in decision-making in this crucial area of public policy.

10. In this context, it is clear that this application should be determined according to existing established policy which ensures the protection of the Green Belt in such a sensitive location. CPRE Hertfordshire urges the Council to refuse this wholly inappropriate and speculative application.

5.9.2. Second response received on 13 March 2023 as follows:

Further to our objection letter dated 7th October 2022, I would like to add the following comments to the CPRE Hertfordshire representation:

1. The National Planning Policy Framework (NPPF) is clear that Green Belt boundaries should only be altered through the Local Plan process and not through individual planning applications. Further, the recently published NPPF Prospectus for public consultation includes amendments which remove the requirement for Local Planning Authorities (LPA) to review Green Belt boundaries purely to accommodate housing need calculated on the basis of the standard or alternative methods.

2. The Secretary of State for Levelling Up Housing and Communities has indicated these and other proposed amendments to the NPPF affecting housing delivery will be introduced in the near future. These will inevitably lead to the re-assessment of housing targets for LPAs with large proportions of their area designated as protected land, such as Green Belt and Areas of Outstanding Natural Beauty (AONB).

3. Accordingly, it is inappropriate to proceed with proposals for development in such areas as the Government's position continues to evolve with regard to protection of the Green Belt in response to local community and LPA concerns. Recent Regulation 18 public consultations for Local Plans in Hertfordshire have received a record-breaking number of representations from organisations and individuals, including CPRE Hertfordshire, and the majority of these responses are opposing site allocations for future residential and commercial development in the Green Belt.

4. It is clear that the Government's intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for residential developments are in danger of bringing the planning system into disrepute. The significance of the Green Belt in this area is also heightened by the cumulative effect of several residential applications in the immediate area of Colney Heath and surrounding settlements which are changing the character of the area.

5. We believe it is now reasonable to suggest that the cumulative effect on the Green Belt should become a material consideration in the determination of applications, prejudicing the integrity of the Green Belt in this area. This proposal is for inappropriate development of a type that Green Belt legislation was designed to prevent and we urge the Council to refuse permission for this wholly inappropriate and speculative application.

5.10. St Albans and District Footpaths Society

The St Albans and District Footpaths Society is a charity whose main objective is to protect and preserve public rights of way, particularly footpaths, in St Albans City and surrounding areas.

The Society object to this proposal as the development is inappropriate within the Green Belt. Yet another equestrian stable is proposed to be demolished in order to provide access to this site, with a consequent effect on the horse-riding community. This is a major development, close to the River Colne, which will harm the views of the countryside.

The Society note that Colney Heath footpath 33 runs along the north-western side of this development. The Society request that, should this application be approved, this footpath be neither diverted nor obstructed as a result of any development.

5.11. St Albans Civic Society

We object to this proposal for inappropriate development in the green belt. The proposal is premature pending adoption of a new local plan.

Under the National Planning Policy Framework green belt boundaries are only to be altered in exceptional circumstances, and then only through the local plan process.

Permitting the development would set a precedent for similar green belt sites in the locality.

5.12. St Albans Friends of the Earth

1. *The village has poor public transport with more bus stops than buses per hour. There is no easy access to train stations or facilities as Courses/Tollgate Road have neither foot paths nor cycle paths. Without sustainable transport options this development will have a significant impact on emissions from the District that SADC has pledged to reduce to net zero by 2030.*
2. *The National Planning Policy Framework prevents building on Green Belt unless very special circumstances are demonstrated. There are no very special circumstances here.*
3. *The decision allowing the Outline Application to pass was flawed. The Planning Inspector failed to deliver a robust analysis of the District's housing delivery and failed to make the necessary environmental impact assessments regarding the loss of agricultural land, management of the water flow to and from the River Colne. SADC failed to contest these vitally important matters.*
4. *One of the purposes of Green Belt is to encourage the recycling of derelict and other urban land. All "brownfield" sites in the district should be developed first, before and Green Belt sites (including this one) are considered. The 2021 Call for Sites summary is very clear that there are thousands of development opportunities available on Brownfield.*
5. *There is a history of village children struggling to access both primary and secondary schools with insufficient local places. Children are being given school places in areas as far away as Stevenage. Again, this will necessitate unsustainable transport.*
6. *This area of protected Green Belt countryside as open countryside on two sides and with the River Colne and woodland area on a third. It is outside the existing developed area. It is protecting the area from development and protecting the openness of the countryside. Retaining open greenspace is essential for the health and wellbeing of everyone.*

5.13. The Gardens Trust – Hertfordshire Gardens Trust

Thank you for consulting The Gardens Trust, of which HGT is a member on this site affecting the important landscape of North Myms and its listed mansion.

The park is the only one by the great garden writer, William Robinson and contains long designed views across the site and up to Tollgate Road. This design was added to a deer park and the associated formal garden, by Robinson and George, had views across this parkland. Housing on the crest of the hill behind Tollgate Rd would seriously harm the views and therefore the significance of the park and garden. The Elizabethan mansion of the first importance (Grade 1) modernised by Ernest George also has views across the parkland to the northern boundary which would be harmed by the proposed development.

No adequate justification for the harm to these heritage assets has been included and no justification for building on Green Belt land contrary to the NPPF (Section 13), especially 134 (c).

5.14. Warrington Action Against Inappropriate Developments

Absolutely unacceptable - this is happening across the UK. This development does not constitute as an 'exceptional circumstance' to build on greenbelt as defined in the National Planning Policy Framework.

5.15. Principiplanning on behalf of 'Residents of Colney Heath'

5.15.1. Response received on 4 March 2023 as follows:

- 1.1 *The proposed development is, by definition, inappropriate development in the Green Belt.*
- 1.2 *In addition, the proposed development would cause substantial loss to both spatial and visual openness of the Green Belt.*
- 1.3 *The development would positively discourage urban regeneration, running contrary to the emerging national objective of protecting the Green Belt evidenced in paragraph 142 of the emerging NPPF.*
- 1.4 *The site represents largely unencumbered open countryside, contrary to the Bullens Lane, Sewell Park and Heath Lane, Codicote, sites, and the proposed development would thereby fail to safeguard the countryside from encroachment to a significant degree.*
- 1.5 *Historic England maintain an objection based on harm to the setting of the nearby Grade I heritage asset of North Mymms Park House, siting availability of other sites to deliver the same public benefits without this degree of heritage harm as a material consideration.*
- 1.6 *The development would hinder the sites current landscape character contribution, and harm the contribution of the site to the character of the area.*
- 1.7 *Hertfordshire County Council as local highways authority and as minerals authority currently stand against the proposed development.*
- 1.8 *The Environment Agency cannot support the development within 8m of the River Colne, and require mains drainage to be utilised to protect groundwater.*
- 1.9 *The public benefits of market, custom build and affordable housing would not clearly and demonstrably outweigh the substantial weight to be afforded to harm to the Green Belt, and the other harms, identified above.*
- 1.10 *Consequently, the proposed development, which runs contrary to the development framework, should be refused without delay.*

6. Consultations:

6.1. Affinity Water

6.1.1. Response received on 21 September 2022 as follows:

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (ROES). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

1. Contamination through **Ground Works**

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An **Intrusive Ground Investigation** to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A **Risk Assessment** identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

iii) A **Method Statement** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation measures** (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

2. Contamination **during construction**

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a **Remediation Strategy** detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Contamination through **Surface Water Drainage**

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway

to the aquifer is present. This should use appropriate techniques that prevent **direct pathways** into the aquifer and ensure that sufficient **capacity** for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

Condition

C) Prior to the commencement of development, details of a **Surface Water Drainage Scheme should be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.**

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

6.2. BPA Pipelines

6.2.1. Response received on 31 August 2022 as follows:

The proposed works are in close proximity to a high-pressure petroleum pipeline system and BPA wish to ensure that any works in the vicinity of the pipeline are carried out in accordance with our safety requirements (www.linewatch.co.uk). Please find attached a GIS map of our pipeline(s) in relation to the above application.

Please Note:

- ***BPA are already in communication with the developer regarding the UKOP pipeline (not Prax Fina as indicated by the paperwork) that runs through this site.***
- ***The pipeline will run through the wildlife site located on the riverside.***
- ***Any work within the easement of this pipeline will need approval from BPA, including the location of any utilities and the SUDS.***

The most important points are:

- *These Pipelines carry refined petroleum at extremely high pressure.*
- *Any construction must be kept a minimum of 6m from the pipelines.*
- *All excavations (including hand trial holes) within 6m of the pipeline **must** be approved and supervised by BPA.*
- *The exact location of the pipeline to be marked by BPA in consultation with the developer prior to detailed design.*
- *Nominal cover is only 0.9m (3').*
- *Normal vertical clearance for new services is 600mm.*
- *These pipelines are protected by cathodic protection and you should consult with BPA if you are laying any services (with or without cathodic protection).*
- *Heavy vehicular crossing points to be approved before use across the easement.*
- *Tree planting is prohibited within the easement.*
- *No buildings can be located within the pipeline easement.*
- *No lowering or significantly raising of ground level throughout the easement.*
- *A continuous BPA site presence will be required for works within the easement.*
- *Utility crossings may require a formal crossing consent*
- *BPA do not charge for the first three days of supervision (this includes site meetings). After that, BPA will charge for any future supervision.*

When planning works which involve crossing or working within the easement of the pipeline, the following will be requested before works can start:

- ***A confirmed or proposed programmed start date for the works***
- ***A detailed description of the proposed works***
- ***A plan of the work area,***
- ***Drawings and a method statement for the written approval of BPA.***

To obtain more detail of the pipelines location, please contact Kevin Padley-Knight at kevinpadleyknight@bpa.co.uk and quote the BPA reference 2022-4030.

6.3. District Archaeologist

6.3.1. Response received on 31 August 2022 as follows:

1. Archaeological trial trenching and archaeological excavation

No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of trial trench evaluation and excavation where required followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

2. Publication and Dissemination

Following the completion of the fieldwork and the post-excavation assessment in Condition 1, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

This advice is in line with paragraph 205 of the NPPF (2021).

Archaeological Background

The proposed development lies within a potentially sensitive area to the south of Colney Heath between the present houses and the river.

The submitted desk based assessment has identified some potential for the presence of archaeological deposits on the site with evidence of Prehistoric and Roman occupation in the vicinity. A desk based assessment, which includes a geophysical survey has been provided with the application. The geophysical assessment only identified irregular anomalies which were attributed to agricultural activity. The Hertfordshire historic Environment Record shows that the proposed development lies within an area from which there are records of a Mesolithic flint axe and post medieval mill and boundary marker. . The presence of a Roman road in the vicinity identified in the desk based assessment indicates the potential for Roman occupation in the area. It is possible that further features will be identified in the proposed development area. The position of the development close to the

River increases the potential for palaeo-environmental and water logged deposits being identified.

6.4. Design and Conservation

6.4.1. Initial response received on 21 November 2022 as follows:

The site lies to the south of Colney Heath, between the River Colne, and Tollgate Road. There are no known designated or non-designated heritage assets within the site boundary. Within 2km of the site there are 45 designated heritage assets including: 42 Grade II listed buildings, 1 Grade II listed buildings, 2 Grade I listed buildings and 1 Conservation Area. There are 2 locally listed buildings assets within 2km of the site. North Mymms Park lies within a designed landscape and this is considered to have heritage significance itself as a historic parkland and garden.*

The heritage assets for which the site lies within their setting are the grade II listed buildings at the cross roads in Colney Heath including Colney Heath Farmhouse, and the adjacent grade II listed barn, the London Coal Duty Marker on Coursers Road and the, the North Mymms park and associated buildings, and Tollgate Farm.

London Coal Duty Marker

The London Coal Duty Marker is located approximately 200m north of the site, on Coursers Road, adjacent to the Queens Head. The London Coal Duty Marker was installed in 1861-1862 to mark the limit of the coal duty area in London. It is considered to be one of the best persevered in Hertfordshire. To the north and east lies the village of Colney Heath, and the south and west open countryside. Some of the field boundaries are tree lines, allowing intermittent views across, including towards the development site.

The marker lies adjacent to the historic cross roads, and this is a key part of the marker's setting. From the submitted documents there is no indication that relationship between the marker, the Coursers Road and the crossroad would be altered as part of the development and on this basis there is not likely to be an impact on the significance of the marker.

Queens Head

The Queens Head is a former public house around 200m to the north of the site, alongside the Coal Duty Marker and crossroads. The building is timber framed and dates to the late C17 to early C18. It is reputed that the bay window was one of the few places along the London coal duty boundary that collected the tax at the boundary.

The relationship between the former public house, the crossroads, farm and older cottages has altered little in the C20. However, the surrounding area on the east and north developed in the C20 with some mainly interwar housing schemes. To the west and south there has been very little development with little visible built form and there is some inter-visibility between the development site and the Queens Head. However the main aspects of the buildings setting which contribute to its significance are the road, and its position in association with this and the adjacent London Coal Duty Boundary Markers. Accordingly, on the basis of the parameter plans it is unlikely that the development would have a negative impact on the significance of the Queens Head.

Colney Heath Farmhouse & adjacent barn

Colney Heath Farmhouse originally dates to the C17 and has a contemporaneous attached barn with a separately grade II Listed barn from the late C18 to the north. From the available mapping, as shown in the maps contained in the submitted heritage statement, the application site and Colney Heath Farmhouse were part of the wider North Mymms Estate.

The application site has been in use as part of the farmland associated with Colney Heath Farmhouse. However the heritage statement states that the development site, has at some point also been in use by Tollcross Farm, however the relationship, and whether this was part of the interesting exchange and debate over land by the Tyttenhanger and North Mymms estates is unclear. The 1844 tithe map show that the development site is in use by Colney Heath Farmhouse.

The Farmhouse has a garden to the immediate south, and yard to the east with low open boundaries. The setting of the farmhouse has changed in the C20 with development of Colney Heath to the north and north east side of the farm. However the views towards the west and south remain relatively unaltered and predominantly agricultural and the field boundaries appear to have remained unaltered since the first Ordnance survey map from 1880, and are similar to those from the early C19.

The views to the south and the remaining agricultural character of the surrounding land to the south and west are considered to contribute to the significance of Colney Heath Farmhouse and its associated barns. The heritage statements classes the agricultural land adjacent to the farmhouse as contributing to its historic setting and associated landholding, and the development site as part of its wider setting. However as shown in the tithe and OS map the development site has also formed part of the wider agricultural pattern of use of the land, including by the farmhouse. Accordingly the farmhouse is considered to be moderately sensitive to change in its setting.

The proposed development would diminish the wider agricultural character of the setting of the farmhouse. The development would also alter the character of the adjacent field and how it contributes to the significance of Colney Heath Farmhouse, from a field as part of a wider open agricultural landscape, to a leftover plot of land enclosed by development. The proposed development would also close off the views from Colney Heath farmhouse and removes the visual link between Colney Heath Farm and Tollcross Farm, diminishing the appreciation of its relationship with Tollgate farm.

Based on the parameter plans provided is considered that the development would cause less than substantial harm, on the lower end of the spectrum.

North Mymms Park

North Mymms is an important historic estate, forming of a GI listed C16 house surrounded by designed parkland. The house itself is an impressive Jacobean brick building, built in the C16, with later additions and alterations. The surrounding parkland includes several other important buildings including several GII listed buildings, and the GII listed St Mary's Church. The parkland continues northwards significantly, and the boundary between the parkland and the estates other agricultural holdings is close to the development site.*

The development site has historically been in the ownership of the North Mymms estate and the documents discussed in the heritage statement show that this has

dated back till the 1819. However the land ownership in this location is complicated and is part of the complicated history between North Mymms and the neighbouring Tyttenhanger Estate which lies to the west.

From the site visit, and as discussed in the heritage statement there are glimpsed views of the site from North Mymms house, however no assessment of the impact on these views has been undertaken. The principle high status rooms face northwards towards the site, these views, overlook the designed parkland, surrounded by the estates land holdings is an important part of how the setting of North Mymms contributes to its significance. Any impact on these views needs to be fully assessed, yet the heritage statement has not undertaken this assessment. The views from North Mymms needs to be assessed in winter when the trees are out of leaf. This should take the form of a visual and written assessment and needs to be fully considered and appropriate mitigation proposed. Additionally there should be a fuller assessment of the developments impact on the surrounding parkland, which is a heritage asset in its own right, as well as contributing to the significance of the listed building(s) at North Mymms.

Tollgate farm

Tollgate farm is identified in the heritage statement as a non-designated -heritage asset which would be affected by the proposed development. However this is not a designated heritage asset, and lies within Welwyn and Hatfield District. It is recommended that WHDC is approached for comment in relation to heritage impact on Tollgate farm, as well as North Mymms.

6.4.2. Second response received 8 February 2023 as follows:

Further to the previous consultation response, additional information has been provided on North Mymms Park and the parameters plan has been amended so that the plant screen to the southeast boundary is now a consistent width.

The methodology provided for the VIA (appendix I) does not give the heights used for the buildings shown in the visuals, only that they would be 2.5 storeys. The proposed heights in the parameter plans are quite excessive compared to normal domestic storey heights, such as the existing buildings on Tollgate Road and accordingly it is unclear if the visuals represent the maximum height proposed. No heights are included on the development plan in the appendices. Given that the specific height proposed could have a greater impact, particularly for North Mymms Park, this should be clarified.

The additional viewpoint from North Mymms demonstrates that the proposed development would be visible from the first floor principle rooms of the GI listed building. The view outwards from these rooms contributes to the significance of the listed building, and to a lesser extent the rooms above though these would likely see more of the development.

The current view is of the expanse of parkland, bounded by the estates agricultural land. The existing buildings visible are seen as a small cluster on the former estate, surrounded by the surrounding agricultural and parkland. This existing situation has considerably different visual impact on these views to a suburban housing development on the edge of the parkland, including secondary impacts such as levels of activity and lighting. Based on the viewpoints presented the proposed development would cause less than substantial harm to the significance of the GI listed North Mymms, as it would permanently alter the views associated

with a designed parkland and the high status manor house and the connotations this has with displays of wealth and power.

However, given the nature of the views depicted in the submitted viewpoints, there is potentially scope to design out the harm caused. The planting boundary provided shown in the VIA would help reduce the harm to a certain extent, however the development would still be visible in these important views and is not sufficient to reduce the harm to this highly graded listed building. Additional changes, which would need to be reflected in changes to the parameters plan, are recommended. This includes arranging the maximum height and the siting of the proposed development to be better and more wholly screened in the views from North Mymms.

With the submitted information, and the slightly unclear building heights etc. it is difficult to give specific heights and the siting of the massing which would alleviate the harm caused, it is recommended that the viewpoints study helps inform this.

There are likely to be additional considerations at reserved matters stage, such as materiality, which would help blend in with the plant screening, and lighting would likely be required to reduce the impact.

6.4.3. Third response received on 25 April 2023 as follows:

With regards to the likely impact on North Mymms House, on the basis of the visuals provided, the level of impact on the significance of the Grade I listed building would be reduced with the shown amendments. However there would remain some residual concerns around both the urbanising effect of the development, and the tightly constrained boundary of the reduced height area.

The proposed reduction to the height has lowered the level of the impact on the significance of North Mymms House, however this would not eliminate the harm caused by the urbanisation of this part of the historic North Mymms Estate. The light spill, change of character and the changes to land use to a suburban residential development would all have an urbanising effect which would have an adverse impact on the appreciation of the significance of the North Mymms Estate and parkland and its historic connection to its agricultural estate.

The reduced height area is based on and tightly restricted to the view of the development site through the existing tree screening. This approach to reducing the impact of the development would be reliant on tree screening which is beyond the land-owners control and does not appear to retain any levels of protection. Whilst a large extent of the trees are unlikely to be felled, there is nothing to prevent this. In the areas where the tree screening is dense, created by the intervening woodland there will be more resilience in the existing tree screening, if trees are felled, die etc. then the existing screening would not be lost. However where the existing tree screening is only a tree lined hedgerow and predominately one tree deep (to the east side of the development boundary) the existing screening has less resilience, and there is no mechanism for replacing this lost screening. Given the irreversible nature of the development, the proposed reliance on external tree screening where it is thinner and unprotected would remain a small but residual concern given the development parameters which show a constrained boundary to the reduced height parameter area and the limited extent of proposed planting to the boundary within the site itself.

The changes to the submitted plans would not have an effect on the impact of the development, in relation to the other heritage assets. The impact on their significance would remain the same as set out in previous consultation responses.

Separate from the above, as discussed in the previous set of comments, it would be preferable for the methodology of the visuals (i.e. the heights and layouts used to generate them) to be included in the reports methodology for clarity. The layout in the visuals does not match the illustrative masterplans and it would be good to confirm that the heights, if not the layouts which are illustrative, are the same as those set out in the parameters plan.

6.4.4. Fourth response received on 27 April 2023 following the submission of a minor amendment to the Photomontages by the applicant, which confirmed that their previous comments still stand as the updated visual does not appear to have made a large difference to the overall apparent height of the development in relation to the tree-line.

6.5. East of England Ambulance Service

6.5.1. Response received dated 23 September 2022, stating that a contribution of £46,170 would be required towards the creation of additional ambulance services to support the population arising from the proposed development. The response also stated that the application should be refused unless appropriate mitigations are put in place to prevent or mitigate homes from being affected by floodwater.

6.5.2. Second response received 25 January 2023 stating that a contribution of £46,170 would be required towards the creation of additional ambulance services to support the population arising from the proposed development. Recommendations for the detailed design of the proposed development were also provided and the use of sustainable urban drainage measures welcomed.

6.6. Enforcement

6.6.1. Response received 30 August 2022 stating no comments.

6.7. Environment Agency

6.7.1. Initial response received on 3 October 2022 as follows:

Environment Agency's Position:

After a review of the submitted information, we object to the proposed development on the bases of proximity to the River Colne and risk to groundwater quality within Source Protection Zone 1.

Objection 1: Building next to main river

We object to this planning application as it involves works within 8 metres of a main river – River Colne. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

As submitted, the proposal does not comply with the requirements for planning, as set out in the Flood Risk and Coastal Change section of the Planning Practice Guidance and saved policy 84 (Flooding and River Catchment Management) of the St. Albans District Local Plan 1994.

Reasons

The proposed development would restrict essential access to the main river. In particular, the proposal does not consider access to the 8-metre buffer zone from

outside the site. This is necessary for maintenance or improvement works, particularly in an emergency.

Overcoming this objection

Where the flood defence is 3rd party owned/maintained (i.e., not Environment Agency owned or maintained), the applicant must provide evidence that access to the natural bank will be maintained post construction. The applicant needs to consider the availability of access to the 8-metre buffer zone in order to carry out maintenance and/or improvement works, particularly in an emergency (e.g., a track for machinery).

Objection 2: Insufficient information to determine risks to groundwater

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework.

Reasons

Our approach to groundwater protection is set out in "The Environment Agency's approach to groundwater protection" (Feb 2018 V1.2). In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value. In this case position statement "A5- Supply of adequate information" applies.

Groundwater is particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 1 for multiple potable abstractions
 - is located within the Kesgrave Gravel Formation which is underlain by a Principal aquifer within the Lewis Nodular Chalk Formation and Seaford Chalk Formation.
- To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:
- No preliminary risk assessment with respect to land contamination has been provided. The Environment Agency notes the site is immediately adjacent to a historic landfill.
 - The proposed location of a foul sewage station in an area of shallow groundwater presents a risk to controlled waters, including groundwater which supports potable abstractions. Any leakage, no matter how small would result in a direct input of untreated effluent to groundwater. Currently there is insufficient information to demonstrate the risk posed can be suitably managed.
- In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies. The proposal could cause further deterioration of controlled waters and prevent recovery of groundwater within the Mid Chilterns Chalk groundwater body.

Overcoming this objection

In accordance with our Groundwater Protection: Principles and Practice we will maintain our objection until we receive a satisfactory risk assessment that

demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

In order to overcome this objection, the applicant must:

- Submit a preliminary risk assessment and, depending on the results potentially further investigation and assessment. These works should follow the procedure set in “Land contamination risk management (LCRM)”.*
- Submit further details on the design of the pumping station and a strategy to manage the risk associated with any leakage (i.e a groundwater monitoring strategy). This information will need to confirm that the pumping station will not be subwater tables.*

Informative - Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)*
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)*
- on or within 16 metres of a sea defence*
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.*

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to the applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. To find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

*Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>*

*CIRIA Code of Practice for property flood resilience
<https://www.ciria.org/ItemDetail?iProductCode=C790F&Category=FREEPUBS>*

*British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>*

Pre-application advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is

welcome to seek our advice now to help them overcome our objection via HNL.SustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

6.7.2. Second response received on 30 January 2023 as follows:

Environment Agency Position Based on a review of the submitted information we maintain our objection outlined in response NE/2022/134880/01-L01 dated 3 October 2022.

Objection - Development in close proximity to main river

We object to this planning application as it involves works within 8 metres of a main river – River Colne. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

As submitted, the proposal does not comply with the requirements for planning, as set out in the Flood Risk and Coastal Change section of the Planning Practice Guidance and saved policy 84 (Flooding and River Catchment Management) of the St. Albans District Local Plan 1994.

Reason Although the applicant has provided the necessary buffer zone, they have failed to demonstrate how the Environment Agency will be able to gain access to this buffer zone through the site. There needs to be a clear path for vehicles to be able to access the buffer zone and river. These vehicles play a vital role in clearing debris and blockages from the channel in times of high flow. Without a clear and efficient route of access, our teams would not be able to clear these blockages, therefore the development as proposed would increase flood risk to the site and the surrounding areas

Overcoming our objection

The applicant must consider the space required for future emergency access and maintenance, including the use of vehicles and heavy-duty machinery. This can be demonstrated by, but is not limited to, submitting vehicle tracking plans showing there is unrestricted vehicular access for a six-wheeler grab lorry to enter the site and park parallel to the watercourse for operation of the mechanical arm.

Risks to groundwater

Thames Water have recently changed their position and now state they lack sufficient capacity to manage the foul effluent.

Section 3. Thames Water Waste Comment - email dated 31 August 2022 of the Stantec letter dated 10 Nov 2022, identifies that Thames Water lacks

sufficient capacity to deal with the foul effluent generated by the proposed development.

Should it not be possible to utilise the existing foul system, there is a risk that foul effluent will have to be discharged to the water environment (either groundwater or surface water).

Should the development propose to use non-mains drainage then we would likely also object to this application due to the risk to groundwater and recommend planning permission is refused

Such a discharge would require an environmental permit and it is not clear if one would be granted. Where a proposed development requires both planning permission and an environmental permit the Environment Agency will object and recommend parallel tracking to ensure pertinent aspects agreed via planning will be acceptable under permitting.

Given Thames Water's new stance please could the applicant confirm what they plan to do.

The Environment Agency would also like clarify that the site is entirely within an SPZ1 for the Roestock abstraction.

Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river*
- on or within 8 metres of a flood defence structure or culvert*
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.*

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Sequential Test

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions*

- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - the proposed development is consistent with the use for which the site was allocated; and
 - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

Advice to applicant

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

6.7.3. Third response received on 17 March 2023 as follows:

Thank you for consulting us on the above application which we received additional information for on 20 February. As part of the consultation we have now reviewed the following:

- *Concept Masterplan, dated June 2022, reference CSA/3925/117, prepared by CSA Environmental*
- *Email dated 28 November from BCTAdmin@thameswater.co.uk to Planning.Applications@stalbans.gov.uk, Subject: '3rd Party Planning Application - 5/2022/1988- AMENDED RESPONSE'.*
- *Land at Tollgate Road, Colney Heath, Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy*
- *Land at Tollgate Road, Colney Heath, Phase 1 Ground Conditions Assessment (GCA) (Stantec, ref 332510999/3501/R01, May 2022)*
- *Land at Tollgate Road, Colney Heath, Phase 2 Ground Investigation Report (GIR) (Stantec, ref 332510999/3501/R02, May 2022)*

Environment Agency Position *Based on a review of the submitted information we remove our previous objection outlined under response reference NE/2022/134880/02, dated 30 January subject to the inclusion of the following 8 conditions on any grant of decision notice*

Groundwater and contaminated land

The proposed development is located within an area where controlled waters, including groundwater because the site is:

- *is within source protection zone 1*
- *is located upon a Secondary Aquifer A which overlies a Principal Aquifer.*

The documents and email submitted provide us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring submission and subsequent agreement of further details as set out below. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition 1

Previously Unidentified Contamination If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s) 1

To prevent deterioration of controlled waters and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 2

SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason(s) 2

- *To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.*
- *To prevent deterioration of controlled waters.*

Condition 3

Piling/boreholes/tunnel shafts/ground source heating and cooling systems– lack of information – details to be agreed

Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details. Reason(s) 3 To ensure that the proposed Piling, deep

foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using does not harm groundwater resources in line with paragraph 170 of the National

*Advice to applicant The use of piled foundations and other types of intrusive groundworks have the potential create preferential pathways allowing for the mixing of groundwaters of different quality. Additionally, piles and certain drilling fluids can themselves be a source of pollutants. Any scheme must be supported by sufficient information to demonstrate that there will not be an unacceptable risk to controlled waters, including groundwater. **Condition 4***

Decommission of investigative boreholes A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason 4

- *To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.*
- *To prevent deterioration of controlled waters.*

Condition 5

Long term management of pumping station

The development hereby permitted may not commence until such time as a scheme detailing the design and long-term management of the pumping station has been submitted.

The scheme shall include the full structural details of the installation, including details of the excavation, depth to groundwater and measures taken to ensure that there is a year-round unsaturated zone between at the base of the wet well. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason

The direct input of both hazardous substances and non-hazardous pollutants is prohibited by Paragraph 20(2)(j) to WER 2017 which fully implements Article 11(3)(j) of WFD. Any leakage from a subwater table wet-well would constitute such an input. Prior to development commencing it will need to be demonstrated that there is a sufficient year unsaturated zone at the proposed location of the pumping station.

Condition 6

Sewage pipe specifications

The development hereby permitted may not commence until such time as a scheme to agree sewage pipe work specifications (in SPZ1s) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement G8- Sewerage pipework of the 'The Environment Agency's approach to groundwater protection'

Ecology

We feel that the comprehensive EIA report verifies that the designation of priority habitat (coastal and floodplain grazing marsh) is no longer an appropriate designation, but rather it shows the potential of the site. Our designation of this site as floodplain grazing marsh was in 1994, however, the EIA now denotes this land as open grassland (no longer a priority habitat).

We are in favour of opportunities to enhance the river Colne through this site and believe this can be addressed by 2 conditions. It is not necessary for the river and wetland plan to be provided prior to the granting of planning permission, as this matter can be addressed by a planning condition. The second condition requires a scheme to be agreed to protect a 10-metre-wide buffer zone around the river Colne

River Basin Management Plans

The Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. Without a river and wetland management plan, the proposal's ecological impact may lead to prevent a water body quality element from attaining good status. This is because it the river Colne (designated chalk stream priority habitat) and its associated floodplain sit within the site boundary. This floodplain has previously been recognised as Coastal and Floodplain Grazing Marsh, a priority habitat protected under Natural Environment and Rural Communities Act (2006), Section 41 habitats of principal importance. In addition, ponds near to the proposed development are inhabited by Great Crested Newts, designated and protected as European protected species, protected under the Conservation of Habitats and Species Regulations 2017. This evidence shows that enhancements to the site should be targeted at achieving restoring and protecting the River Colne's chalk stream habitat and wetland habitats at this site.

The Thames River Basin Management Plan (TRBMP) sets out actions that will contribute to the objectives of the Water Framework Directive to help the river Colne waterbody achieve Good ecological status (currently classified as Bad). The actions for the river Colne at the site of this development are:

- To restore natural profile, planform, potential for narrowing and restoring flow characteristics*
- To improve modified habitat, to improve condition to channel, bed and banks of the River Colne from TL2084105311 to TL2064805518 (through the site of the development)*
- To remove weir structure at TL2054505725 (off-site)*

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to chalk stream and wetland habitats.

Riparian Corridors

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. The river Colne and associated riparian zone runs along the boundary of the proposed development.

Networks of undeveloped buffer zones help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan. The River Colne Waterbody Status is currently at Bad (2019), as classified by the Water Framework Directive. The creation and protection of quality, complex, riparian buffer zones is listed as an objective within the TRBMP, to help waterbodies achieve Good ecological status.

Undeveloped buffer zones can provide multiple benefits for people and wildlife, these include:

- Help to stabilise the riverbank, reducing bank erosion.*
- Improve water quality and protect rivers from pollution events. Tree roots can also help bind soil together, reducing fine sediment ingress into river catchments.*
- Act as natural flood management. Trees along rivers intercept rainfall, mitigating flooding by reducing the speed at which water reaches rivers.*
- Increase biodiversity by creating and connecting new habitat corridors.*

Condition 7

Landscape and ecological management plan

No development shall take place until a river and wetland management plan, including long-term design objectives, management responsibilities and maintenance schedules for all river and wetland habitat areas, shall be submitted to, and approved in writing by, the local planning authority. The river and wetland management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of any new habitat created on site, including enhancements to the river, and ponds/wetland habitats.*
- details of treatment of site boundaries and/or buffers around water bodies*
- details of management responsibilities*
- details of maintenance regimes*

Reason

The ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment and ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted Policy 106: Nature Conservation of the St Albans District Council Local Plan. The Thames River Basin Management Plan states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. The river Colne is a chalk stream. In England and Wales, chalk streams are classed as Priority Habitats, also known as Habitats of Principal Importance, (classified under the UK Biodiversity Action Plan government legislation) and as such are recognised as being amongst the most threatened habitats that require conservation action. Their rarity and distinctiveness support some of the UK's most endangered species. The River Colne Waterbody Status is currently at Bad (2019). The omission of proposed enhancements to the river and wetland habitats with this development allows for the continued deterioration of the

river Colne as classified under WFD and will contribute to reason for not achieving 'Good' status.

Condition 8

Undeveloped buffer zone: scheme to be submitted

No development shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside the river Colne has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, footpaths, domestic gardens, river bank modifications such as hard engineering, and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting etc.
- details of proposed SuDS scheme, including details of planting, outfalls and scour protection etc.

Reasons

Land alongside watercourses and wetlands are particularly valuable for wildlife and it is essential this is protected.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity

Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant

should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Further advice

Emergency access

We are pleased to see a field gate has been added for emergency access. Please contact HNL-APTENQUIRIES@environment-agency.gov.uk in order to organise access through the gate. Asset liability The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party. Riparian responsibilities As runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>

Advice to LPA

Sequential Test

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions*
- Small non-residential extensions with a footprint of less than 250sqm*
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)*
- Applications for development on sites allocated in the development plan through the sequential test and:*
- the proposed development is consistent with the use for which the site was allocated; and*
- there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test*

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to

check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance here.

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Chalk river

The proposal is adjacent to a chalk river and therefore may be prone to groundwater flooding. We do not normally comment on issues about groundwater flooding; however we deem this proposal at potential risk from groundwater flooding and therefore ask the LPA to review this risk before granting this development. The LLFA is the lead for groundwater flood risk.

Advice to applicant

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate

social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development is required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Insurance eligibility

New homes built in flood risk areas after 1 January 2009 are not covered by the Flood Re-insurance scheme and may not be eligible for home insurance. We advise contacting an insurance provider to discuss whether your development would qualify for insurance.

Flood Risk Management Scheme Funding eligibility

New properties and buildings converted to housings within areas of flood risk after 1 January 2012 will not be counted towards the outcome measures of any proposed future flood alleviation scheme. This is to avoid inappropriate development in flood risk areas. Further information can be found at <https://www.gov.uk/government/publications/calculate-grant-in-aid-funding-flood-risk-management-authorities>

Final comments

- Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.*

6.8. Environmental and Regulatory Services

- 6.8.1.** Initial response received from the Contaminated Land Officer on 13 February 2023 as follows:

I have reviewed the phase I and phase II contaminated land reports which have been submitted in support of the above application for residential accommodation. The phase I desktop review confirms that the site has been mostly used for agricultural and recreational purposes and there has been no former usage which is likely to have resulted in significant contamination occurring.

The phase II intrusive investigation confirms the presence of contamination in certain areas which will require further investigation and remediation work and this is acknowledged and can be addressed by a suitable condition.

However, the phase I assessment identified the presence of a closed former landfill site directly adjacent to the proposed development site. The landfill, site

name Colney Heath Farm, was not licensed and there is no record of the type of fill that was accepted into the landfill. The phase I report confirms that part of the site is shown to be overlain by sands and gravels of the Kesgrave Catchment Subgroup and therefore a potential pathway exists for ground gases produced in the adjacent landfill to migrate onto the proposed development site.

To ensure that potential risks to future users of the residential development are fully quantified and risk assessed it is necessary that sufficient ground gas monitoring is undertaken to inform a robust risk assessment. Taking into account the location of the landfill, the requirement for a ground gas assessment for a sensitive development such as, the Council would be requiring six ground gas-monitoring rounds over a three-month period and; that monitoring should be carried out at barometric pressures below 1,000mb, when the pressure is falling.

However, the ground gas assessment which has been submitted within the phase II site investigation comprises of three ground gas monitoring visits carried out at nominal fortnightly intervals between 25th May and 10th June 2022. The intrusive investigation report confirms that ground gas levels at the site will be in characteristic situation 1 and the residential properties will not require any gas protection measures. I feel that the level of investigation undertaken does not allow a definitive conclusion to be made on the ground gas regime which exists on the development site. I would request that the applicants consider these points and submit proposals for a ground gas investigation and risk assessment. I will be able to submit suitable conditions if the applicant cannot provide an updated risk assessment.

- 6.8.2. Second response received from the Contaminated Land Officer on 24 April 2023 as follows:

In relation to this application I would recommend the following condition:

To ensure that the additional contaminated land and ground gas assessments are undertaken and that a suitable remediation strategy will be implemented prior to site occupation to protect future site users and the wider environment, the following conditions should be included on any decision notice:

To ensure that that the ground gas regime at the site is investigated to the satisfaction of the Council the following condition should be included on any decision notice:

1) Site Investigation: Ground Gas

Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to ground gas contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of ground gas across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans

2) Site Investigation: Contaminated Land

Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to calcium carbide contamination on site (in addition to the assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of this contamination across the site. The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework

3) Options Appraisal and Remediation Strategy

Condition:

The results of the site investigations and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework

4) Verification Report

Condition:

Prior to first occupation, a verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and in accordance with the National Planning Policy Framework

6.8.3. Response received from the Environmental Compliance Officer on 12 January 2023 stating that they have no comments on the Air Quality Assessment and Noise Assessment.

6.9. Hertfordshire and West Essex Integrated Care Board

6.9.1. Response received dated 22 February 2023 as follows:

Hertfordshire and West Essex Integrated Care Board has considered this planning application. Should this development of 150 dwellings go ahead, based on an average occupancy of 2.4 per dwelling it will create circa 360 new patient registrations.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Hertfordshire and West Essex Integrated Care Board. We expect applications for closed lists to increase as new developments in the area go live. Even when surgeries are significantly constrained the Integrated Care Board and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. It is therefore tremendously important that new housing contributes financially towards healthcare infrastructure. Patient lists are only closed in exceptional circumstances.

When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. by re-configuring, extending or relocating the premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open. Developers' contributions under these circumstances is considered fair, reasonable and necessary.

Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary and the Integrated Care Board nor NHS England can prescribe which surgery patients should attend. However, the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.

For several years, East and North Herts who are now part of the Herts and West Essex Integrated Care Board (H&WE ICB) as of 1 July 2022), in accordance with national direction, has commissioned a number of additional services from general practice. This aspect of the general practice work is increasing substantially. The NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs) effective from 1 July 2019. NHS England agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the ensuing 5 years.

In the East and North Herts area of the H&WE ICB there are 12 PCNs across the

6 localities; each covering a population of between circa 30,000 and 76,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. The PCN that covers Hatfield and surrounding areas such as Colney Heath has a combined patient registration list of 51,912 as at 1 January 2023, growing and which will continue to grow with developments such as this in mind.

For the above reasons a S.106 contribution is requested to make this scheme favourable to NHS England and the Hertfordshire and West Essex ICB.

Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and does not take into account other development proposals in the area.

Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS GP provision:

360 new patient registrations/2000 = 0.18 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

$0.18 \times 199 \text{ m}^2 = 35.82 \text{ m}^2$ of additional space required

$35.82 \text{ m}^2 \times \text{£}5,410^* \text{ per m}^2 = \text{£}193,782.20$ * (*Build cost; includes fit out and fees)

$\text{£}193,782.20/150 \text{ dwellings} = \text{£}1,291.908$ per dwelling (rounded to $\text{£}1,292.00$ per dwelling)

Total GMS monies requested: 150 dwellings x $\text{£}1,292.00 = \text{£}193,800.00$

The ICB propose to focus the GMS/GP monies either singularly or by way of a combination on the practices that deliver Primary Care services in the Hatfield and surrounding area namely Burvill House Surgery and Northdown Road Surgery (branch of Wrafton House Surgery). This may involve expansion, reconfiguration and refurbishment, relocation, digitisation or offsite storage of the patient records of Wrafton House Surgery which are stored at Northdown to allow the vacated space to be repurposed. All of these and possibly other options are with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.

To achieve this S106 monies are required as being ultimately the only source of funding. Trigger points of on occupancy of the 60th and 110th dwellings are requested.

NHS England and the ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.

As well as the importance of a S.106 contribution for GMS, it is also vital to consider the impact of developments and additional residents on community and mental healthcare as occupiers of the development will access a variety of healthcare. Based on recent cost impact forecasting calculations, the potential cost impact of these developments going ahead on community and mental healthcare would be as follows:

Mental Health costs:

150 dwellings x $\text{£}201.75 = \text{£}30,262.00$

Community Healthcare costs:

150 dwellings x £182.03 = £27,304.00

Community Services for the Hatfield and Welwyn Garden City areas under which this development falls are centralised from Queensway Health Centre in Hatfield Town Centre. The focus of the S106 would be on the continuing expansion and re configuration project that includes installation of a lift with a view to further increasing patient access.

Mental Health Services for the Hatfield and Welwyn Garden City areas under which this development falls are centralised at Roseanne House in Welwyn Garden City. The focus of the S106 would be on the evolving expansion and reconfiguration project on that site by taking on additional space with the building to increase patient access.

Both these projects rely on S106 funding being made available as ultimately the only source of funding as is the case with Primary Care GP.

The ICB is keen to continue to work with St Albans District Council as well as the developer to ensure that patients access to healthcare isn't compromised by this development, or indeed, other developments.

In terms of identifying a project in full at this stage the following points must be considered:

- All projects are subject to Full Business Case approval by the ICB and NHS England.*
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.*
- All planning applications and responses are in the public domain; identifying a project before any design work starts and funding is discussed, agreed and secured may raise public expectation and indicate a promise of improvements and increased capacity, which are subject to both above points. Securing developers contributions to all aspects of healthcare is vital.*
- A project identified and costed in response to the planning application may not meet the objectives of the current strategies or could have significantly increased in*

cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

At the time of responding to planning applications it is unclear when the development may be delivered, even if the site is listed in the Local plan and features on the housing trajectory for the local authority or indeed if permission will be granted. But should this development, as with any other, materialise, it will have an impact on healthcare provision in the area and must be mitigated by legally securing developers contributions.

Subject to certainty that healthcare will form part of the development and/or developer's contributions will be secured towards all aspects of healthcare NHSE/I and the ICB does not raise an objection to the proposed development.

6.10. Hertfordshire County Council Growth and Infrastructure Unit

6.10.1. Response received dated 23 September 2022 as follows:

Primary Education towards the expansion of Colney Heath Primary School

(£950,587 index linked to BCIS 1Q2020)

Secondary Education towards the expansion of Samuel Ryder Academy
(£1,037,466 index linked to BCIS 1Q2020)

Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty school places (West) through the relocation and expansion of Breakspeare School *(£137,068 index linked to BCIS 1Q2020)*

Library Service towards increasing the capacity of Marshalswick Library or its future re-provision *(£13,454 index linked to BCIS 1Q2020)*

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility *(£34,848 index linked to BCIS 1Q2020)*

Waste Service towards increasing the capacity of the Recycling Centre at Potters Bar to serve the development *(£45,477 index linked to BCIS 3Q2021)*

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Outline applications require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#) In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

- 6.10.2. Second response received dated 2 February 2023 stating that the following contributions would be sought (based on Hertfordshire County Council revised its 'Guide to Developer Infrastructure Contributions' dated October 2022):

Primary Education towards the expansion of Colney Heath Primary School and/or provision serving the development (£1,157,013 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Samuel Ryder Academy and/or provision serving the development (£1,266,848 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty school places (West) through the relocation and expansion of Breakspeare School and/or provision serving the development (£158,171 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Marshalswick Library or its future re-provision (£32,687 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development (£40,927 index linked to BCIS 1Q2022)

Waste Service towards increasing the capacity of the Recycling Centre at Potters Bar and/or provision serving the development (£46,062 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 6.10.3. Third response received dated 4 April 2023 stating that the following contributions would be sought ((based on Hertfordshire County Council revised its 'Guide to Developer Infrastructure Contributions' dated October 2022 and requesting contributions towards Waste Service Recycling Centre and Waste Service Transfer Station):

Primary Education towards the expansion of Colney Heath Primary School and/or provision serving the development (£1,157,013 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of Samuel Ryder Academy and/or provision serving the development (£1,266,848 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty school places (West) through the relocation and expansion of Breakspeare School and/or provision serving the development (£158,171 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Marshalswick Library or its future re-provision (£32,687 index linked to BCIS 1Q2022)

Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development (£40,927 index linked to BCIS 1Q2022)

Waste Service Recycling Centre towards increasing the capacity of the Recycling Centre at Potters Bar and/or provision serving the development (£46,062 index linked to BCIS 1Q2022)

Waste Service Transfer Station towards increasing the capacity of Waterdale Transfer Station or provision serving the development (£8,829 index linked to BCIS 3Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

6.11. Hertfordshire County Council Ecology

6.11.1. Response received on 12 October 2022 as follows:

Summary of advice:

- *Sufficient information on European protected species to allow determination.*
- *The proposal will result in a net loss of area habitats which should be compensated for.*
- *If a net gain is sought an off-site solution will be required*
- *Trading rule violations need to be addressed*
- *A CEMP outlining impact avoidance measures for nesting birds, badgers, riparian mammals, reptiles, amphibians and protections for the river Coln and the onsite Local Wildlife Site should secured by Condition.*
- *A LEMP should be secured by Condition*
- *A lighting strategy as outlined in the EclA should form a Condition of approval*

Supporting documents:

The application is supported by the following report:

- *Ecological Impact Assessment (EclA) by CSA environmental (report date July 2022)*

Comments:

Habitats: *The proposals site is composed of. an area of about 7.82ha including a residential property, stables and paddocks, areas of grassland It also includes Approximately 40% of Colney Heath Farm Meadows Local Wildlife Site. The application will result in a loss of habitats which will need to be compensated for but the LWS is being retained. The existing habitats outside of the Local Wildlife have been sufficiently surveyed and identified and providing suitable compensation for their loss is provided they do not represent a constraint to the proposal.*

Protected species: *Surveys have been completed for bats, reptiles, riparian mammals (water voles and otters). All structures were found to have negligible potential for bats although a minimum of seven species were found to be utilising the site for foraging and commuting. Based on this the site was assessed as being of local importance for bats. No likely impact on riparian mammals has been indicated. Surveys revealed the presence of low numbers of Grass snakes, and it is proposed to safeguard this population with habitat manipulation measures.*

Overall, I consider this assessment to be reasonable and advise that the specific enhancement measures for these species are secured by Condition.

Local Wildlife Site: I am pleased to see this is being retained in the present application measures to improve the biodiversity of this site through appropriate habitat management measures form an important part of the proposals for biodiversity net gain. The location of a new large residential area adjacent to this area will increase the pressures on this site and appropriate measures such as those recommended in the EciA will need to form part of the Landscape and Ecological Management Plan and be secured by Condition to ensure that these impacts are suitably mitigated. Any such plan will require a suitable ongoing monitoring to ensure that the Local Wildlife Site is not negatively impacted. Monitoring results should be shared with the Local Wildlife Site officer of the HMWT or their equivalent. A method statement as to how the LWS will be protected during construction should form part of a CEMP or similar.

Biodiversity net gain:

The site has been surveyed to establish the UK habitat types present and a biodiversity metric 3.1 calculation completed it demonstrates an overall **biodiversity net loss in area-based habitats** of **-9.24 (-23.41%)** and a biodiversity net gain for hedgerows of **+35.81 (+185.84%)**. These can not be summed It also demonstrates a trading rule violation. Meeting the Trading Rules (BNG Rule 3) are important; they are integral to delivering BNG, unless there is a sound ecological reason stated or otherwise considered acceptable. In this case no ecological justification has been provided. Some measures achieving biodiversity net gain on site and within the retained Local Wildlife Site form part of the metric. These and the ecological enhancements listed within the report (section 5.84) should form part of a **Landscape and Ecological Management Plan** secured by **Condition**. This Landscape and Ecological Management Plan along with updated biodiversity metric calculations should be updated at each phase of the development or relevant reserved matters. These should be prepared at the design stage of each proposal. The Landscape and Ecological Management Plan should give details of type location and management prescription for planting and retained or enhanced on site habitats. It should also clearly define ecological enhancement in similar terms of type number and location.

The Environment Act proposes that developments should deliver a 10% minimum net gain and it is not unreasonable for a development of this size that the LPA should expect a net gain in line with these government expectations. However as this is currently not mandatory, I am not able to advise this can be used as a reason for refusal. Nevertheless, the proposal should at the minimum achieve a net loss which should be compensated for in line with the requirements of the NPPF.

If net gain is sought from the proposal, then an offsite solution should be found that both accounts for the trading rules and results in a net gain in accordance with the amount sought by the LPA.

The report gives a useful summary of measures in section 6.3 and I support the recommendation that these are translated in to suitable **Conditions**.

6.11.2. Second response received on 7 February 2023 as follows:

The metric figures quoted in the EciA , and shown on the metric head line results sheet within the appendix , shows that post development the losses and gains for

the onsite area based habitats will be 30.23 BU. A net loss of 23.41 % however this figure, because of the mechanism used in the metric to carry out this calculation, does not take into account that some of the post development habitats cannot be used to compensate for those that are lost. This is instead flagged in the metric as trading rules not being satisfied. This means that the actual number of habitat units and % uplift required to meet any target % net gain is greater than that shown within these headline results. In order to account for this I state in my response 12/10/2022.

"If net gain is sought from the proposal, then an offsite solution should be found that both accounts for the trading rules and results in a net gain in accordance with the amount sought by the LPA."

I do not dispute that the EclA acknowledges that trading rules have not been satisfied, or the need for offsite measures to account for it. Indeed section 5.79 of the report states that offsite compensation would need to target habitats that can deliver sufficient units "to address both the deficit identified, and to satisfy trading rules".

If the applicant or LPA provide a site or engages with a third party to provide a site, the completion of the metric, informed by appropriate surveys, will demonstrate how and whether the required net gain will be delivered within the trading rules.

However the EclA states that there are a number of mechanisms by which off-site compensation could be secured including a monetary contribution. I am not aware of any legal requirement for the LPA to accept such a contribution. Whether or not it chose to do so, the metric figures currently provided do not account for the trading rules and cannot be used as a base for calculating any financial contribution. If the LPA is minded to accept a financial agreement then this should be based on a metric that addresses the deficit and satisfies the trading rules. This could be based either on actual (where an offsite location has been nominated) or realistic indicative values. The provision of this information should be the responsibility of the applicant either at the outline or reserved matters stage as required by the LPA.

6.12. Hertfordshire County Council Fire and Rescue

6.12.1. Response received on 2 September 2022 as follows:

This application will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in the event of an emergency.

6.13. Hertfordshire County Council Highways

6.14. Initial response received on 26 August 2022 providing the following recommendation:

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that Hertfordshire County Council (HCC) Highway Authority wishes to recommend refusal of the planning application until further information is provided. The additional details required are as follows:

- Further assessment and evidence as part of the site selection process for the emerging Local Plan. The site is not currently allocated in the adopted development plan. The site was submitted as part of the call for sites in the emerging Local Plan, site reference CH-37-21. It is recognised that Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.
- Further review of the St Albans City and District Cycling Map (2019), the emerging Local Cycling and Walking Infrastructure Plan (being developed with HCC), Cycle Infrastructure Design – Local Transport Note 1/20 (2020) and Inclusive Mobility (2021) prior to planning determination.
- Audit of the suitability of the footways and crossings on routes to local facilities on existing streets and design review of the proposed footways and crossings within the proposed development on new streets in accordance with Inclusive Mobility (2021) guidance. Assess likely proposed development trips and propose any necessary mitigation or design changes prior to planning determination.

6.15. Second received on 26 January 2023 with the following recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- *An updated site access plan showing pedestrian crossing facilities at the site access.*
- *A plan showing the location of proposed mitigation measures.*
- *A Stage 1 Road Safety Audit for the proposed site access (with crossing facilities).*

6.16. Third response received on 5 May 2023 with the following recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- *HCC requests in reflection of the cycling audit provided, routes identified as not being safe for users of all abilities removed from the cycling accessibility analysis and also to consider the St Albans Cycle Route Map (2019) and routes identified there as safe/not safe included/excluded. Following this review, the accessibility should be re-assessed (with all users in mind) and confirmation whether the site can offer a suitable cycling alternative to the private car; and*
- *HCC requests the applicant engages with public transport providers to identify whether additional bus services can be implemented or existing services extended to meet with the increase in public transport demand resulting from*

6.17. Hertfordshire County Council Landscape

6.17.1. Initial response received on 27 October 2022 as follows:

LANDSCAPE POLICIES & MATERIAL CONSIDERATIONS

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework² (NPPF) confirms that decisions should contribute to and enhance the natural environment by protecting and enhancing

valued landscapes, and recognising the *intrinsic character and beauty of the countryside*.

Decisions should also ensure that new developments, are sympathetic to **local character** and history including the surrounding built environment and **landscape setting**, support healthy lifestyles through the provision of safe and accessible **green infrastructure** and an appropriate amount and mix of green and other **public space**, and are visually attractive as a result of good architecture, layout, and appropriate and **effective landscaping**.

The NPPF recognises that **trees** make an important contribution to the character and quality of urban environments and serves to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the **long-term maintenance** of newly planted trees, and that existing trees are retained wherever possible.

ST ALBANS CITY & DISTRICT LOCAL PLAN (SAVED POLICIES 1994)

- *Policy 1 Metropolitan Green Belt*
- *Policy 69 General Design and Layout*
- *Policy 70 Design and Layout of New Housing*
- *Policy 74 Landscaping and Tree Preservation*
- *Policy 143A Watling Chase Community Forest*

- *Design Advice Leaflet No.1 – Design and Layout of New Housing*

Valued landscape/biodiversity/geodiversity4 – YES

Development area = floodplain grazing marsh

Colney Heath Farm Meadows Local Wildlife Site = good quality semi-improved grassland

(Deciduous woodland to south west)

LANDSCAPE CHARACTER ASSESSMENT, STRATEGY & GUIDELINES

The site lies within landscape character area Colney Heath Farmland.

A medium-scale landscape contained by adjacent urban areas and transport routes. There is a good network of hedges, field trees and tree belts to the urban areas that visually contain the largely arable character. Mineral extraction has created a number of disturbed and new landscapes that are still young. Areas of heath and seminatural grassland are locally important at Colney Heath and Smallford gravel pits.

Key characteristics include

- *Medium scale arable farmland*
- *Subtle gently undulating landforms*
- *Heath Habitat and Colney Heath*
- *Urban Development contains area physically but visually largely concealed.*

The condition is assessed as Moderate and the strength of character is assessed as Moderate, the overall strategy for managing change is to Improve and Conserve. Of relevance to the proposed development the guidelines for managing change include:

- *Support the Watling Chase Community Forest in the realisation of its objectives for the area.*

- *promote hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas. Pattern to follow historic field boundaries where possible*
- *support the retention and management of heath habitats including Colney Heath. Encourage opportunities of extending this habitat*
- *promote both the creation of new ponds and the retention/enhancement of existing ponds for wildlife*

SUBMITTED DOCUMENTS

For approval - Parameter Plan CSA/3925/120

Not for approval - Development Framework Plan CSA/3925/117, Illustrative Masterplan CSA/3925/118

LANDSCAPE STRATEGY / MITIGATION MEASURES & ENHANCEMENT

BASELINE STUDIES & ASSESSMENT

▪ *A Landscape & Visual Impact Assessment⁷ (LVIA) has been submitted. It is noted that the viewpoint photographs were taken during late summer (08/09/20) when the vegetation is in full leaf and therefore provides the maximum level of screening to views of the proposed development. The photos therefore do not represent the worst-case scenario (i.e. views during periods of leaf fall when the vegetation is at its thinnest and more visually permeable). However, with regards to the written report, it is noted that the assessment of effects includes winter views.*

▪ *With regards to visual effects, the LVIA concludes that ‘the site is visually well contained, being mostly visible from the immediate surroundings, with limited middle-distance views available.’*

This conclusion is supported, the site is generally well screened to views from the wider area by the intervening settlement to the east, and the vegetation associated with the river corridor to the west.

The site is more open to the north and south as shown on photographs 13 and 16 respectively. At this stage there is concern for the potential impact of the proposed new settlement edges along these boundaries. In order to provide more certainty at this outline stage it is requested that photographs 13 and 16 are updated to show the height parameters, so that the relationship between the existing and proposed housing can be clearly understood.

In addition it is advised that the GI parameters should commit to a minimum 10 m width of proposed structural planting to achieve an effective level of visual screening (as well as landscape mitigation and enhancement) – see further comments with regards to Parameters Plan.

With regards to landscape effects, great weight is given to the site’s edge of settlement character, and it is concluded that ‘the proposed development at the site will not appear out of character and will be well related to the adjoining settlement.’

This conclusion is supported to an extent, however, there remains concern for the role of the site in providing an open buffer between the existing built-up area and the more sensitive wildlife site and river corridor beyond. Indeed this proposal represents the notable extension of a block of development to the western side of

Tollgate Road, which is currently characterised by narrow ribbon development (predominantly one property wide).

In the event the principal of development is supported, then a well-considered landscape mitigation and enhancement strategy will be critical to assimilating the development within this location.

▪ An Arboricultural Impact Assessment⁸ (AIA) has been submitted. It confirms that one tree (T1-Hawthorn) and one hedge (H1-Privet) would need to be removed to facilitate the new access point to the site. There is a potential for a small section of hedgerow (H12) to be removed to accommodate a new footway at the site entrance also.

PARAMETER PLAN

PROPOSED USES

▪ It is advised that the description of the proposed developable areas should also include reference to other key uses that should permeate throughout these areas, such as green open space and corridors, landscaping and street trees, SuDS, play areas, and space for growing food, SuDS etc. Indeed the parameters at this stage should provide the confidence that there is sufficient capacity to deliver these important aspects.

GREEN INFRASTRUCTURE

▪ All of the public open space is pushed to the periphery of the site. There should also be provision permeating throughout the developable areas (see comment in relation to proposed uses above). It is vital that open space and structural planting is accommodated throughout the development to provide benefits for amenity of the streetscene, urban cooling, wildlife, surface water management etc.

▪ Typical cross sections to show the approach to the peripheral open space would be beneficial at this stage .

▪ The location of existing trees and hedgerows and their root protection areas are shown on the Parameter Plan (PP) – this approach is supported.

▪ The PP key refers to ‘Proposed structural thicket, hedgerow and street tree planting’ – there doesn’t appear to be any street trees shown on the plan.

The approach to providing proposed planting along the northern and southern site boundaries, and to the western development edge with the wildlife site, is supported in principle. It is requested at this stage that there should be a commitment to safeguard a min 10 m wide strip for the existing and proposed structural planting. A hedgerow with trees along these sensitive settlement edge boundaries with the green belt would not be sufficient to provide effective landscape and visual mitigation during periods of leaf fall. A 10 m strip of structural planting will enable the layering of two to three tree canopies and therefore provide more effective mitigation, and a more defensible edge to the green belt.

▪ The LVIA states that SuDS will be provided and landscaped to create attractive features, while also providing wildlife habitat. This approach is supported in principle however it is not clear if the proposed attenuation basins will retain any permanent water that is required to support any marginal habitat, or if they will be required to remain empty and free of any obstruction and therefore of limited landscape/wildlife/amenity benefit. The Design and Access Statement (DAS)

states the basins will be lined; however it is still not clear if they will need to remain predominantly empty.

▪ The hierarchy of open space types has not been provided on the PP, however they are shown on the illustrative plans – not for approval. At this stage the potential location of the children’s play area is not supported. The location is peripheral, and less accessible and convenient for residents in the southern half of the site. In addition the area is adjacent to the primary route, which partially severs it from the development. The area is not positively and therefore does not benefit from passive surveillance which could enable anti-social behaviour. It is suggested that a more central location within a local neighbourhood hub should be explored.

SUMMARY & CONCLUSION

▪ At this stage there is some concern for landscape effects of the proposals, which comprise a notable block of development extending within the strategic open gap between the existing ribbon settlement along Tollgate Road, and the wildlife site and river corridor.

▪ With regards to views - photographs 13 and 16 should be updated to show the height parameters, so that the relationship between the existing and proposed housing can be clearly understood.

▪ In the event the proposed development is supported in principle, then at this outline stage it is advised that further commitments should be made within the Parameter Plan to provide the confidence that important strategic mitigation can be delivered at the reserved matter stage. This is discussed in detail above and includes:

- Provision of other key land uses (especially hierarchy of open space types) to permeate throughout developable area*
- Typical cross sections to show the approach to the peripheral open space*
- Safeguarding of min 10 m strip for structural planting to site boundaries (this can be flexed at the detail design stage)*
- The nature of the SuDS basins – i.e. permanent or temporary water features and ability to accommodate marginal planting*

6.17.2. Second response received on 7 February 2023 as follows:

URTHER INFORMATION

- Letter from DLA Town Planning dated 20 December 2022*
- Illustrative Landscape Cross section (CSA/3925/123 Rev A)*
- Parameters Plan (CSA/3925/120 Rev C)*
- Photo sheets (CSA/3925/121 Rev A)*

*A summary of the previous landscape concerns given with regards to the initial outline application are copied below in italics, followed by additional comments given with regards to the submitted further information in **bold green text**.*

LANDSCAPE STRATEGY / MITIGATION MEASURES & ENHANCEMENT

▪ The site is more open to the north and south as shown on photographs 13 and 16 respectively. At this stage there is concern for the potential impact of the proposed new settlement edges along these boundaries. In order to provide more certainty at this outline stage it is requested that photographs 13 and 16

are updated to show the height parameters, so that the relationship between the existing and proposed housing can be clearly understood.

The submitted photo sheets present photomontages of the development and its edges, as existing, at year 1, and at year 15, and demonstrates that proposed structural boundary planting should (secured via the parameter plan at 10m wide) should serve to deliver effective visual and landscape and mitigation in the long term.

- *In addition it is advised that the GI parameters should commit to a minimum 10 m width of proposed structural planting to achieve an effective level of visual screening (as well as landscape mitigation and enhancement) – see further comments with regards to Parameters Plan.*

The Parameter Plan (PP) has been updated to include a 10m wide belt of structural planting along the site boundary – this is supported.

- *With regards to landscape effects, great weight is given to the site's edge of settlement character, and it is concluded that 'the proposed development at the site will not appear out of character and will be well related to the adjoining settlement.'*

This conclusion is supported to an extent, however, there remains concern for the role of the site in providing an open buffer between the existing built-up area and the more sensitive wildlife site and river corridor beyond. Indeed this proposal represents the notable extension of a block of development to the western side of Tollgate Road, which is currently characterised by narrow ribbon development (predominantly one property wide).

Not addressed.

PARAMETER PLAN

PROPOSED USES

- *It is advised that the description of the proposed developable areas should also include reference to other key uses that should permeate throughout these areas, such as green open space and corridors, landscaping and street trees, SuDS, play areas, and space for growing food, SuDS etc. Indeed the parameters at this stage should provide the confidence that there is sufficient capacity to deliver these important aspects.*

Part met - The PP has been updated to confirm that the 'main streets within the developable area will be tree lined and set within a 2m grass verge to either side of the carriageway.' There is no mention of any requirement for swales along the streets, if they are required, they should not be retrofitted at a later date and reduce space available for street trees. Verges of amenity grass are of limited biodiversity value, in addition to street trees, biodiverse hedgerow and shrub planting should permeate throughout the development.

The PP also confirms that 'an area of 0.27ha within the developable area will accommodate a Local Area of Play / Pocket Park' – this is supported.

GREEN INFRASTRUCTURE

- *All of the public open space is pushed to the periphery of the site. There should also be provision permeating throughout the developable areas (see comment*

in relation to proposed uses above). It is vital that open space and structural planting is accommodated throughout the development to provide benefits for amenity of the streetscene, urban cooling, wildlife, surface water management etc. - See comment above

- *Typical cross sections to show the approach to the peripheral open space would be beneficial at this stage. Cross sections have been provided and are supported.*
- *The PP key refers to ‘Proposed structural thicket, hedgerow and street tree planting’ – there doesn’t appear to be any street trees shown on the plan. The PP confirms delivery of street trees within developable area – this is supported.*

The approach to providing proposed planting along the northern and southern site boundaries, and to the western development edge with the wildlife site, is supported in principle. It is requested at this stage that there should be a commitment to safeguard a min 10 m wide strip for the existing and proposed structural planting. A hedgerow with trees along these sensitive settlement edge boundaries with the green belt would not be sufficient to provide effective landscape and visual mitigation during periods of leaf fall. A 10 m strip of structural planting will enable the layering of two to three tree canopies and therefore provide more effective mitigation, and a more defensible edge to the green belt.

The PP confirms delivery of 10 m wide strip – this is supported.

- *The LVIA states that SuDS will be provided and landscaped to create attractive features, while also providing wildlife habitat. This approach is supported in principle however it is not clear if the proposed attenuation basins will retain any permanent water that is required to support any marginal habitat, or if they will be required to remain empty and free of any obstruction and therefore of limited landscape/wildlife/amenity benefit. The Design and Access Statement (DAS) states the basins will be lined; however it is still not clear if they will need to remain predominantly empty.*

The info confirms the basin will be permanently wet.

- *The hierarchy of open space types has not been provided on the PP, however they are shown on the illustrative plans – not for approval. At this stage the potential location of the children’s play area is not supported. The location is peripheral, and less accessible and convenient for residents in the southern half of the site. In addition the area is adjacent to the primary route, which partially severs it from the development. The area is not positively and therefore does not benefit from passive surveillance which could enable anti-social behaviour. It is suggested that a more central location within a local neighbourhood hub should be explored.*

The PP confirms the play area will be within the developable area – this is supported.

6.18. Hertfordshire County Council Lead Local Flood Authority (RAB Consultants)

6.18.1. Owing to the ongoing capacity issues at the Lead Local Flood Authority, RAB Consultants was consulted on the application (funded by the applicant).

6.18.2. Response received on 15 September 2022 as follows:

The proposed development would be considered acceptable to St Albans District Council as the Local Planning Authority if the following planning condition is attached to any permission granted.

1. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority, which must include the following:

a. A fully detailed surface water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the utilisation of contemporary and appropriate sustainable drainage (SuDS) techniques, with reference to the 'Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy' by Stantec and dated 28th June 2022.

b. Accompanying hydraulic modelling calculations for the entire surface water drainage scheme have been submitted and approved. These detailed calculations should demonstrate that both the site and surrounding area will not flood from surface water as a result of the development for a full range of return periods and durations for summer and winter storm events, up to the 1 in 100 year return period event including an appropriate allowance for climate change.

c. The maximum permissible flow controlled discharge rate shall no more than QBAR (2.82 l/s/ha) for all events up to and including the 1 in 100 year return period event plus an appropriate allowance for climate change.

d. If discharging to a drainage system maintained/operated by other authorities (Lead Local Flood Authority, Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canal and River Trust) that evidence of consultation and the acceptability of any discharge to their system is provided. In this instance confirmation of approval to discharge to the River Colne.

e. Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.

f. The surface water drainage plan(s) should include hydraulic modelling pipe label numbers that correspond with the hydraulic modelling calculations submitted, to allow for accurate cross-checking and review.

g. If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.

h. A detailed assessment of the proposed SuDS treatment train and water quality management stages, for all surface water runoff from the entire development site.

i. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.

j. A construction management plan to address all surface water runoff and any flooding issues during the construction stage is submitted and approved.

k. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed sewer chamber location.

l. A detailed management and maintenance plan for the lifetime of the development has been submitted and approved, which shall include the arrangements for adoption by an appropriate public body or water company, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of sustainable surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development. In compliance with Policy 84 of the St Albans District Local Plan Review 1994, the National Planning Policy Framework 2021 and the Technical Guidance to the National Planning Policy Framework.

- 6.18.3. In response to comments raised by a local resident regarding a potential underground stream in the north of the site, the LLFA suggested a condition on 22 February 2023 for ground investigations to confirm the groundwater levels across the site, as follows:

No development shall be commenced until detailed ground investigations have been conducted across the site and submitted to the Local Planning Authority. The ground investigations should identify seasonal groundwater levels (to reflect that the initial testing was conducted in summer) and ensure areas of shallow groundwater will not compromise the development and vice versa. Where shallow groundwater is identified, appropriate measures to mitigate groundwater flood risk should be proposed to ensure the risk of groundwater flooding is not increased on or off site.

Hertfordshire County Council Minerals and Waste

- 6.18.4. Initial response received on 1 September 2022 as follows:

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 5 further states that:

The County Council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or*
- ii. there is an overriding need for the development; and*
- iii. the mineral cannot practically be extracted in advance.*

*The Minerals Planning Authority therefore **object** to the proposed development and request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD).*

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA. If opportunistic extraction is undertaken the relevant issues could be covered within an EIA supporting the proposed development.

However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may also result in an objection from the county council.

Historic Landfill

It should be noted that the application site is situated within 250m of a Historic Landfill (Colney Heath Farm - EAHLD10033) to the Northwest of the site, as recorded by the Environment Agency. The district council should satisfy itself that the site is suitable for construction and may wish to ask for ground investigations to ensure the site is fit for purpose.

The Environment Agency (EA) require Local Planning Authorities to consult with them about all applications they receive to develop land within 250 metres of landfill sites (including any land that has been used as a landfill site within the past 30 years or is likely to be used as one in the near future).

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- *Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;*
- *Policy 2: Waste Prevention and Reduction; &*
- *Policy 12: Sustainable Design, Construction and Demolition.*

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

We would request the following condition be attached to any approved planning permission:

Condition: *No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being*

taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document.

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition, and provide comment to the District Council.

6.18.5. Second response received on 10 February 2023 as follows:

After consideration of the submitted Minerals Resource Assessment (MRA) dated December 2022, the County Council, as the Minerals Planning Authority, recognises the constraints it identifies and the variability of material across the site and concede that prior extraction of the site is not likely to be feasible and economically viable.

However, noting the relatively small amounts of topsoil shown in the sample data the County Council, as the Minerals Planning Authority, insists that the applicant explores further the opportunistic use of the deposits across the site should permission be granted. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make for sustainable use of these valuable resources.

We would now withdraw our earlier objection subject to the recommendation that the following condition be applied, if officers are minded to approve:

Condition: *Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Minerals Resource Assessment dated December 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals recovery strategy. The minerals recovery strategy must include the following:*

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and*
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and*

c) a method to record the quantity of recovered mineral (re-use on site or off-site).

REASON: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.

6.19. Hertfordshire County Council Public Health

6.19.1. Initial response received on 30 August 2022 as follows:

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance[1]. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process, placing specific emphasis on active travel, multi-functional open space and high quality urban environments. We also recommend applicants refer to Public Health England's Spatial Planning for Health evidence resource[2].

Health Impact Assessment

We recommend that a Health Impact Assessment (HIA) is undertaken for significant developments. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. An HIA can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.

In the case of this development, a HIA is essential to ensure that the health impacts on particularly vulnerable receptors (hospital inpatients and service users, as well as those in the wider neighbourhood) are appropriately considered and mitigated.

In November 2019, Herts County Council adopted a HIA Position Statement including guidance on the quality assurance framework that will be used to assess HIAs that are submitted with planning applications. The HIA Position Statement and supporting appendices can be downloaded from the weblink below: [The role of Public Health in planning | Hertfordshire County Council](#)

We request that Public Health is consulted at the scoping stage of the HIA via HealthyPlaces@hertfordshire.gov.uk to help ensure it focusses on the 'wider determinants of health'[1] and 'health inequalities'[2]. We are happy to discuss baseline information, data and intelligence that the HIA will need to utilise.

6.19.2. Second response received on 6 February 2023 as follows:

Specific Comments on the Proposal

1. **Air quality:** *The effects of air pollution on health have been intensively studied in recent years. The results of these studies showed that air pollution harms human health and particularly is harmful for those who are already vulnerable because of their age as children and older people or existing health problems. Ambient air pollution has been associated with a multitude of health effects, including mortality, respiratory and cardiovascular hospitalizations, changes in lung function and asthma attacks. Whilst it is better to reduce air pollution at source than mitigate the consequences, every new development will have an*

impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

*The submitted Air Quality Assessment 14 November 2022 is carried out as per industry standard guidelines and practice, with the National Air Quality Objectives (NAQOs) and their Limit Values forming the basis of the air quality assessment of the proposed development. The air pollution-human health landscape is changing however. Given that there is substantial inter-individual variability in exposure and in the response in a given exposure, it is important to use the standard-setting process during air quality assessment **with the overall aim of achieving the lowest concentrations possible** in the context of local constraints, capabilities and public health priorities.*

The Public Health view is that as the development proposals emerge, consideration should be given to Public Health England's 2019 "net health gain" principles which, if adopted, intend to deliver an overall benefit to people's public health. In effect this means that any new development should be clean by design, incorporating interventions into design to reduce emissions, exposure to pollutants and contribute to better air quality management; applicable irrespective of air quality assessments.

In addition, it is advised that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes the allocation of the proposed schools and older persons housing where air pollution is expected to be at its lowest and careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

I defer to the St Albans City District Council Environmental Health team to ensure that development will not create air quality problems. In particular, I seek reassurance that this development will not contribute to a worsening of local air quality that may lead to poor health outcomes (through exposure) for the existing community living in the vicinity, or for new and vulnerable populations (such as the elderly or young children).

The Planning Authority may wish to consider the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health. The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement focussed on planning applications.

- 2. **Indoor air quality:** Exposure to poor indoor air quality can impact negatively on health. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149).*
- 3. **Creating access for all:** To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).*
- 4. **Adoption of active travel behaviours from the new occupants:** We recommend there is appropriate signage for pedestrian/cycle routes*

towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

5. **Active Design:** The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>. In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. The planning authority may wish to consider this by way of a condition to request details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. Public Health strongly advises to consult Sport England on this application.
6. **Affordable Housing:** having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It isn't clear how and where the affordable housing will be provided. It is, without a doubt, crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation. It should also have equal access to the green space provided.
7. **Improving housing options for older people:**
 - Public Health recommends the developer to sensitively plan for older person's housing in mixed developments to encourage healthy communities that include housing suitable for an ageing population.
 - All new housing for older people of any tenure should be built to accessible and sustainable standards, conforming to HAPPI design standards, be digitally enabled for assistive and other technology, and encourage developers to build to energy efficient and carbon neutral specifications, and thus promoting accessible, adaptable, and dementia friendly design.
 - All new housing for older people should investigate options such as PassivHaus and other eco-build designs for specialist older persons housing, to reduce thermal variances and the associated costs, and assist in preventing poor health outcomes in older people.

The development should contribute to the priorities with regard to public health and the built environment as set out in the Housing for Older People Strategy. In particular, they should be taken into account during the design stage and consideration of how they have been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement.

8. **Contributions towards modal shift and active recreation:** We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel. No provision has been provided as part of this development to encourage active play. We recommend developer contributions are made to improve local play areas close to the proposed development.

9. **Charging points for electric vehicles:** *To encourage the use of cleaner vehicles, electric charging points should be provided for all new residential and non-residential buildings with associated parking.*
10. **Car club:** *We would like to see the developer making a contribution to setting up a car club.*
11. **Safe crossing points beyond site perimeter:** *to encourage residents to use active travel, a key indicator will be perceptions of safety. Safe crossing points will encourage behaviour change for residents to use active travel in favour of car usage. It is not clear from the plans if there are safe crossing points on nearby roads to the proposed site.*

Health Impact Assessment

It is positive to see that the developer has submitted an HIA as part of the planning application in accordance with HCC Position Statement and recommended methodology. Public Health has no further comments on the submitted HIA report.

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the Borough.

6.20. Hertfordshire County Council Rights of Way

6.20.1. No comments received.

6.21. Hertfordshire Constabulary – Architectural Liaison Officer

6.21.1. Initial response received on 12 September 2022 as follows:

Thank you for sight of this Outline application on which I comment from a crime prevention perspective only. I have read the supplied documentation and the location is known to me.

Whilst I have no serious concerns with the intention to develop housing at this location, I would make the following recommendations.

It is very clear from the Design and Access Statement that the matter of crime prevention has been considered and that the intention is to take the matter seriously.

I commend the architects and clients for this and invite them to consider building to the Police Preferred Specification of Secured by Design (SBD).

This action would both demonstrate their commitment to the subject and also allow for the new housing to be built to an academically proven standard that will be of immense benefit to all future homeowners and dwellers at the location.

I would offer my assistance in this matter (free of charge) and ask that this be given sincere consideration.

The general indicative layout is conducive to good security provided that the rears of the properties are protected with stout 1.8M fences and all gates are capable of being locked shut from both sides.

Front and rear doors along with all ground floor windows must be compliant with PAS24 as required by Building Regulation 'Q' however, I would strongly recommend that the improved 2016. version be used rather than the out-of-date 2012. version referred to in the regulation.

I would expect to see some low lux level lighting to the front of the building to allow users to both see and be seen.

I would hope and expect a contact from the design team, if this matter is allowed to progress, and ask that the planning department make such a comment.

Provided these matters are attended to I would be able to support this application.

Building regulation 'Q' dictates that all front and rear doors should be to the police preferred standard that is PAS24, and it should be noted that if there is an internal door within the garage, it or the main vehicular door, should also be to this standard.

From a crime prevention perspective, I am able to fully support the application at this stage.

6.22. Herts and Middlesex Wildlife Trust

6.22.1. Initial response received on 16 September 2022 as follows:

These comments neither support or object to the planning application.

The ecological report is excellent and details a clear process that needs to be enacted to ensure that the development delivers a net gain in biodiversity and therefore satisfies planning policy.

In accordance with the ecological report conditions that accomplish the following will be required:

Development shall not proceed until a biodiversity net gain plan has been approved by the LPA. This must demonstrate how onsite and offsite measures will deliver a minimum of 43.42 habitat units and 55.08 hedgerow units, in perpetuity. Development shall not proceed until a landscape and ecology management plan, including a wildlife sensitive lighting plan, has been approved by the LPA. This must demonstrate how the onsite measures will deliver a minimum of 30.23 habitat units and 55.08 hedgerow units onsite and in perpetuity.

Development shall not proceed until details of 30 integrated swift boxes, 30 integrated bat boxes, and hedgehog highways in every garden, as detailed in the approved ecological report, has been approved by the LPA.

6.23. Historic England

6.23.1. Initial response received on 26 September 2022 as follows:

Historic England Advice

The application site lies within a historically important site between two estates; Tyttenhanger and North Mymms. The rabbit warren on Colney Heath seems to of always been a contentious issue between the two estates with Tyttenhanger and North Mymms sharing Coney Heath and each accusing the other of not maintaining boundaries. While the land in question seems to of been part of the North Mymms estate in 1819, the earlier history of this area is much more

complicated. The site seems to of historically been agricultural land and did not form a part of the warren but, the agriculture would have formed an important part of the landscape surrounding the parkland. In this case it is also likely to of created an essential buffer between the rabbit warren and, the manicured grazing within the park itself.

North Mymms House was built in the 16th century for the Hertfordshire MP Sir Ralph Conningsby. It is an impressive brick-built building with alterations over the 17th, 18th and 19th centuries although it retains its Jacobean overall character. The site lies to the north of the house, 1.4km away.

The application heritage assessment states that there are glimpsed views of the house from the site, yet the landscape assessment has not assessed this view. The landscape assessment picture 17 shows the view from the road leading to the Kennels, which although unlisted, is a building associated with the North Mymms estate. There needs to be an assessment of the impact of the development upon this view within the landscape assessment as the heritage statement states that there is a potential for adverse impacts. No assessment has been made on the impact upon the setting of the grade II St Mary's Church apart from a small mention of its presence within the site. This is an oversight and consideration should be given to including this building within the assessment.*

The undeveloped nature of the land that forms the application site is important to the setting of the grade I listed house and the non-designated parkland. Estates such as this were often surrounded by a food producing hinterland which was also owned by the manor in question. This land provided a contrast to the designed and controlled landscape within the parkland itself. As North Mymms House is still glimpsed across the site, it suggests that the agricultural land was designed to be visible, perhaps from the house but certainly from the park. The first edition OS map shows that there were gaps in the woodland belt surrounding the parkland and there could be said to be a designed view of it between the woodland containing the kennels and Frederick Plantation. The undeveloped nature of the land enables the house and park to retain an isolated feel and preserves the sense of the former extent of the estate.

The new development would be screened by a vegetation belt but, the development would be visible. Increased light pollution from the roads, additional roofscapes and the engineered suds schemes as well as a change in landscape character would all impact upon the wider landscape and setting of the grade I listed building.

The scheme as proposed enables suburban creep to encroach closer to the grade I listed building at North Mymms and represents a continued gradual erosion of its isolated and rural character which contributes to the significance of this impressive and important house.

Policy Context

Local Planning Authorities should ensure that enough information has been provided about the scheme to enable them to fully understand the impact upon the significance of the heritage asset (para 194). When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation (para 199). Any harm to, or loss of significance to a designated heritage asset should require clear and convincing justification (paragraph 200) Harm should be weighed against the public benefits

of the proposal, including, where appropriate, securing its optimum viable use (para 202).

Historic England's Position

Historic England considers that the landscape assessment and the heritage assessment does not fully consider the impacts upon the grade I listed North Mymms House, the grade II listed Church of St Mary and the non-designated heritage asset of North Mymms Park, in enough detail to properly understand the significance that will be lost by this proposed development. It is vital to understand the history of the estate and the history of land ownership in the area as well as understanding properly the functioning of agricultural land to the setting of country estates. We therefore consider that the information provided does not meet the requirements of paragraph 194 of the NPPF.*

We consider that development in this area would alter the setting and significance of the grade I listed North Mymms House through the loss of the wider open views past its immediate designed parkland. There are glimpsed views of it which would be altered through the provision of the new development. It is doubtful whether a new landscape belt around the development should be proper mitigation as this in itself is introducing a boundary which is not present on historic mapping. We therefore consider that the development is not in accordance with paragraphs 199 and 200 of the NPPF.

We consider that at least, the scheme would result in less than substantial harm low on the scale, to the significance of the grade I listed North Mymms House and the non-designated North Mymms Park. The impact upon the setting of the grade II listed St Mary's Church, needs to be assessed.*

Your local authority should therefore weigh up the planning balance as required by paragraph 202 of the NPPF.

Recommendation

Historic England has concerns relating to the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 199 and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

6.23.2. Second response received on 9 February 2023 as follows:

Historic England Advice

North Mymms Park is one of the largest sixteenth century country houses in Hertfordshire. Its outstanding significance is reflected in its listing at grade I.

The proximity to other significant historic estates is remarkable: Tyttenhanger, immediately to the south west, and Hatfield House, to the north east. While the site of the former has been considerable altered, the remarkable significance of Hatfield House extensive grounds is recognized in their registering as a grade I park and garden. Similarly, the significance of the North Mymms Park is also reflected in its designation as a non-designated park and garden.

The site subject of the present application falls within land designated as Green Belt and was historically associated with Tollgate Farm, part of the wider North Mymms Park estate holding, which extended further west to also include Colney Heath Farm.

Tollgate Farm is first recorded on the 1819 North Mymms estate sales map. Its creation seems to be contemporary to a phase of extension and re-landscaping of the park which saw the realignment of its northern boundary through the opening of Tollgate Road, incorporating St Mary's Church, associated buildings and former eighteenth century road within the parkland. It corresponds therefore to an important period of development of the parkland and wider estate.

Albeit outside of the non-designated parkland, the application site makes a positive contribution to the setting of the grade I listed mansion and non-designated park and garden by providing an agricultural background which contributes to our understanding of how the estate worked and functioned. Glimpsed views of the agricultural land are possible from the main terrace and principal rooms of the high-status manor house.

The applicant has submitted an addendum to Archaeology and Heritage Statement in response to our previous comments, the latter includes a review of views from North Mymms Park house, main terrace and first floor principal rooms, and from the Church of St Mary. The additional viewpoints provided show that the development would be glimpsed from the first-floor principal rooms of the listed building.

In addition, some amendments have been introduced to the parameters plan, which now show a more consistent plant screening to the southeast boundary. To clarify and summarise our position. We consider that the setting of North Mymms Park House contributes to its significance as a grade I listed building and the quality of that setting is also reliant on the ability to understand the relationships established between the immediate parkland context in which the principal buildings sit and the wider productive hinterland provided by the associated farms.

The principle of developing this land for residential would be harmful to the setting of North Mymms Park house. The resulting change in character from agricultural to residential would also negatively impact the setting of the non-designated Tollgate Farm and non-registered park and garden, cumulatively adding to the negative impacts from the 1930s ribbon development.

Principal views out of the grade I listed building would also be permanently affected, replacing the background of agricultural land with screening/glimpses of the new development. The impact of light spill as a result of the new development should also be considered.

While the amendments introduced to the plant screening would mitigate visual impact to a certain extent, they would not reduce the harm resulting from the change in character of this piece of land.

Taking this into account, we consider that the level of harm to the significance of the grade I listed building can be considered in line with paragraph 202 of the NPPF, namely that harm needs weighing against the public benefits of the proposals.

We acknowledge that housing provision can be considered a public benefit and that it corresponds to your authority to assess whether the proposed development meets the Very Special Circumstances required to develop within Green Belt. In making this careful scrutiny and balanced judgement, we ask you to take into account our advice on heritage impact and to consider whether the same benefits could be provided in an alternative location and whether sufficient has been done to minimise and integrate impact.

Recommendation

Historic England has concerns on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

6.23.3. Third response received on 27 March 2023 as follows:

Thank you for your letter of 14 March 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The applicant has submitted additional information in support of this outline application for up to 150 dwellings in former agricultural land historically belonging to the North Mymms Park estate.

The parameter plans have been revised and the maximum ridge height of the development has been reduced from 9.6 meters to 6.0 meters in a small area identified as visible from the principal rooms of the grade I listed North Mymms Park. A revised illustrative and concept masterplan and photomontages have been submitted to assess impact and mitigation proposed.

We consider the amendments introduced to the proposals would reduce the visual impact from the principal rooms of the House to a minor degree, as glimpses of the buildings and light spillage would still be apparent. Further, the wider impact resulting from the change of character of the land and the severing effect the development would have on the wider setting of the grade I listed, non-registered park and garden, and ancillary designated and non designated assets, would

remain. This would also affect our ability to understand the wider productive hinterland associated to this important house. We would assess this harm as a moderate degree of less than substantial, in NPPF terms.

Consequently, Historic England retains their concerns on heritage grounds and defers you to our previous letter of 9 February 2023 for a detailed assessment of significance and impacts.

Recommendation

Historic England has concerns on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

- 6.23.4. Fourth response received on 28 April 2023 following the submission of a minor amendment to the Photomontages by the applicant. The comments stated:

I note the changes on the visualisations from the central bay of the first floor window at North Mymms House. However, our previous comments still stand.

To clarify, we have no additional comments to add regarding the additional information submitted and refer you to our previous letters of advice.

6.24. Housing

- 6.24.1. Response received on 13 September 2022 as follows:

The Housing department has no specific comment on the outline application seeking access but notes the proposed provision of a policy compliant level of affordable housing but awaits further details on the size and tenure of this housing and welcomes further discussion on this matter.

6.25. Legal

- 6.26. No comments received.

6.27. Natural England

- 6.27.1. Initial response received 8 September 2022 as follows:

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

6.27.2. Second response received 25 January 2023 stating that the previous comments date 8 September apply equally to the re-consultation.

6.28. Parking

6.28.1. No comments received.

6.29. Spatial Planning

6.29.1. Initial response received on 16 September 2022 as follows:

ADVICE/ COMMENTS

The following advice and comments relate to principle of development, very special circumstances, and housing land supply/ proposed housing mix. It also provides update on relevant case law and appeal decisions.

Principle of Development

Relevant Policy

The proposed development would be located in the Metropolitan Green Belt.

Local Plan (Saved 2009) Policy 1 'Metropolitan Green Belt' states:

"Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

a) mineral extraction;

b) agriculture;

c) small scale facilities for participatory sport and recreation;

d) other uses appropriate to a rural area;

e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided."

NPPF states:

"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."

PPG Paragraph: 001 Reference ID: 64-001-20190722:

"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to

be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation”

Evidence Base and previous Local Plan work

SKM Green Belt Review

The SKM Green Belt Review comprises:

- Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) –2013
- Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

The site is identified as part of GB34 in the Green Belt Review.

GB 34:

“Significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between Hatfield and London Colney). Partial contribution towards preventing merging (of St Albans and Hatfield) and preserving the setting of London Colney, Sleepshyde and Tyttenhanger Park. Overall the parcel contributes significantly towards 2 of the 5 Green Belt purpose.”

An extract of this assessment is provided at Appendix 1 of this report.

Call for Sites – 2021

The site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site CH-37-21 in the HELAA and is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. It should be noted that the HELAA process has not taken into account Green Belt constraints.

Housing

The pre-application is for up to 150 residential.

Housing Land Supply

SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years.

Housing and Affordable Housing Need

GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020). The following table on page 141 of the LHNA sets out the required need for different sized homes.

- **Recommendation:** The following mix of homes size by tenure is suggested as a strategic mix across the 2020-2036 period. As there are only modest changes at a local authority level this mix can be applied across the HMA and at a local level.

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1-bedroom	5%	25%	30%
2-bedrooms	20%	40%	35%
3-bedrooms	45%	25%	25%
4+-bedrooms	30%	10%	10%

- The mix identified above could inform strategic policies although a flexible approach should be adopted. In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.
- It will ultimately be for the Council(s) to write into policy the approach which best meets their local circumstance. This could be, for example, a desire for further downsizing or a pragmatic approach to a constrained housing supply both of which would see a greater proportion of smaller homes being built.

The LHNA does not recommend an affordable housing percentage, as it is up to the Council to decide with considering viability. Below sets out the range of affordable housing need.

Table 37: Estimated Annual Level of Affordable/Social Rental Housing Need (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need (divided across 16 year period)	70	71	63	45	101	350
Newly forming households	570	380	486	360	448	2,243
Existing households falling into need	353	133	197	77	163	924
Total Gross Need	993	585	745	483	712	3,517
Supply	630	228	303	133	230	1,523
Net Need	363	356	443	350	482	1,994

Source: Census/CoRe/Projection Modelling and affordability analysis

- 5.99 For authorities with a plan period other than 2020-2036, the current need as stated in the final column of Table 33 should be divided by the number of years in the plan period. This will impact the total gross need, but the other numbers are calculated on a per annum basis so will not change.

Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need	25	18	34	14	26	118
Newly forming households	410	260	512	259	303	1,743
Existing households falling into need	76	55	103	41	79	355
Total Gross Need	511	333	649	315	408	2,217
Supply	263	186	265	153	156	1,023
Net Need	248	147	385	162	252	1,194

Source: Range of data sources as described

- 5.143 As per the analysis for affordable homes to buy, for those authorities whose plan period differs from the 2020 to 2036 period, the current need should be divided by the number of years in the plan period being used. This will also impact the calculation of the gross and net need. All the other factors are shown on a per annum basis.

The proposal includes 35% (53 units) affordable housing, comprising 18 units affordable ownership and 35 units social, affordable or intermediate rent.

Self-Build

The proposal includes 10 units (approximately (7%) provision for self-build or custom-build homes. The LHNA states that as at 1st January 2020 there were 450 registered on part 1 of the self and custom build register (see LHNA para 8.9). As at 30th October 2021 the figure was 658. The PPG states that LPAs should use the demand data from the register in their area to understand and consider future need for custom and self-build housing in the area¹. Therefore the current data demonstrates that there is demand for self-build (including 'custom homes') in the district which this proposal would assist in meeting.

The 2021 Authority Monitoring Report shows a total of 92 applications for self-build / custom build have been approved.

Housing Summary

It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and self-build plots ('custom homes') and substantial weight should be given to delivery of affordable housing and self-build plots.

Other Relevant Case Law

A review of case law has been undertaken, including recent appeals, in the district, related to Very Special Circumstances. These are in Appendix 2.

Overall Conclusion

It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A recent appeal decision in the District allowing permission for residential development in the Green Belt is also significant. The SKM Green Belt Review considered that overall parcel GB 34 does significantly contribute to safeguarding the countryside and maintaining the existing settlement pattern, in addition to making a partial contribution towards preventing merging and preserving setting.

It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing. This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered the recommendation is to refuse.

6.29.2. Second received on 3 February 2023 stating no further comments on the additional information.

6.30. Thames Water

6.30.1. Initial response received on 31 August 2022 as follows:

Waste Comments

¹ Paragraph: 011 Reference ID: 57-011-20160401 Revision date: 01 04 2016

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

6.30.2. Second response received 28 November 2022 as follows:

Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

6.30.3. Third response received on 10 January 2023 stating that their comments remain as per their original response.

6.31. Trees and Woodlands

6.31.1. Response received on 30 August 2022 as follows:

The site is general devoid of trees within the central area where the main development is concentrated.

The treed vegetation is around the perimeters of the site and these area are being retained and given space so any encroachment is minimal.

Overall no objections on arboricultural grounds.

6.32. Waste Management

6.32.1. Response received on 13 February 2023 as follows:

Although the layout the layout is not confirmed, I would like the following to be considered.

- Our collection vehicles should be able to get round the site with minimal reversing and three point turns.*
- There should be a smooth flow round the site to reduce the need for vehicles to traverse a stretch of road more than once.*
- The maximum trundle distance is 10 metres; if this cannot be achieved, bin collection points should be created.*

6.33. Welwyn and Hatfield Borough Council

6.33.1. Initial response received on 28 September 2022 as follows:

WHBC comment that the proposal would result in harm to the Green Belt, by virtue of - inappropriate, loss of openness and conflict with one of the purposes of including land in the Green Belt (failing to safeguard the countryside from encroachment). In accordance with the Framework, substantial weight should be attached to each of these harms.

It is also considered that the proposal would harm the character and appearance of the area. The site is an agricultural field located in a rural context and its development as proposed would completely transform its character.

It is a salient point that the Inspector for the allowed appeal at Roundhouse Farm/Bullens Green Lane states in paragraph 15 that “The Councils contend that the appeal site provides a positive element of the countryside that frames Colney Heath. I do not agree. The very clear sense of countryside is only evident when you travel beyond the appeal site south along Tollgate Road”. The location of the application site is such that it possesses a very clear sense of countryside.

The visual impact would also be more than localised as there would be expansive views of the development on approach from Tollgate Road to the south. From this approach, there are currently very limited views of the built-up part of the settlement of Colney Heath. That rural experience would be lost as a result of this development. It is considered that no less that significant weight should be attached to the harm to the area’s character and appearance.

It is noted that the recently allowed appeal at Roundhouse Farm/Bullens Green Lane has been referred to in the submitted Planning Statement. It is however well established that each application must be considered on its own merits. Importantly, the Inspector for the Roundhouse Farm/Bullens Green Lane appeal considered that the proposal would not conflict with any of the purposes of including land in the Green Belt and only moderate harm to the character and appearance of the area would result. As explained above, WHBC consider that the same conclusions in these respects (and the degree of weight attached) do not apply here.

Very special circumstances are required to justify a grant of planning permission in this case. WHBC have taken into account the other considerations advanced and are of the view that they would not clearly outweigh the harms identified.

WHBC trust that the relevant experts will be consulted on matters including: highways, flood risk, environmental health, heritage, ecology, utilities and trees, and therefore do not wish to comment in these respects.

6.33.2. Second response received on 30 January 2023 confirming that the concerns of WHBC remain the same following a review of the additional information submitted.

6.34. Welwyn and Hatfield Borough Council Historic Environment

6.34.1. Response received on 3 April 2023 as follows:

Built Heritage Advice pertaining to the Outline Application with all matters reserved except for access, for the demolition of existing house and stables and the construction of up to 150 dwellings.

The application site is located to the south of Colney Heath, between Tollgate Road and the River Colne. The application site is located within the district of St Albans however the proposals have the potential to affect the setting of several designated and non-designated heritage assets within the boundary of Welwyn Hatfield Borough Council. The proposals have the potential to affect the setting of:

- *Tollgate Farm (non-designated heritage asset);*
- *North Mymms Park with adjoining garden walls and ha ha, Grade I listed (list entry number:1100946);*
- *North Mymms Parkland (non-designated heritage asset);*
- *Ice House at North Mymms Park, Grade II listed (list entry number: 1100948);*
- *The Stable Block at North Mymms Park, Grade II listed (list entry number: 1100947);*
- *Bridge to main entrance to North Mymms Park, Grade II listed (list entry number: 1100950);*
- *Main gates and service gates to North Mymms Park, Grade II listed (list entry number: 1100949);*
- *Church of St Mary the Virgin, Grade II* listed (list entry number: 1100951);*
- *The Old Vicarage, Grade II listed (list entry number: 1174919);*
- *Church Cottage, Grade II listed (list entry number: 1100953) and several individually listed tombs.*

The application site is understood to share a historic and functional connection to the North Mymms Estate, as evident from the historic maps submitted within the Heritage Statement, being historically part of the Estate. Tollgate farm to the east of the site is nineteenth century in date and also shares a historic connection to the North Mymms Estate. The application site has historically been that of agricultural land which has bounded the landscaped parkland of the North Mymms Estate, positively contributing to its rural character and our understanding of the estates development. Glimpsed views of the application site are possible from Tollgate Farm and from North Mymms Park.

North Mymms Park is Grade I listed, it is a Country House built for Henry or Sir Ralph Coningsby about 1600 with later alterations and amendments. The application site as agricultural land is considered to positively contribute to the significance of the heritage assets when assessed against Historic England's Setting of Heritage Assets (GPA Note 3). The site as agricultural land with views across, to and from, North Mymms Park and parkland allows one to appreciate the historic connection of the site to the development the North Mymms estate and the significance of the heritage assets.

The proposed development would introduce up to 150 dwellings within the setting of North Mymms Park and parkland. This would result in prominent built form visible from both North Mymms Park and the parkland, including from the principal elevation of North Mymms Park which has historically appreciated views of the wider parkland and the agricultural land. With regards to GPA Note 3 and the potential impact of the development, the wider effects of the proposed development such as changes to land use, light spill and general character would result in an urbanising effect, adversely impacting our ability to appreciate and understand the significance of the heritage assets. I acknowledge that mitigation including screening could lower this impact however the harm cannot be completely removed.

To conclude, the proposed development of up to 150 dwellings within the setting of North Mymms Park would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF (2021), the level of harm would be less than substantial and I suggest at the low end of the scale (Paragraph 202). Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), as per Paragraph 199. The proposals would also fail to preserve the setting of North Mymms Parkland and Tollgate Farm, Paragraph 203 being relevant. This harm would also be low on the scale.

7. Relevant Planning Policy

7.1.1. National Planning Policy Framework

7.1.2. St. Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 8	Affordable Housing in the Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management
POLICY 84A	Drainage Infrastructure
POLICY 86	Buildings of Special Architectural or Historic Interest
POLICY 106	Nature Conservation
POLICY 143A	Watling Chase Community Forest
POLICY 143B	Implementation

7.1.3. Supplementary planning Guidance/Documents

Design Advice Leaflet No 1 – Design and Layout of New Housing
Affordable Housing SPG 2004
Revised Parking Policies and Standards January 2002

7.2. Planning Policy Context

7.2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to

the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

- 7.2.2. The development plan is the St Albans District Local Plan Review 1994.
- 7.2.3. The NPPF 2021 is also a material consideration.
- 7.2.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are 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.

- 7.3. Paragraphs 218 and 219 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 7.4. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

8. Discussion

- 8.1. The following main issues are considered below:

- Principle
- Green Belt Harm
- Design and Amenity
- Landscape Character and Appearance
- Provision of Housing including Affordable and Self-Build Housing
- Provision of Open Space and Children's Play Space
- Minerals
- Ecology
- Heritage
- Highways and Sustainable Transport
- Impact on Social and Physical Infrastructure
- Recent Planning Decisions of Relevance

- Other Matters including Matters Raised by Objectors / in Consultation Responses
- Planning Balance

8.2. Principle

8.3. The statutory development plan is the St Albans Local Plan Review 1994. The National Planning Policy Framework 2021 (NPPF) is an important material consideration.

8.3.1. The land is in the Metropolitan Green Belt where local and national policy only allows for certain forms of development, unless there are very special circumstances. The Local Plan policy differs in the detail of what may be classed as not-inappropriate development in the Green Belt when compared with the more recent NPPF, but the proposed development does not fall within any Local Plan or NPPF exception to inappropriate development and the fundamental policy test of 'very special circumstances' is consistent in the Local Plan Policy (Policy 1) and in the NPPF.

8.3.2. A new Local Plan is underway but is at a very early stage. The NPPF in paragraph 48 states that weight can be given to emerging policies according to:

"a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

8.3.3. It clarifies in relation to prematurity, in paragraph 49, as follows (note both a and b need to be satisfied for an application to be considered to be premature):

"49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

8.3.4. No draft policies for the new Local Plan have been produced yet and no weight can be attached to it in decision making.

8.3.5. It is further considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because there is no draft Local Plan (which would be the plan to allocate significant sites of strategic scale) for the application to be premature to and because, in any event, the criteria set out in paragraph 49 of the NPPF are not satisfied here.

- 8.3.6. It is also important to note 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. No weight can be attached to speculation about the likelihood of Green Belt releases in the new Local Plan or where these may be located.
- 8.3.7. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.
- 8.3.8. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. It states:
- “For decision-taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are 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 or taken as a whole.”*
- 8.3.9. The Council cannot demonstrate a 5 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged.
- 8.3.10. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).
- 8.3.11. Paragraphs 147 and 148 of the NPPF provide the most up to date basis against which to assess whether there is a clear reason for refusal of the proposed development in this particular case. These paragraphs set out clearly the relevant policy test:
- “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.”*
- 8.3.12. This means that the proposed development should not be approved unless there are other considerations sufficient to clearly outweigh the harm caused such that ‘very special circumstances’ would exist, and in this eventuality planning permission should be granted.
- 8.3.13. The age of the Local Plan and any consequences of that is covered by the application of paragraph 11 of the NPPF.

- 8.3.14. The remainder of this report goes on to consider the harm to the Green Belt and any other harm as well as all other considerations, before considering the overall planning balance, and assessing the proposed development against the above test in paragraph 148 of the NPPF, in order to determine whether very special circumstances exist in this case.
- 8.3.15. Assessment of other 'in-principle' matters such as the potential constraining of future use of the site for mineral working and heritage impacts of the proposed development are considered in the relevant sections below. Assessment of these matters is in the context of '...any other harm resulting from the proposal' in the aforementioned NPPF para 148 test, noting that it is fundamentally this test within which the proposal falls to be considered.

8.4. Green Belt Harm

- 8.4.1. Inappropriate development in the Green Belt is by definition harmful, and substantial weight should be given to this harm (para 148 NPPF).
- 8.4.2. Paragraph 137 NPPF confirms that:
"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
- 8.4.3. The National Planning Practice Guidance (NPPG) states:

"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation."*

Paragraph: 001 Reference ID: 64-001-20190722

- 8.4.4. It is clear that the loss of Green Belt land would be permanent. The 7.82ha site is currently predominantly open grassland. There are five individual trees and one group of trees within the open area between what is currently two separate horse paddocks which are divided by a post and wire fence.
- 8.4.5. The site contains a number of structures associated with the equestrian use of the site, including a stable block and outbuilding along the northern boundary which is around 40m in length and has a footprint of around 160sqm. There are also three metal storage containers north of the stable block and two to the south of the stable block. All of these structures are single storey. A manège is located to the east of the stable block, with an area of around 775sqm.
- 8.4.6. The site also includes the house and garden of no. 42 Tollgate Road in the north. The garden of no. 42 contains several single storey structures, the largest of which

is a static caravan with a footprint of around 50sqm, followed a small outbuilding of around 27sqm. There are also two sheds and a green house. The house and garage of no.42 Tollgate Road have a combined footprint of around 94sqm. The existing permanent structures at the site (namely the stable block and outbuilding; the manège; and the house, garage and outbuilding at no.42 Tollgate Road) have a combined footprint of 1,056sqm, or 0.1056ha. The existing permanent structures at the site that have an above ground-ground built form greater than a fence (namely the stable block and outbuilding; and the house, garage and outbuilding at no.42 Tollgate Road) have a combined footprint of 281sqm, or 0.0281ha.

- 8.4.7. Although the exact extent of built form would only be measurable at reserved matters stage, the submitted Parameters Plan states that 3.93ha of the site would be in residential use (including roads, parking, associated infrastructure and a 270sqm play space). In addition, a pumping station would be provided to the west of the residential area (0.01ha). The built up area of the site would therefore be c. 3.94ha. The remainder of the site would comprise 0.13ha of hard standing around the proposed site access in the north, 1.84ha of green infrastructure and 1.91ha of retained Colney Heath Farm Meadows Local Wildlife Site.
- 8.4.8. The proposed built footprint of 3.94ha is significantly higher than the existing built footprint of 0.1056ha – a 3,631% increase. Furthermore, the existing structures at the site are concentrated in the north of the site, and the vast majority of the site is spatially open, whereas the proposal would introduce built form across the site.
- 8.4.9. The Parameters Plan shows that dwellings across the majority of the site would be predominantly 2 storey dwellings with 2.5 storey dwellings at key locations. An area of housing limited to 2 storeys surrounds the larger residential area to the south, west and north west. A residential area limited to 6m in height is proposed in the north east of the site. The Parameters Plan does not state the maximum height of the 2 or 2.5 storey dwellings.
- 8.4.10. The construction of up to 150 dwellings plus associated infrastructure on the site would clearly represent a significant permanent loss of openness in spatial terms to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the NPPG quoted above.
- 8.4.11. In relation to the visual aspect of openness, regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, insofar as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, HCC Landscape officers consider the submitted LVIA to provide an adequate level of assessment at this outline stage.
- 8.4.12. Officers have concerns about development at the site given its role in providing an open buffer between the existing built-up area and the more sensitive LWS and river corridor beyond. The photomontages submitted with the application show that the proposed 10m wide strip of planting along the northern and southern boundary would deliver a degree of visual and landscape mitigation in the long-term, however the proposed dwellings would still be visible above and between the planting at the 15 year point. The proposed 10m wide strip of planting is continuous along the southern boundary, but there are breaks in the 10m wide planting strip along the northern boundary (one gap measuring around 14m and the other around 9.5m), making the dwellings more visible from the north west, including from PRow Colney Heath 033.

- 8.4.13. The submitted LVIA notes that the proposed dwellings would be partially visible from several places, including the section of Coursers Road to the north; along PRow 033, including from the bridge crossing the River Colne; Tollgate Road (including further north along this road); a short section of Fellowes Lane; and from the existing properties on Tollgate Road. The LVIA also states that there may be middle distance filtered winter views of the proposed development from the footbridge over the A1(M) and from the south east on Tollgate Road.
- 8.4.14. Built form will be visible where there previously was none and the proposed development would therefore cause have a visual impact in terms of Green Belt openness, to which weight is given in addition to the spatial harm identified above.
- 8.4.15. A more detailed discussion of the landscape impacts of the proposals can be found later in this report, although it should be noted that as the Green Belt is not a landscape designation, the landscape effects of the proposal (except in so far as they relate to openness) should not form part of the consideration of the impact of the development on the openness of the Green Belt, or its purposes.
- 8.4.16. Harm to the spatial and visual openness of the Green belt is considered to exist, and as a matter of planning judgement, the harm is significant.
- 8.4.17. The assessment of harm to the Green Belt should be set in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:
- “a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 8.4.18. As part of the Council’s evidence base for the now withdrawn local plan, this site, as part of a much larger parcel of land labelled GB34, was included in the SKM Green Belt review 2013.
- 8.4.19. It is noted that the withdrawn plan has no status for decision making, and that the previous site selection process has no weight, but that the judgments reached in the Green Belt review in relation to Green Belt purposes as part of the evidence base to the plan are relevant for the determination of applications.
- 8.4.20. The findings of the SKM Green Belt review where it assesses the relevant sub-area against Green Belt purposes represents the most recent published Green Belt review relevant to the application proposal, and it is considered proper to take it into account when considering the application site against Green Belt purposes.
- 8.4.21. It is noted that in two relevant recent appeal decisions (for applications 5/2020/1992 and 5/2021/0423) the Inspector did have regard to the Green Belt review when assessing the proposals against Green Belt purposes. Where the Inspectors did not follow the report, it was not because of the outcome of the previous plan process, but more due to differences in the parcel size assessed in the report compared to the application site. As such, it is considered that the Green Belt review is material insofar as it assesses sites against Green Belt purposes and these Inspector’s decisions illustrate that.

- 8.4.22. Parcel GB34 is located to the southwest of Hatfield and the northeast of London Colney, covering an area of 419ha. In this review it was considered that overall parcel GB34 contributes significantly to safeguarding the countryside from encroachment and maintaining the existing settlement pattern, in addition to make a partial contribution towards preventing neighbouring towns from merging and preserving the setting and special character of historic towns.
- 8.4.23. The Inspector in the Bullens Green Lane appeal decision (5/2020/1992) found that the characteristics of parcel GB34 in the Green Belt Review had little or no relationship with the appeal site. Given the scale of the land identified within the Green Belt Review compared to the appeal site, the Inspector placed only very limited correlation between the conclusions in relation to the function of the land relative to the purposes of the Green Belt when compared to the appeal site.
- 8.4.24. However, the Green Belt Review 2013 includes comments that are relevant to this application site, which is towards the south of parcel GB34. As noted above, the Green Belt Review states that overall parcel GB34 is considered to make a significant contribution towards safeguarding the countryside from encroachment and provides the following commentary:
- “The parcel displays typical rural and countryside characteristics, especially to the south, in medium sized arable fields with hedgerow boundaries, sheep pasture and substantial riverine wetland habitats along the Colne, and areas of heath and semi natural grassland which are locally important at Colney Heath. Tyttenhanger Park and Hall is located to the south. There is evidence of linear built development in the north part of the parcel which contains Colney Heath and Bullens Green. The A1(M) is also a major urban influence which is audibly intrusive. Levels of openness are generally high especially to the south due to an absence of built development.”*
- 8.4.25. The Green Belt Review identifies that typical rural and countryside characteristics exist towards the south of the parcel, whilst levels of openness are generally high. The rural and countryside characteristics are also noted in relation to the riverine habitats along the River Colne. In any event, regardless of the findings of the Green Belt Review, this description also accords with Officers’ views of the context of this application site for the reasons set out below.
- 8.4.26. Similarly, the Inspector for the Bullens Green Lane appeal (5/2020/1992) considered the sense of countryside in Colney Heath to be evident when travelling beyond the appeal site south along Tollgate Road:
- “The very clear sense of countryside is only evident when you travel beyond the appeal site south along Tollgate Road. Here the landscape character changes from mixed residential and open field to predominantly open fields with dotted farm buildings and isolated residential dwellings set within this open landscape.”*
- 8.4.27. Although the application site is located to the rear of residential properties on Tollgate Road, the site forms part of the wider sense of open countryside when travelling south along Tollgate Road, as referred to by the Inspector. The currently open site is visible to the west when travelling south along Tollgate Road.
- 8.4.28. It is noted that the Green Belt or settlement pattern in the south of parcel GB34 has not been significantly changed since the Green Belt assessment was undertaken and it is considered that this assessment remains applicable. A notable change to the wider area of Green Belt since the assessment was

published is the granting of planning permission for 100 homes at the Bullens Green Lane site through the aforementioned appeal (5/2020/1992), approximately 250m north of the application site.

- 8.4.29. It is noted that the site was submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-37-21 in the Housing and Economic Land Availability Assessment (HELAA). It has been assessed for suitability, achievability and availability, and been found to be 'potentially suitable, available and achievable subject to further assessment as part of the site selection process.' This HELAA assessment notes however that evidence base work, including a Green Belt Review, is underway and may change the site suitability in the future. Therefore, noting that the HELAA review did not assess the site against Green Belt purposes, and that this is subject to a separate ongoing process which is yet to conclude, the findings of the HELAA are only considered to weigh neutrally in the planning balance, with no positive weight resulting from its findings.
- 8.4.30. Taking the above points into account, a planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:

a) to check the unrestricted sprawl of large built-up areas;

The application site is in the village of Colney Heath and would provide an extension to the south of this settlement beyond the row of existing dwellings on Tollgate Road. The proposed development would disrupt and change the settlement pattern, with built form spread out in a dispersed manner and in a way that does not follow or relate to any obvious features on the ground (as shown in the Illustrative Masterplan).

The development of this site would put significant pressure on the field to the north between the site and Colney Heath Farm and the open fields to the south of the site bound by Tollgate Road and the driveway to Park Cottage. The development of this site would therefore have the potential to lead to further sprawl beyond the application site.

Significant harm is identified in relation to this purpose.

b) to prevent neighbouring towns merging into one another;

The Green Belt Review 2013 considered parcel GB34 to contribute towards the strategic gap between St Albans and Hatfield and notes that any minor reduction in the gap would be unlikely to compromise the separation of the 1st tier settlements in physical or visual terms, or overall visual openness.

Whilst the proposed development would introduce additional built form in the gap between St Albans and Hatfield, the integrity of the gap would be maintained. Very limited harm is identified to this purpose.

c) to assist in safeguarding the countryside from encroachment;

The site is bound by residential properties to the north east and the wooded course of the River Colne to the west, providing strong and defensible boundaries, however defensible boundaries do not exist to the north and south of the site.

The vast majority of the existing site is comprised of open fields, with built form limited to a small area in the north of the site. The proposed development

would extend the existing built-up area into undeveloped Green Belt, projecting notably further west and south than the existing properties on Tollgate Road. The proposal would provide residential buildings up to around 230m further south west than the existing properties on Tollgate Road and up to around 177m further south west than the rear garden boundary of properties on Tollgate Road. The proposals would therefore encroach on an area of existing countryside.

The proposed development would disrupt and change the settlement pattern. The Illustrative Masterplan shows the built form being spread out in a dispersed manner and in a way that does not follow or relate to any obvious features on the ground.

Furthermore, as noted above, the development of this site would put significant pressure on the field to the north between the site and Colney Heath Farm and the open fields to the south of the site bound by Tollgate Road and the driveway to Park Cottage. The development of this site would therefore have the potential to lead to further encroachment into the countryside.

Significant harm is identified in relation to this purpose.

d) to preserve the setting and special character of historic towns

It is not considered that the development of this site would have any impact on the setting and special character of the historic core of St Albans. No harm is identified in relation to this purpose.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is not considered that the development of this site would in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development and whilst sites may come forward via a new Local Plan, this process cannot be afforded any material right in decision making. No harm is identified in relation to this purpose.

8.4.31. To conclude on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is substantial harm to the Green Belt by inappropriateness, with additional substantial harm identified to Green Belt openness and to the purposes of the Green Belt relating to urban sprawl, the merging of towns and encroachment to the countryside. In line with the NPPF, inappropriate development should not be approved except in very special circumstances.

8.4.32. This report now focuses on the many other considerations which must be taken into account, which may potentially weigh in the planning balance assessment as to whether the required 'very special circumstances' exist in this case.

8.5. Design and Amenity

8.5.1. The application is in outline only with matters of Layout, Scale, Landscaping and Appearance reserved until reserved matters stage. As such, the assessment that follows focuses on the principle of the development and its impacts, informed by the application submission including the Parameters Plan and Illustrative Masterplan.

- 8.5.2. The NPPF advises that planning should ensure development is “*visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*” (Paragraph 130), that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*” (Paragraph 126) and advising that “*development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes*” (Paragraph 134). The National Design Guide ‘Planning practice guidance for beautiful, enduring and successful places’ 2021 provides additional guidance is a material planning consideration.
- 8.5.3. The Local Plan is broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity.
- 8.5.4. The application is accompanied by a Parameters Plan which sets out the proposed land uses, the building heights and proposed landscape features. The proposed development comprises the provision of residential accommodation, surrounded to the north, west and south by green infrastructure. The Parameters Plan indicates that the proposed developable area of the site is 3.93ha, which would include up to 150 dwelling and associated infrastructure. The Parameters Plan states that the main streets within the developable area would be tree lined and set within 2m grass verges either side of the carriageway. A 270sqm children’s play area would also be provided within the developable area.
- 8.5.5. The Parameters Plan indicates that green infrastructure would be provided across 1.84ha of the site, whilst the proposals include the retention of the Colney Heath Farm Meadows Local Wildlife Site (LWS) to the west (1.91ha of the site).
- 8.5.6. The net residential density of the site would be c. 38 dwellings per hectare based on the developable area of the site being 3.93ha, which would also include roads, parking and associated infrastructure. This density is slightly lower but broadly consistent with that recommended for other Green Belt sites previously proposed for release from the Green Belt under site allocations for the now-withdrawn Local Plan. It is considered that the proposed quantum of development could be acceptably accommodated on the site.
- 8.5.7. The Waste and Recycling Officer provided comments on the layout shown in the Illustrative Masterplan, noting that collection vehicles should be able to get around the site with minimal reversing and three point turns. The layout and detailed design of the proposed development is not for determination in this outline application and would be fully considered at reserved matters stage. It is considered that an acceptable design and layout of the proposed development could come forward at the reserved matters stage.
- 8.5.8. Concerns were raised by the Design and Conservation Officer that the proposed maximum heights of the buildings were too tall compared to normal domestic storey heights, such as the existing buildings on Tollgate Road, which could have

a greater impact on the Grade I listed North Mymms Park house (see section 8.11 of this report). The originally submitted Parameters Plan indicated that 2 storey dwellings would have a maximum height of 9.6m and 2.5 storey dwellings would have a maximum height of 11.5m. A revised Parameters Plan was submitted in response to these comments which does not specify the maximum height of the 2 and 2.5 storey dwellings, allowing the matter to be dealt with at the reserved matters stage.

- 8.5.9. The revised Parameters Plan indicates that the majority of the proposed residential area would comprise predominantly 2 storey dwellings with 2.5 storeys at key locations. An area of housing limited to 2 storeys surrounds the larger residential area to the south, west and north west. A residential area limited to 6m in height is proposed in the north east of the site, which the applicant noted is the height of a bungalow for Vistry Homes.
- 8.5.10. The amenity of existing and proposed residents would be fully considered as part of the detailed layout and design proposal at reserved matters stage. However, it is considered that there is scope on the site to provide housing which would provide for suitable amenity for future occupiers at the indicative density proposed and retaining space for significant landscaping. The Illustrative Masterplan satisfactorily demonstrates that the site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking. It is considered that the relevant separation distances / amenity space / defensible space / open space requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this site.
- 8.5.11. In relation to parking provision, the application submission states that parking will be provided in accordance with the Revised Parking Policies and Standards 2002, whilst each dwelling would have an electric vehicle charging point. It is considered that there is scope to provide an adequate quantum of parking to meet the likely future needs of future residents.
- 8.5.12. In terms of design and amenity, the provision of the access-related works for approval now, including the construction of the new highway access in the north of the site; provision of a raised junction at the intersection between the site, Tollgate Road and Fellowes Lane; and the new footpath on the north side of Tollgate Road, would not be considered to harmfully impact the character and appearance of the area. The streetscene of Tollgate Road would be impacted by the construction of the new footway and junction works, but it is not considered that this would be harmful in terms of character and an acceptably high-quality streetscene would remain.
- 8.5.13. There would not appear to be any obvious amenity issues that could not be overcome by way of good design including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties. However, such matters would be further assessed with detailed plans at reserved matters stage.
- 8.5.14. Noting the separation distances to existing neighbouring properties to the north, there would not be direct harmful impacts to existing properties in terms of loss of light, loss of outlook, overbearing visual impacts or overlooking from the housing proposed as indicatively shown in the Illustrative Masterplan.

- 8.5.15. The provision of the highway works with the construction of the new highway access, works in Tollgate Road and the new footpath would not be considered to harmfully impact neighbouring residents directly.
- 8.5.16. Taking the above discussion into account, it is not considered that there would be harm caused in relation to design and amenity that could not be mitigated through good detailed design and through the appropriate use of planning conditions. As such, this matter is considered to weigh neutrally in the planning balance, with no positive or negative weight given in these regards.

8.6. Landscape Character and Appearance

- 8.6.1. The NPPF in para 174 sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It sets out in para 130 and 92 that decisions should also ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting, support healthy lifestyles through the provision of safe and accessible green infrastructure and an appropriate amount and mix of green and other public space, and are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- 8.6.2. The NPPF recognises that trees make an important contribution to the character and quality of urban environments and seeks to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.6.3. Local Plan Policies 1 and 74 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that *“New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”*
- 8.6.4. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:

“a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements;

b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs”

- 8.6.5. The site lies within Landscape Area 030 – Colney Heath Farmland, as defined under Hertfordshire’s Landscape Character Assessment (LCA) and the Watling Chase Community Forest. The ‘Strategy and Guidelines for Managing Change’ in the LCA are: Improve and Conserve, which includes promote hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas, with the pattern to follow historic field boundaries where possible; and support the Watling Chase Community Forest in the realisation of its objectives for the area.
- 8.6.6. Local Plan Policy 143A (Watling Chase Community Forest) sets out that:
- “Within the Community Forest, the Council will welcome detailed proposals for the purposes of landscape conservation, recreation, nature conservation and timber production. Proposals should be consistent with Green Belt policy (Policy I) and the other policies in this Plan, particularly Policies 91, 96, 103 and 106.”*
- 8.6.7. As noted earlier in this report, the application is supported by a LVIA which considers the effects of the proposed development on landscape elements, character and visual amenity within the site and the surrounding area. The LVIA includes the following conclusion:
- “The Site is visually well contained, being mostly visible from the immediate surroundings, with limited middle distance views available.”*
- 8.6.8. HCC Landscape’s comments on the application state that the above conclusion is supported, as the site is generally well screened to views from the wider area by the intervening settlement to the east and the vegetation associated with the river corridor to the west. However, it was noted that the site is more open to the north and south and HCC Landscape has concerns regarding the potential impact of the proposed new settlement edges along these boundaries.
- 8.6.9. The initial consultation response from HCC Landscape requested the submission of additional information and commitments within the Parameter Plan to provide the confidence that important structural mitigation could be delivered at the reserved matters stage. The applicant provided the requested information to address these comments, including photomontages, Illustrative Landscape Cross Sections and an updated Parameter Plan with additional landscape details, including a 10m wide strip of planting along the northern and southern boundary and the provision of street trees and play space within the developable area. As previously noted, the 10m wide strip of planting is continuous along the southern boundary, but there are breaks in the 10m wide planting strip along the northern boundary (one gap measuring around 14m and the other around 9.5m).
- 8.6.10. The applicant has provided photomontages of the proposed development, showing the views as existing, at year 1 and at year 15, which showed the growth of the proposed 10m wide structural boundary planting along the north and south boundaries. HCC Landscape subsequently commented that the photomontages demonstrate that the proposed structural should serve to deliver effective visual and landscape mitigation in the long term.
- 8.6.11. HCC Landscape notes that the LVIA gives great weight to the site’s edge of settlement character, which concludes that:
- “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.”

8.6.12. HCC Landscape state that this conclusion is supported to an extent, but there remains concern for the role of the site in providing an open buffer between the existing built-up area and the more sensitive wildlife site and river corridor beyond. The proposed development would lead to the notable extension of the existing development along the southern side of Tollgate Road which is currently one property wide. As noted earlier in this report, the proposed development would provide residential buildings up to around 230m further south west than the existing properties on Tollgate Road and up to around 177m further south west than the rear garden boundary of properties on Tollgate Road.

8.6.13. The LVIA recognises that the proposed development would have an adverse impact on the landscape character of the site at paragraph 5.25:

“While the effects on the landscape character of the Site have been assessed as being adverse (due to the loss of the open character of the Site), this does not mean that the development will be unattractive.”

8.6.14. The proposed development would urbanise the site which is currently largely comprised of open fields framing the south of Colney Heath, with built development currently confined to a relatively small area in the north of the site. This would result in a change in the character and appearance of the application site from the current equestrian use to a major residential development with significantly more built form across the site.

8.6.15. The application is accompanied by an Arboricultural Impact Assessment which identifies that one tree and one hedge would need to be removed to facilitate the new access into the site, both of which are category B. In addition, a small section of the north end of hedgerow in the north west of the site (Category B) may need to be removed to accommodate the proposed new footway at the site entrance. The Tree Officer stated that there are no objections to the application on arboricultural grounds.

8.6.16. In light of the above discussion, there are concerns about development at the site given its role in providing an open buffer between the existing built-up area and the more sensitive wildlife site and river corridor beyond. Although the harm is not considered to be sufficient to amount to a freestanding reason for refusal, the introduction of built form across the existing fields would cause harm to the local landscape character and appearance, to which moderate weight is given.

8.7. Provision of Housing, Including Affordable and Self-Build Housing

8.7.1. The Council cannot demonstrate a 5 year housing land supply. The proposed development is for up to 150 new homes and would provide 40% affordable housing (comprising a mix of affordable rent, intermediate homes and First Homes). The proposed development would therefore provide up to 90 market homes and up to 60 affordable homes. It is proposed that 10% of the market units would be made available as self-build plots, equating to up to 9 units.

8.7.2. SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years. There is also a clear and pressing need for affordable housing within the District,

whilst the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing.

8.7.3. The provision of housing therefore weighs heavily in favour of the proposals.

8.7.4. How much weight is a matter of planning judgement, informed by material considerations. In this regard, the recent appeal decision at Bullens Green Lane (5/2020/1992) is a relevant consideration. This decision was issued on 14 June 2021 and therefore considers a very similar housing and affordable housing position in the District as applies to the application considered in this report.

8.7.5. The Inspector concluded:

“49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.”

...

“52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

...

“54. 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.”

8.7.6. There is no material reason for officers to apply a different weighting to the proposals subject of this officer's report. The housing situation and the emerging plan situation are materially the same. There is no reason to think that the site cannot come forward immediately following the submission of reserved matters application(s) after the grant of outline planning permission and significantly boost local housing supply. Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.

8.8. Provision of Open Space and Children's Play Space

8.8.1. Policy 70 of the Local Plan requires developments of over 100 dwellings to be provided with public open space including children's playground(s) on the basis of

1.2ha per 1,000 persons (equivalent to 0.0012ha per person). It recommends calculating the requirement based on an average of 2.5 persons per dwellings.

- 8.8.2. On this basis, the proposed up to 150 dwellings would have a population yield of 375. As such, Policy 70 would require the provision of 0.45ha of open space. Policy 70 also requires the provision of toddlers play space in developments of over 30 dwellings on the basis of 3sqm for every 5 dwellings with 2 or more bedrooms. An indicative housing mix has not been submitted with the application, however a housing mix in accordance with the South West Hertfordshire Local Housing Needs Assessment (2020) would result in the provision of up to 130 dwellings with 2 or more bedrooms. On this basis, the proposal would generate a requirement for 78sqm of toddlers play space.
- 8.8.3. The proposed development includes the provision of at least 1.84ha of publicly accessible green infrastructure, which includes public open space (around 0.94ha of useable open space based on the Parameters Plan – this excludes the proposed structural boundary planting and SuDS attenuation basins which the Parameters Plan states would be permanently wet). A 270sqm play area / pocket park within the developable area of the site is also proposed (as detailed in the Parameters Plan). It is recommended that the provision of this open space and play is secured by a s106 if the application is approved, as outlined later in this report.
- 8.8.4. As open space and play space provision exceeds the requirements of Policy 70, this is a benefit of the proposed development which is afforded some limited positive weight in the planning balance.

8.9. Minerals

- 8.9.1. Section 17 of the NPPF “Facilitating the sustainable use of minerals” sets out in para 209:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

- 8.9.2. In para 211 it states “When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”; and in para 212: “Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”
- 8.9.3. Hertfordshire County Council as Minerals Planning Authority note that the site falls entirely within the ‘Sand and Gravel Belt’ as identified in Hertfordshire County Council’s Minerals Local Plan 2002 – 2016; the Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. They note that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area. They note that their adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. The policy seeks to

prevent the sterilisation of mineral resources, except where it can be demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or
- ii. there is an overriding need for the development; and
- iii. the mineral cannot practically be extracted in advance.

- 8.9.4. The Minerals Local Plan forms part of the development plan and it broadly aligns with the aims of Section 17 of the NPPF, and weight is given to it.
- 8.9.5. Following an initial objection from the Minerals Planning Authority, a Minerals Assessment Desk Study has been undertaken in order to assess the mineral resource at the site and potential for extraction. It found that there is a potentially workable mineral resource at the site, but that sand and gravel extraction ahead of development would not be practical and is unlikely to be commercially viable.
- 8.9.6. The Minerals Planning Authority conceded that prior extraction of the site is not likely to be feasible and economically viable, but require the applicant to further explore the opportunistic use of deposits across the site. The Minerals Planning Authority withdrew their earlier objection subject to the recommendation that a condition be applied, if officers are minded to approve, requiring that a minerals management plan for the sustainable extraction of minerals be submitted in accordance with the submitted Minerals Assessment Desk Study. The management plan would include:
 - a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
 - b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and
 - c) A method to record the quantity of recovered mineral (re-use on site or off-site).
- 8.9.7. Noting the above, no additional harm is identified in this regard, this matter is considered to weigh neutrally in the planning balance in this case, and it is given neither positive or negative weight.

8.10. Ecology

- 8.10.1. Section 15 of the NPPF “Conserving and enhancing the natural environment” sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (para 174d); and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 184). Local Plan Policy 106 is generally consistent with the aims of section 15 of the NPPF and notes that the Council will take account of ecological factors when considering planning applications.
- 8.10.2. The application site comprises two fields grazed by horses, with a stable block and manège located in the north of the site. The site also includes the house and garden of no. 42 Tollgate Road. The south of the application site also includes part of the Colney Heath Farm Meadows LWS – a non-statutory designation. Approximately 40% of Colney Heath Farm Meadows LWS is located within the application site, with the remaining LWS extending over and along the River Colne to the south west and additional fields to the north west. The LWS comprises a mosaic of unimproved neutral to acid grasslands along the River Colne. The

proposed development includes the retention and protection of the LWS with limited, controlled public access.

- 8.10.3. The application is accompanied by an Ecological Impact Assessment which states that the development is not anticipated to result in any significant residual negative effects on important ecological features following the implementation of the recommended mitigation measures, which could be secured by condition, including:
- Preparation and submission of a Construction Environmental Management Plan, setting out measures to mitigate impacts on nesting birds, badgers, riparian mammals, reptiles and amphibians during the construction works;
 - Preparation and submission of a Landscape and Ecological Management Plan, detailing the establishment and long-term management of retained and newly created habitats to maximise benefits for wildlife; and
 - Preparation and submission of a sensitive lighting strategy, ensuring that dark corridors are maintained and minimising light spill to retained and newly created habitats.
- 8.10.4. Surveys have been completed for bats, reptiles and riparian mammals (water voles and otters). All existing structures at the site were found to have negligible potential for bats although a number of species were found to be using the site for foraging and commuting. Based on this the site was assessed as being of local importance for bats. No likely impact on riparian mammals has been indicated. Surveys revealed the presence of low numbers of grass snakes and it is proposed to safeguard this population with habitat manipulation measures.
- 8.10.5. HCC Ecology comments state that the existing habitats outside of the LWS have been sufficiently surveyed and identified and, providing suitable compensation for their loss is provided, they do not represent a constraint to the proposal. HCC Ecology also considers the assessment of protected species to be reasonable and advises that the enhancement measures outlined in the Ecological Impact Assessment are secured by condition.
- 8.10.6. HCC Ecology welcomes the retention of the LWS, but notes that the proposed residential development would increase pressure on the site. Appropriate protection measures should therefore be included in a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) to ensure that these impacts are suitably mitigated, which could be secured by condition. A method statement detailing how the LWS would be protected during construction should form part of a CEMP.
- 8.10.7. The application proposes the provision of 10% biodiversity net gain (BNG), which is welcomed. The proposed development would result in a net loss of -9.24 habitat units and a gain of +35.81 hedgerow units. An off-site solution is therefore required to achieve 10% BNG, which can be secured in a s106.
- 8.10.8. As noted above, the NPPF requires a net gain in biodiversity and it is expected that the mandatory 10% BNG requirement will come into effect in November 2023 under the Environment Act 2021. As such, if the application was being determined in 6 months time, the provision of 10% BNG would be an automatic condition on any the grant of planning permission. Reflecting this and the modest net gain proposed, limited positive weight is given to the provision of 10% BNG.
- 8.11. Heritage

Above Ground

- 8.11.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest.
- 8.11.2. Paragraph 189 of the NPPF advises that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, it requires great weight to be given to an asset's conservation irrespective of the level of harm (paragraph 199). Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal.
- 8.11.3. Policy 86 of the Local Plan reflects the aims of the NPPF in ensuring that the Council has special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
- 8.11.4. The site is not in a conservation area, and there are no statutorily or locally listed buildings within the site. However, Historic England notes that it is a historically important site between two estates: Tyttenhanger and North Mymms.
- 8.11.5. There are several designated heritage assets surrounding the site and the Design and Conservation Officer has identified that the application site is within the setting of the following listed buildings:
 - Grade I listed North Mymms Park house and associated buildings;
 - Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn;
 - Grade II listed Queen's Head Public House; and
 - Grade II listed London Coal Duty Marker, Coursers Road.
- 8.11.6. There are also two non-designated heritage assets within the vicinity of the site: North Mymms Park (around 300m east of the site) and Tollgate Farm (around 310m east of the site).
- 8.11.7. The impact of the proposed development on each of these heritage assets is considered below in turn.

Grade I listed North Mymms Park house and associated buildings

- 8.11.8. The Grade I listed North Mymms Park house is located approximately 1.4km south east of the application site within the non-designated North Mymms Park. The house was built in the 16th century for the Hertfordshire MP Sir Ralph Conningsby, with alterations over the 17th, 18th and 19th centuries although it retains its Jacobean overall character. The surrounding parkland includes several other important buildings, including several Grade II listed buildings and the GII* listed Church of St Mary the Virgin.
- 8.11.9. Historic England notes that the undeveloped nature of the land that forms the application site is important to the setting of the Grade I listed house and non-designated park. The application site makes a positive contribution to their setting by providing an agricultural background which contributes to our understanding of

how the estate worked and functioned. It was also noted that, as North Mymms House is glimpsed across the application site, it suggests that the agricultural land was designed to be visible, perhaps from the house but certainly from the park.

8.11.10. Historic England and the Design and Conservation Officer requested additional information to allow views of the proposed development from North Mymms House to be fully considered. The applicant subsequently submitted a Heritage Statement Addendum and updated Photomontages showing views of the application site from various viewpoints, including within North Mymms Park house. The applicant has also made a number of amendments to the Parameters Plan to try and reduce the harm to the setting of North Mymms Park house. These amendments include providing a 10m wide planting buffer along the southern boundary of the site to help screen the proposals from North Mymms Park house and reducing the height of properties in the north east of the site to a maximum of 6m.

8.11.11. Historic England noted that the amendments to the Parameters Plan slightly reduced the visual impact of the proposals, but maintained that they would cause a moderate degree of less than substantial harm the setting of North Mymms Park house in their comments dated 27 March 2023:

“We consider the amendments introduced to the proposals would reduce the visual impact from the principal rooms of the House to a minor degree, as glimpses of the buildings and light spillage would still be apparent. Further, the wider impact resulting from the change of character of the land and the severing effect the development would have on the wider setting of the grade I listed, non-registered park and garden, and ancillary designated and non designated assets, would remain. This would also affect our ability to understand the wider productive hinterland associated to this important house. We would assess this harm as a moderate degree of less than substantial, in NPPF terms.”

8.11.12. Similarly, comments from the Design and Conservation Officer found that the amendments to the proposals reduced the level of impact on the significance of the Grade I listed building, but would not eliminate the harm caused by the urbanisation of this part of the historic North Mymms estate.

8.11.13. The submitted photomontages show how the proposed development is partially screened from view from North Mymms Park house by existing trees. However, the Design and Conservation Officer has raised concerns regarding the potential loss of the existing tree screening between the proposed development and North Mymms Park House, as it is outside the applicant’s control:

“Whilst a large extent of the trees are unlikely to be felled, there is nothing to prevent this. In the areas where the tree screening is dense, created by the intervening woodland there will be more resilience in the existing tree screening, if trees are felled, die etc. then the existing screening would not be lost. However where the existing tree screening is only a tree lined hedgerow and predominately one tree deep (to the east side of the development boundary) the existing screening has less resilience, and there is no mechanism for replacing this lost screening. Given the irreversible nature of the development, the proposed reliance on external tree screening where it is thinner and unprotected would remain a small but residual concern given the development parameters which show a constrained boundary to the reduced height parameter area and the limited extent of proposed planting to the boundary within the site itself.”

- 8.11.14. The Design and Conservation Office concluded that the proposal would cause less than substantial harm to the significance of the North Mymms Park house.
- 8.11.15. The WHBC Historic Environment Team also consider that the proposed development would cause less than substantial harm, at the low end of the spectrum, to North Mymms Park house through changing its setting.
- 8.11.16. A minor update to the submitted Photomontages (Revision E) was submitted by the applicant on 26 April 2023. The Photomontages were submitted as the applicant said the previous version showed the proposed development too close to North Mymms Park house. Historic England and the Design and Conservation Officer have reviewed the updated Photomontages and confirmed that their previous comments stand.
- 8.11.17. In line with the comments raised by Historic England, it is felt that the proposed development would cause a moderate degree of less than substantial harm to the Grade I listed North Mymms Park house.

Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn

- 8.11.18. Colney Heath Farmhouse originally dates to the C17 and has a contemporaneous attached barn and a separately Grade II listed barn from the late C18 to the north. Maps in the submitted Archaeology and Heritage Statement show that the application site and Colney Heath Farmhouse were formerly part of the wider North Mymms Estate. The Archaeology and Heritage Statement also identifies that at the time of the 1844 Tithe survey, the majority of the application site was under the same occupancy as Colney Heath Farm, although it had previously been associated with Tollgate Farm.
- 8.11.19. The Farmhouse has a garden to the immediate south, and yard to the east with low open boundaries. The setting of the farmhouse has changed in the C20 with development of Colney Heath to the north and north east side of the farm. However, the views towards the west and south remain relatively unaltered and predominantly agricultural. The field boundaries also appear to have remained unaltered since the first Ordnance Survey map from 1880 and are similar to those from the early C19.
- 8.11.20. The agricultural land to the south, including the application site, is considered to contribute to the significance of Colney Heath Farmhouse and its associated barns, as noted in the submitted Archaeology and Heritage Statement at paragraph 5.8:

“Immediately adjacent agricultural land to the south forms the historic setting and associated historic landholding and contributes to the significance of the farmhouse. More distant agricultural land within the Site has a looser historic connection, although can still be considered to make some minimal contribution to the significance of the farmhouse as part of its wider historic agricultural setting.”

- 8.11.21. The Archaeology and Heritage Statement recognises that the proposed development has the potential to adversely impact the significance of Colney Heath Farmhouse. It concludes (paragraph 5.9):

“The alteration of the wider agricultural setting to residential built form and open space would potentially result in some limited adverse impact to the significance of

Colney Heath Farmhouse. However, given the retention of intervening paddock, and the limited historic association, it is anticipated that harm will be negligible at most, which is to say less than substantial harm at the very lowermost end of this harm spectrum.”

- 8.11.22. Comments from the Design and Conservation Officer raise greater concerns regarding the impact of the proposal on the setting of the farmhouse, but also concludes that it would result in less than substantial harm to its significance:

“The proposed development would diminish the wider agricultural character of the setting of the farmhouse. The development would also alter the character of the adjacent field and how it contributes to the significance of Colney Heath Farmhouse, from a field as part of a wider open agricultural landscape, to a leftover plot of land enclosed by development. The proposed development would also close off the views from Colney Heath farmhouse and removes the visual link between Colney Heath Farm and [Tollgate] Farm, diminishing the appreciation of its relationship with Tollgate farm.

Based on the parameter plans provided is considered that the development would cause less than substantial harm, on the lower end of the spectrum.”

- 8.11.23. In accordance with the Design and Conservation Officer comments, it is considered that the proposed development would cause less than substantial harm, on the lower end of the spectrum, to the Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn.

Grade II listed Queens Head Public House

- 8.11.24. The Queens Head is a former public house which fronts onto High Street and is to the west of the Coursers Road/Tollgate Road/Roestock Lane/High Street roundabout. The former public house is located around 215m to the north of the application site. The building is timber framed and dates to the late C17 to early C18.

- 8.11.25. The relationship between the former public house, the crossroads, Colney Heath Farmhouse and older cottages has altered little in the C20. However, the surrounding area on the east and north developed in the C20 with some mainly interwar housing schemes. To the west and south there has been very little development and there is some inter-visibility between the development site and the Queens Head. However, the main aspects of the building's setting which contribute to its significance are the road and its position in association with this and the adjacent London Coal Duty Boundary Markers (one directly south of the former public house and another approximately 55m north west). Accordingly, based on the submitted Parameters Plan, it is unlikely that the development would have a negative impact on the significance of the Queens Head. As a result, no harm is identified.

Grade II listed London Coal Duty Marker, Coursers Road

- 8.11.26. The London Coal Duty Marker is located on the north side of Coursers Road, to the rear of to the former Queens Head public house and approximately 25m west of the Coursers Road/Tollgate Road/Roestock Lane/High Street roundabout. The London Coal Duty Marker is approximately 215m north of the application site and was installed in 1861-1862 to mark the limit of the coal duty area in London. It is considered to be one of the best persevered in Hertfordshire. To the north and

east lies the village of Colney Heath, with open countryside to the south (beyond Colney Heath Farmhouse) and west (beyond the small group of four houses). Some of the field boundaries are tree lines, allowing intermittent views across, including towards the development site.

- 8.11.27. The marker lies adjacent to the historic crossroads, which is a key part of the marker's setting. The proposed development would not alter the relationship between the marker, Coursers Road and the crossroad and on this basis there is not likely to be an impact on the significance of the marker. As a result, no harm is identified.

Non-designated Heritage Assets

- 8.11.28. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset.

- 8.11.29. As noted above, there are two non-designated heritage assets within the vicinity of the site: North Mymms Park and Tollgate Farm.

- 8.11.30. The submitted Archaeology and Heritage Statement notes that the proposed development has the potential to result in an adverse impact on the significance of the non-designated North Mymms Park, but states that no harm is anticipated (paragraph 5.21).

- 8.11.31. However, Historic England's comments dated 9 February 2023 consider the proposals to harm the setting of both of the non-designated heritage assets:

"The resulting change in character from agricultural to residential would also negatively impact the setting of the non-designated Tollgate Farm and non-registered park and garden, cumulatively adding to the negative impacts from the 1930s ribbon development."

- 8.11.32. WHBC's Historic Environment Team also consider the proposal to impact both of the nearby non-designated heritage assets:

"The proposals would also fail to preserve the setting of North Mymms Parkland and Tollgate Farm, Paragraph 203 being relevant. This harm would also be low on the scale."

- 8.11.33. In accordance with the Historic England and WHBC Historic Environment comments, it is considered that the proposed development would cause less than substantial harm, on the lower end of the spectrum, to the non-designated Tollgate Farm and non-registered park and garden.

Conclusions – Above Ground Heritage

- 8.11.34. In conclusion, the scheme causes a moderate level of less than substantial harm cumulatively across all identified heritage assets, which should be given considerable weight and importance. As a result, the proposal conflicts with Local Plan Policy 86.

8.11.35. In accordance with paragraph 202 of the NPPF, this harm must be balanced against the public benefits of the development. The public benefits of this proposal comprise the delivery of up to 60 affordable homes and up to 90 market homes, 10% of which (up to 9) would be available as self-build plots. As noted earlier in this report, there is a significant need for all of these housing types in the District. In addition, the proposed development would provide public open space and children's play space that exceeds local policy requirements, whilst it would deliver 10% BNG (through on-site and off-site provision). Overall, it is considered that the public benefits of the proposed development would outweigh the harm to the heritage assets.

Below Ground

8.11.36. The Archaeology and Heritage Statement that accompanies the application, which concludes:

“There is limited evidence of prehistoric and Roman period activity in the study area. The possible route of a Roman road crosses to the north of the Site and the HER records cropmarks potentially associated with a Roman building c. 100m south-east of the Site. The Site was likely in agricultural use from the medieval period. Geophysical survey did not identify any anomalies of likely archaeological interest although some discrete anomalies of uncertain origin were recorded. No further archaeological works are suggested to inform the determination of an outline planning application.”

8.11.37. The Council's Archaeological Advisor notes that the presence of a Roman road in the vicinity of the site indicates the potential for Roman occupation in the area. It is possible that further features will be identified in the proposed development area, whilst the position of the site close to the River Colne increases the potential for paleo-environmental and water logged deposits being identified. As such, two conditions were recommended in the event that planning permission is granted.

8.11.38. Taking the above into account, it is considered that the conditions recommended above could suitably mitigate potential harm to below-ground heritage at the site such that it weighs neutrally in the planning balance in this case.

8.12. Highways and Sustainable Transport

Policy background

8.12.1. The NPPF in Section 9 “Promoting sustainable transport” advises (para 104) that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

- 8.12.2. When assessing development proposals, NPPF para 110 sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.12.3. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions. Policy 36A of the Local Plan relates to the location of new development in relation to the public transport network and states that, in considering the impact of new development, account will be taken of its proximity to the public transport network and whether facilities will be provided within the development to cater for use of the network.
- 8.12.4. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local HA adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 ‘Transport User Hierarchy’ that to support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:
- Opportunities to reduce travel demand and the need to travel
 - Vulnerable road user needs (such as pedestrians and cyclists)
 - Passenger transport user needs
 - Powered two wheeler (mopeds and motorbikes) user needs
 - Other motor vehicle user needs
- 8.12.5. LTP4 Policy 2 states that the County Council will encourage the location of new development in areas served by, or with the potential to be served by, high quality passenger transport facilities so they can form a real alternative to the car, and where key services can be accessed by walking and cycling.
- 8.12.6. The NPPF has similar goals where it states in para 112 that applications for development should: give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

8.12.7. The above policy priorities are dealt with by the HA in their consultation response. The following discussion is informed by the detailed consultation comments of the HA.

Access

8.12.8. It is proposed to provide one vehicular access into the north west corner of site on Tollgate Road. The access requires the demolition of no. 42 Tollgate Road to form a priority junction on the southern side of Tollgate Road. The access would be provided with a 6m carriageway width and 2m footways on both sides that tie into the existing footway provision on the southern side of Tollgate Road.

8.12.9. The site access is located opposite the junction with Fellowes Lane. It is proposed that both the site access and the Fellowes Lane junction are traffic calmed by the provision of a raised table. In addition, a new section of footway is proposed on the north side of Tollgate Road to the west of the junction with Fellowes Lane. This would provide a continuous east / west footway provision on the northern side of Tollgate Road adjacent to the site access.

8.12.10. The Transport Assessment submitted by the applicant recognises that the Roads in Hertfordshire highway design guidance recommends that crossroads on higher class roads (A or B class) may need to be signalised, but crossroads on lower class roads can create more permeable and legible street networks for pedestrians and cyclists. The HA requested that the applicant demonstrate the suitability of providing a crossroad at the site access junction.

8.12.11. The applicant subsequently provided a revised Transport Assessment which noted that crossroads can result in a higher accident risk where straight-across movements are likely on the minor arms. However, in this situation significant across movement from the development to Fellowes Lane and vice versa is not anticipated. As such, the Transport Assessment concludes that the pedestrian and cycle benefits of the layout outweigh any potential risks with the crossroad junction form, which the HA noted is compliant with LTP4 by promoting sustainable travel over car based travel.

8.12.12. The HA notes that the swept path analysis for a refuse vehicle and fire appliance vehicle demonstrates that the vehicles could enter and exit the site in a forward gear, which is considered acceptable. Further swept path analyses for internal roads in the site would be required at the detailed design stage.

8.12.13. The HA requested that the applicant provides an updated site access plan showing the proposed pedestrian crossing facilities into the site. An updated Proposed Access Layout was subsequently submitted, showing tactile paving at crossing points across the proposed site access, Tollgate Road and Fellowes Lane.

8.12.14. The HA has not raised an objection to the proposed access, subject to a Section 278 (s278) agreement being entered into between the applicant and the HA.

Internal Layout

8.12.15. As this is an outline application with all matters reserved except for access, the internal layout of the site would be subject to reserved matters application(s). The application is accompanied by a Concept Masterplan and Illustrative

Masterplan which presents a possible road layout within the site and, although not for approval, the plans present the applicant's key design principles for the site. The illustrative layout shows a circular route around the central area of the site, with a number of cul-de-sacs leading from it.

- 8.12.16. There is potential to create a layout with safe routes for vehicular traffic, but which ultimately promotes the interests of residents as pedestrians and cyclists, providing optimal access to local amenities and sustainable transport connections.

Trip Generation, Distribution and Capacity Impacts

- 8.12.17. The applicant has used Trip Rate Information Computer System (TRICS) database (multi-modal) for other similar developments to determine the likely trip generation for the site. The HA has confirmed that the TRICS parameters applied are acceptable.

- 8.12.18. The following total vehicle trips are identified for the development proposal:
- AM Peak (08:00-09:00): 20 arrivals, 46 departures resulting in 66 two-way movements; and
 - PM Peak (17:00-18:00): 44 arrivals, 26 departures resulting in 70 two-way movements.

- 8.12.19. In addition, the following sustainable mode trips are identified for the proposed development:

- Pedestrians: AM Peak 27 trips, PM Peak 16 trips;
- Cyclists: AM Peak 4 trips, PM Peak 4 trips; and
- Public Transport: AM Peak 2 trips, PM Peak 2 trips.

- 8.12.20. The Transport Assessment outlines the expected traffic distribution from future residents at the site, which indicates that the majority of vehicles (68%) are expected to travel westbound on Tollgate Road, with 29% travelling via Coursers Road and 39% travelling via the North Orbital Road. The Transport Assessment states that 32% of traffic from the site is expected to travel eastbound, with 11% travelling via Swanland Road and 21% travelling via Great North Road.

- 8.12.21. The Transport Assessment considers the potential increase in traffic flows at the key junctions surrounding the site. The assessment methodology and study area was agreed with the HA through scoping discussions. The assessment considers the impact of the proposed development on the local highway network in 2027 at five local junctions. The findings for each junction are summarised below:

- A414 North Orbital / High Street (signalised junction) – overall, the proposed development will have minimal impact during the morning and evening peak periods.
- High Street, Roestock Lane, Tollgate Road, Courses Road (roundabout junction) – the existing roundabout will operate within its design capacity with minimal delays experienced.
- Tollgate Road / Fellowes Lane (priority junction) – the junction will operate within its design capacity with minimal delays.
- Dixons Hill Road / Swanland Road (priority junction) – the existing priority junction will operate within its design capacity with minimal delays experienced.
- A1000 Great North Road / Dixons Hill Road (roundabout junction) – the existing roundabout will operate within its design capacity with minimal delays experienced.

- 8.12.22. The HA commented that the traffic flows and geometries have been checked and a suitably robust capacity assessment has been undertaken for each of the junctions. No capacity mitigation is considered to be necessary at any of the junctions.
- 8.12.23. The Transport Assessment also assessed the impact of the proposed development on Tollgate Road in relation to the existing on street parking to the east of Fellowes Lane. The modelling results indicate that the proposed development would have minimal impact on the operation of Tollgate Road in the morning and evening peak periods. The HA has confirmed that a suitably robust capacity assessment has been undertaken and no capacity mitigation is considered to be necessary at this location. The HA does recognise that on-street parking will remain a cause of local congestion, delay and safety concern on Tollgate Road and suggests that the contribution secured through the s106 can be used to develop a residential parking scheme to address these concerns on Tollgate Road.

Sustainable Travel Modes Audit

- 8.12.24. The HA requested that the applicant provides an audit of sustainable travel modes, which is included at Appendix 16 of the submitted Transport Assessment. The audit considers 2 walking routes and 3 cycling routes, one of which is from the site to Welham Green train station, which the Transport Assessment notes is around a 20-minute cycle from the application site. The audit states that this cycle route would only be suitable for confident cyclists (paragraph 1.17):

“This route uses Tollgate Road to the east which is a 30mph limit up to the edge of the village. From Tollgate Farm the speed limit is derestricted for approx. 1.6km until an overbridge over the A1(M). this section of route 3 is only suitable for confident cyclists given the road speed and the presence of a long gradient to a high point mid-way.”

- 8.12.25. It should also be noted that around 1.1km of Tollgate Road where the speed limit is derestricted does not have a pavement on either side of the road, nor is there street lighting on this stretch of road, making this route even less appealing to cyclists, particularly in winter. Upon leaving Colney Heath there is no street lighting until passing across the A1(M) overbridge – around 1.6km away.
- 8.12.26. The submitted Transport Assessment notes that there is cycle storage at Welham Green train station, however the Sustainable Travel Modes Audit shows that there is very limited cycle parking, with five Sheffield stands providing space for 10 bicycles to be securely stored.
- 8.12.27. The Sustainable Modes of Travel Audit also notes that cycling on Coursers Road is not considered suitable for cycling (paragraph 1.10).
- 8.12.28. The Sustainable Modes of Travel Audit considers a cycling route from the application site to the Link Academy in Hatfield as a secondary school option. The audit notes that the A1(M) underpass is *“lit but not particularly inviting”* and recommends cosmetic improvements to it. Numerous local residents and the Colney Heath Parish Council have raised concerns about the suitability of the A1(M) underpass as a safe route for pedestrians and noted that it is prone to flooding.

8.12.29. The HA has raised concerns with the cycle accessibility of the site as currently documented in the application submission. The HA recommends refusal of the application for the following reason:

“HCC requests in reflection of the cycling audit provided, routes identified as not being safe for users of all abilities removed from the cycling accessibility analysis and also to consider the St Albans Cycle Route Map (2019) and routes identified there as safe/not safe included/excluded. Following this review, the accessibility should be re-assessed (with all users in mind) and confirmation whether the site can offer a suitable cycling alternative to the private car”.

Public Transport Accessibility

8.12.30. The submitted Transport Statement outlines the public transport options in the vicinity of the site, comprising bus services and trains (the nearest station being Welham Green, circa 3.7km from the application site).

8.12.31. The HA has raised concerns about the public transport accessibility of the site:

“As for sustainable access via public transport, the current level of public transport provision does not provide an option to residents for commuting to wider locations without the need for using a car, as there is not a high level of provision particularly in the morning and evening peak periods. HCC requests the applicant engages with public transport providers to identify whether additional bus services can be implemented or existing services extended to meet with the increase in public transport demand in this area.”

8.12.32. The HA recommends that the application is refused for the following reason:

“HCC requests the applicant engages with public transport providers to identify whether additional bus services can be implemented or existing services extended to meet with the increase in public transport demand resulting from this development and to demonstrate a meaningful shift away from the private car can be achieved”.

Public Rights of Way

8.12.33. The Illustrative Masterplan, although not for approval, shows that the site could potentially connect with the PRoW Colney Heath 033 to the north of the site, through a gap in the proposed boundary planting.

Mitigation Summary

8.12.34. The proposed development would make a financial contribution of £1,023,900 (excluding indexation), which is equivalent to £6,826 per dwelling, towards sustainable transport improvements. This contribution, to be secured through a s106, would go towards the following off-site works:

- Pedestrian crossing facilities at the site entrance;
- Refresh of zebra crossing markings at southern end of High Street;
- Tactile paving at Park Lane;
- Lighting and cosmetic improvements to the A1(M) underpass;
- Raised kerb (if possible) for westbound bus stop;
- Raised kerb (if possible) and bus cage for eastbound bus stop; and

- Improved shelter and raised kerb at Roestock Lane eastbound bus stop.

8.12.35. The HA notes that the sustainable travel financial contribution could also be put towards PK30 A414 Highways Improvements (South of St Albans) - to enhance the function of the A414 as a strategic east to west route in south central Hertfordshire through capacity and reliability upgrades. This package includes safety and capacity improvements at A414 Colney Heath Longabout.

8.12.36. A Framework Travel Plan was submitted as part of the planning application, outlining outline soft measures for encouraging a shift away from the private car to sustainable travel modes, including the provision of a Welcome Pack to all residents prior to them moving into the development to inform them of their travel options from the outset. The HA has requested a £6,000 contribution towards the monitoring of the proposed Travel Plan, once approved.

Conclusions

8.12.37. Taking the above discussion into account, it is considered that insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. As such, additional harm to be weighed in the planning balance is identified in this regard.

8.13. Impact on Social and Physical Infrastructure

8.13.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities and community facilities. This is evident in this case from consultation responses outlined earlier in this report. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development.

8.13.2. The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, which are routinely sought to mitigate the impact of development on physical and social infrastructure, as well as to secure affordable and other forms of specialist housing.

8.13.3. Para 57 of the NPPF states that planning obligations should only be sought where they meet all of the following tests, also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs); that they are:

- (i) Necessary to make the development acceptable in planning terms
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

8.13.4. The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a s106 that is compliant with the requirements of the aforementioned CIL Regulations.

8.13.5. The Heads of Terms for the s106 have been agreed with the applicant and a draft s106 is currently being prepared. These Heads of Terms reflect contribution/obligation requests made by consultees to mitigate the impacts of the development on social infrastructure and are as follows:

- **Affordable Housing**
 - Provision of 40% affordable housing in perpetuity.
 - Ratio of 2:1 affordable rented housing to shared ownership housing.
 - 25% of the affordable housing to be 'First Homes', as defined by the Government.
 - All affordable housing including First Homes to be provided in accordance with an Affordable Housing Scheme. This is to ensure satisfactory distribution of types of affordable housing across the site. The Scheme shall set out size and tenure and location of all units, and phasing proposals.

- **Biodiversity Net Gain**
 - a) On-site and off-site provisions to achieve 10% Biodiversity Net Gain.
 - b) The s106 agreement would include mechanisms to calculate any required contribution and to secure its delivery at reserved matters stage.

- **Self-build and Custom Housing**
 - a) 10% of the market dwellings to be self-build and custom housing plots where the initial owner will have primary input into its final design and layout.

- **Provision of Open Space and Play Space**
 - a) To be provided in accordance with a schedule of works, programme and management scheme.
 - b) The schedule shall allocate at least 1.84ha of the site as publicly accessible green infrastructure in perpetuity.
 - c) The schedule shall allocate at least 270sqm of formal play space for children in perpetuity.

- **East of England Ambulance Service Trust (EEAST)**
 - a) Capital Cost calculation of additional health services arising from the development proposal – £46,170.

- **HCC Growth and Infrastructure Unit**
 - d) Primary Education towards the expansion of Colney Heath Primary School and/or provision serving the development (£1,157,013 index linked to BCIS 1Q2022)
 - e) Secondary Education towards the expansion of Samuel Ryder Academy and/or provision serving the development (£1,266,848 index linked to BCIS 1Q2022)
 - f) Special Educational Needs and Disabilities (SEND) towards providing additional Severe Learning Difficulty school places (West) through the relocation an expansion of Breakspear School and/or provision serving the development (£158,171 index linked to BCIS 1Q2022)
 - g) Library Service towards increasing the capacity of Marshalswick Library or its future re-provision (£32,687 index linked to BCIS 1Q2022)
 - h) Youth Service towards the re-provision of the St Albans Young People's Centre in a new facility and/or provision serving the development (£40,927 index linked to BCIS 1Q2022)
 - i) Waste Service Recycling Centre towards increasing the capacity of the Recycling Centre at Potters Bar and/or provision serving the development (£46,062 index linked to BCIS 1Q2022)
 - j) Waste Service Transfer Station towards increasing the capacity of Waterdale Transfer Station or provision serving the development (£8,829 index linked to BCIS 3Q2022)
 - k) Monitoring fees - £340 per trigger point in the S106 (adjusted for inflation against RPI July 2021).

- **SADC Community Services**

- a) Leisure and Cultural Centres – £106,498 towards Roestock Scout Hut improvements.

- **Hertfordshire and West Essex ICB**

- a) General Medical Services (GMS) and General Practitioner (GP) services – £193,800 towards Burvill House Surgery and Northdown Road Surgery (branch of Wrafton House Surgery), either singularly or in combination. This may involve expansion, reconfiguration and refurbishment, relocation, digitisation or offsite storage of the patient records of Wrafton House Surgery.
- b) Mental health – £30,262 towards the expansion and reconfiguration project at Roseanna House in Welwyn Garden City.
- c) Community healthcare – £27,304 towards the expansion and reconfiguration of Queensway Health Centre in Hatfield Town Centre.

- **Provision of Highways Improvements and Sustainable Transport Measures**

- a) A total financial contribution of £1,023,900 (equivalent to £6,826 per dwelling). The cost of any highway works carried out by the applicant pursuant to a s278 agreement would be deducted from this figure. In addition to the highways works carried out by the applicant, this contribution is expected to include the following measures:
 - Pedestrian crossing facilities at the site entrance;
 - Refresh of zebra crossing markings at southern end of High Street;
 - Tactile paving at Park Lane;
 - Lighting and cosmetic improvements to the A1(M) underpass;
 - Raised kerb (if possible) for westbound bus stop;
 - Raised kerb (if possible) and bus cage for eastbound bus stop;
 - Improved shelter and raised kerb at Roestock Lane eastbound bus stop;
 - PK30 A414 Highways Improvements (South of St Albans) - to enhance the function of the A414 as a strategic east to west route in south central Hertfordshire through capacity and reliability upgrades; and
 - Travel Plan implementation, monitoring and review. The evaluation and support fee is £6,000 (equivalent to £1,200 per annum for five years).

8.13.6. As an indicative housing mix was not provided with the outline application, the contributions outlined above are based on a housing mix that complies with the findings of the South West Hertfordshire Local Housing Needs Assessment (2020), or the total number of dwellings proposed. As such, the final contribution amounts may differ from those outlined above if/when an application for approval of reserved matters is submitted that details the actual proposed housing mix and number of dwellings.

8.13.7. There is justification for the contribution requests provided by the relevant consultees in their responses; in summary the above contributions and other measures can be justified against the relevant tests found in the Regulations and NPPF as follows:

8.13.8. (i) Necessary to make the development acceptable in planning terms. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning

obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The National Planning Practice Guidance (NPPG) states: “*No payment of money or other consideration can be positively required when granting planning permission.*” The development plan background supports the provision of planning contributions. The provision of community facilities, mitigation of ecological impacts and promotion of sustainable modes of transport are matters that are relevant to planning. The contributions and measures sought will ensure that additional needs brought on by the development are met, and other matters suitably mitigated. To secure the affordable housing in perpetuity and to secure the provision of the biodiversity, open space and play space would be necessary to make the development acceptable, were the planning balance such that it was found that the resultant benefits would clearly outweigh the harms (in relation to the NPPF para 148 planning balance).

8.13.9. (ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The securing of the proposed affordable housing is related to the development, noting that this is what the development proposes. The on site provision of open space, and the ecological and highways and sustainable transport related mitigation is directly required as a result of the proposed development, forms part of the development proposed, and is directly related to the development. The affordable housing provision reflects the development here proposed.

8.13.10. (iii) Fairly and reasonably related in scale and kind to the development.

The requested financial contributions were calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield), using appropriate toolkits / formulae as appropriate, and are therefore considered to be fairly and reasonably related in scale and kind to the development. The measures to mitigate impacts in terms of sustainable transport improvements, other highway-related measures, provision of additional social infrastructure and ecological enhancements; are not excessive in scale and are primarily required to mitigate impacts of the development; and are considered to be fairly and reasonably related in scale and kind to the development

8.13.11. Noting the above discussion, it is considered that the contributions and other measures listed above meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), referenced in para 57 of the NPPF and the applicable Local Plan policies.

8.13.12. The applicants have advised that they would be open in-principle to enter into a s106 agreement containing planning obligations to secure the contributions / measures as set out above, and discussions regarding the draft agreement are ongoing in this regard with the relevant parties.

8.13.13. However, without such an agreement currently in place, the development is considered unacceptable in terms of its impact on social infrastructure, physical infrastructure (e.g. sustainable travel improvements), and there is no mechanism to secure the affordable housing. Additional harm is therefore identified in this regard to which significant weight is given, and this represents a reason for refusal.

8.14. Recent Planning Decisions of Relevance

8.14.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. The applicant has drawn the Councils attention to recent decisions where housing has been approved in the Green Belt within the District and these are referenced in the 'Relevant Planning History' section above. The applicant has also referred an appeal decision outside the District within North Herts (referred to as the Codicote decision in the submitted Planning Statement). Previous decisions can be material considerations and it is noted that the context for assessing housing applications in the Green Belt changed with the approval at appeal of the 'Bullens Green Lane' application (5/2020/1992) in 2021, such that applications at Land to the Rear of 112 to 156b Harpenden Road (5/2021/0423) and Orchard Drive (5/2021/2730) were subsequently recommended by officers for approval. Weight has been applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here.

8.15. Other Matters including Matters Raised by Objectors / in Consultation Responses

8.15.1. Most of the issues raised in representations have already been covered in this report. Those that have not been are set out below.

8.15.2. Flood risk sequential test: The built form of the proposed development is located entirely within Flood Zone 1 (land with a low probability of flooding), however the western part of the site along the River Colne is in Flood Zones 2 (medium probability) and 3 (high probability). The proposal includes the retention of the Colney Heath Farm Meadows Local Wildlife Site and the provision of attenuation ponds within the area of the site that is at the higher risk of flooding (Zones 2 and 3). A local resident stated that a sequential test should accompany the application as part of the site is within Flood Zone 3. The NPPF seeks to direct development away from areas at highest risk of flooding (paragraph 159) and states that the aim of the sequential test is to steer development to areas with the lowest risk of flooding from any source (paragraph 162). As the built form of the proposed development is entirely within Flood Zone 1, the submission of a sequential test with the application is not considered necessary in this instance.

8.15.3. Flooding and drainage: As noted above, the built form of the proposed development is entirely within Flood Zone 1, which is land at the lowest risk of fluvial flooding and is at very low risk from all other potential sources of flooding. The risk of surface water flooding to the site is very low, with an annual probability of flooding of less than 1:1,000. However, the proposed development would cause an increase in terms of impermeable area and the respective increase in run-off, which would need to be appropriately managed to ensure flood risk does not increase. The application is accompanied by a Flood Risk Assessment, which includes a drainage strategy. The proposed surface water drainage strategy has been designed to accommodate run-off from all rainfall events up to and including the 1 in 100-year event, with a 40% allowance for climate change. RAB Consultants have confirmed that the proposed development would be acceptable subject to the inclusion of a condition in the event of an approval. The proposed development is therefore in accordance with Policy 84 of the Local Plan 1994 and the NPPF.

8.15.4. Concerns were raised about the potential presence of an underground stream in the north of the site, as there is sometimes a pooling of water in a particular part of the site. The applicant submitted a note responding to these comments (dated 24 January 2023), which states that *“What appears to have been photographed is a low spot/minor depression in the local topography in a clay rich soil which drains very slowly.”* The Environment Agency considered the comments made and information submitted by the applicant and confirmed it did not change their previous comments (which did not make reference to an underground stream). The LLFA reviewed the note prepared by the applicant and agreed that the pooling of water is likely due to a localised depression in the ground with impermeable strata which slows drainage. The LLFA recommended that, in the event of permission being granted, a condition is required for further survey work to confirm the groundwater levels across the site, with the aim of identifying if an underground stream does exist. The applicant agreed to the following condition:

“No development shall be commenced until detailed ground investigations have been conducted across the site and submitted to the Local Planning Authority. The ground investigations should identify seasonal groundwater levels (to reflect that the initial testing was conducted in summer) and ensure areas of shallow groundwater will not compromise the development and vice versa. Where shallow groundwater is identified, appropriate measures to mitigate groundwater flood risk should be proposed to ensure the risk of groundwater flooding is not increased on or off site.”

8.15.5. Wider environmental impacts, including climate change: A number of objections reference increased carbon footprint, impact on global warming/climate change, and impacts on water, energy and food shortages. There are no directly applicable planning policies by which to refuse the proposed development in these regards and it is acknowledged that new housing is needed in the District. The proposed development is considered acceptable in terms of flood risk and drainage (subject to conditions recommended by RAB, the Environment Agency and the LLFA), whilst the proposal would deliver 10% BNG (which could be secured through a s106). The proposal includes public open space, whilst there would be play space and green infrastructure throughout the site, as shown in the Parameters Plan. In addition, and as noted earlier in this report, the proposed development would make a financial contribution towards sustainable transport improvements in the local area, with the aim of helping to transition to more sustainable modes of transport.

8.15.6. Validity of application and accuracy and suitability of submission documents: officers have reviewed the submitted documentation and are satisfied that the application is valid and that the technical documents are sufficient to enable a decision to be made.

8.15.7. Concerns were raised regarding the loss of the current equestrian use, however this is not a protected use and there are no policy grounds that would warrant refusal of the planning application on this basis.

8.16. Loss of agricultural land: A number of objections were raised on the basis that the site would result in the loss of agricultural land. As noted earlier in this report, the site is used for equestrian purposes and it understood to have been so since the stables with associated grooming and storage facilities were approved in 1997 (planning permission 5/1996/1240) and subsequently constructed. The site is therefore not in agricultural use and the proposed development would result in the loss of agricultural land.

- 8.16.1. Disruption during construction: it is acknowledged that there will inevitably be impacts during construction. However, it is considered that these can be mitigated by way of conditions where relevant.
- 8.16.2. Other conditions requested by Consultees: The conditions requested in consultation responses of Affinity Water (in relation to contamination); District Archaeologist (in relation to trail trenching and excavation); HCC Ecology (to secure the measures outlined in the Ecological Impact Assessment, including the submission of a Landscape and Ecological Management Plan); HCC Water Officer (in relation to provision and installation of fire hydrants); HCC as Waste Planning Authority (for a Site Waste Management Plan); and Thames Water (in relation to foul water capacity, development and infrastructure phasing plan and foul water network upgrades) are noted and suitably worded conditions in these regards could be added in the event of approval.

8.17. Equality and Human Rights Considerations

- 8.17.1. Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 8.17.2. When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 8.17.3. The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 8.17.4. It is considered that the consideration of this application and subsequent recommendation has had regard to this duty. The development would not conflict with St Albans City and District Council's Equality policy and would support the Council in meeting its statutory equality responsibilities.

8.18. Planning Balance

- 8.18.1. An assessment of the planning balance, in the context of paragraphs 11 and 148 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the 'Principle' section above, paragraphs 147 and 148 provide the fundamental policy test within which this application falls to be assessed; as follows:

"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."

- 8.18.2. This means that the proposed development should not be approved 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.
- 8.18.3. This balancing exercise is set out below, and is informed by the previous sections of this report above:
- Substantial weight is given to the harm caused by inappropriateness, as required in NPPF para 148.
- 8.18.4. There is additional harm identified to which, cumulatively, very substantial weight is given, due to:
- Additional harm to Green Belt spatial and visual openness and to the purposes of the Green Belt relating to sprawl, encroachment to the countryside and merging of towns. Substantial weight is given to this additional harm.
 - The introduction of built form across the existing fields would cause harm to the local landscape character and appearance, to which moderate weight is given.
 - A moderate level of less than substantial harm cumulatively across all identified heritage assets, including the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be to be given to an asset's conservation (and the more important the asset, the greater the weight should be). As such, great weight is given to this harm.
 - Insufficient information has been provided to demonstrate that that the site has suitable access to sustainable transport modes, to which additional harm is given.
- 8.18.5. The 'other considerations' weighing in favour of the development consist of:
- The provision of up to 150 homes, including 40% affordable housing and up to 9 self-build plots (10% of the market homes). Very substantial weight is attached to the delivery of market and affordable housing and substantial weight to the delivery of self-build plots.
 - Provision of public open space and children's play space. Limited weight is given to this provision.
 - The provision of 10% biodiversity net gain (through on-site and off-site provision). Limited weight is given to this provision.
- 8.18.6. Taking the above points into account, it is considered that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal set out above is not clearly outweighed by other considerations.
- 8.18.7. There is also harm identified in relation to impacts on social and physical infrastructure through lack of a s106 agreement, to which significant weight is given. The lack of a section 106 agreement is therefore a further reason for refusal. However, if Members disagreed with the officer recommendation and

considered that permission should be granted, this matter may be capable of being resolved.

- 8.18.8. Other potential impacts in relation to other planning considerations could be suitably mitigated through the use of planning conditions in the event of a grant of planning permission, such as to weigh neutrally in the planning balance, with no weight given to them either positively or negatively.

8.19. Conclusion

- 8.19.1. Each application for planning permission is unique and must be considered on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the “other considerations” set out above do not clearly outweigh the harm to the Green Belt and any other harm. In accordance with paragraph 148 of the NPPF, it follows that very special circumstances do not exist. As such, the proposed development is not in accordance with the relevant provisions of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021, and planning permission should be refused.

9. Comment on Town/Parish Council/District Councillor Concern/s

- 9.1. The strong objection of the Parish Council on grounds of inappropriate development where the harm outweighs the benefits is reflected in the officer recommendation to refuse.

10. Reasons for Refusal

The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services

provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

RECOMMENDATION: Refusal

Decision Code: R1

11. Reasons for Refusal

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

12. Informatives:

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated

under paragraphs 39-46 of the NPPF. The applicant did not engage in pre-application discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

2. This determination was based on the following drawings and information:

Site Location Plan (CSA/3925/109 Rev E), Parameters Plan (CSA/3925/120 Rev G), Proposed Access Layout (JNY11289-RPS-0100-001 Rev A), Concept Masterplan (CSA/3925/117 Rev F), Illustrative Masterplan (3925/118 Rev D), Illustrative Landscape Cross Sections (CSA/3925/123 Rev A), Photosheets (CSA/3925/121 Rev E), View from North Mymms House (CSA/3925/124), Air Quality Assessment, Arboricultural Impact Assessment, Arboricultural Survey Report, Archaeology and Heritage Assessment, Design and Access Statement, Ecological Impact Assessment, Existing Elevations and Floor Plans, Existing Features, Flood Risk Assessment, Landscape and Visual Impact Assessment, Noise Assessment, Opportunity and Constraint Plan, Planning Statement, Statement of Community Involvement, Utilities Assessment, Response to Resident Objection, dated 16 and 17 January 2023 (planning application reference 5/2022/1988) (note number TN001), Applicant Response to HCC Highways Comments (Report Reference: JNY11289-06), Letter from Stantec addressing EA, Affinity Water and Thames Water comments (dated 10 November 2022), Health Impact Assessment, Heritage Setting Addendum, Letter from CSA Environmental in response to HCC Ecology comments (dated 16 December 2022), Minerals Assessment Desk Study, Transport Assessment (dated 11 November 2022), and Framework Residential Travel Plan.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	George Burgess
Section 65 Parties	Simon Evans, Susie Evans, Brian Hummel and Marion Hummel, 42 Tollgate Road, Colney Heath, AL4 0PY Hertfordshire County Council (Highways), Pegs Lane, Hertford, SG13 8DQ
Plans on website	https://www.stalbans.gov.uk/view-and-track-planning-applications