

Statement of Common Ground.

Between St Albans City and District Council and Pegasus Group.

Pegasus Group on behalf of Vistry.

Land at Tollgate Road, Colney Heath. 21st August 2023: | Pegasus Ref: P23-0990

Author: GS

Signed:	Signed:	
	GAIL STOTEN	
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Name: Nick Collins	Name: Gail Stoten	
On behalf of: St Albans	On behalf of: Pegasus Group (acting on behalf of Vistry) Date: 21/08/23	
Date: 21/08/23		
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Document Management.

Version	Date	Author
6	21/08/23	GS

I. Introduction

1.1. This Statement of Common Ground (SoCG) is agreed between Gail Stoten (for Vistry; the Appellant) and Nick Collins (for St Albans City and District Council) following the refusal of planning permission for the:

"Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and self-build and custom housebuilding dwellings together with all ancillary works".

- 1.2. As part of the agreed Statement of Common Ground, 25th July 2023, it was agreed that there are three designated heritage assets in consideration: Grade I listed North Mymms Park House, Grade II listed Colney Heath Farmhouse and Grade II listed barn on the north side of Colney Heath Farm.
- 1.3. It was further agreed that the site falls within the setting of two identified non-designated heritage assets, the landscape at North Mymms Park and Tollgate Farmhouse.
- 1.4. At the Inspector's Case Management Conference, 2nd August 2023, it was agreed that a topic-specific SoCG on heritage would be produced. The Inspector requested that this identify:

The heritage assets affected; define their significance and the contribution of their settings to significance; establish any contribution the appeal site makes to their settings, and thereby significance; assess the degree of harm to each asset within the spectrum of less than substantial harm that would result from the proposed development, taking into account any mitigation measures proposed; and explain the differences between the parties on the degree of harm.

- 1.5. This Statement of Common Ground provides the topic-specific detail requested by the Inspector.
- 1.6. Where a table box in the LPA's case is left blank in the tables below it indicates agreement with the Appellant.

2. Areas of Agreement and Dispute – General

Areas of Agreement

- 2.1. Following discussions between the parties, significant common ground has been agreed, comprising agreement that:
 - With regards to North Mymms Park Grade I Listed House, the Grade II Listed Colney Heath Farmhouse and Grade II Listed Barn less than substantial harm would be caused which would be within the lowermost end of the spectrum.
 - With regards to North Mymms Parkland non-designated heritage asset, the harm would be very minor.
 - With regards to Tollgate Farm, it is agreed that this holds minimal heritage significance, at most.
 - The harm to the heritage significance of Tollgate Farm would be minimal.
 - The significance of no other heritage assets would be harmed by the proposed development.



Areas of Dispute

2.2. No significant areas of disagreement remain.

3. Areas of Agreement and Dispute – Detail

COLNEY HEATH FARMHOUSE AND BARN

	Background	Significance including contribution of setting	Any contribution of the Appeal Site	Degree o mitigatio
Appellant's Case	The Grade II Listed Colney Heath Farmhouse and Attached Barn, and associated Grade II Listed Barn on North Side of Farmyard at Colney Heath Farm (hereafter 'Colney Heath Farmhouse' and 'barn' are located c.180m north of the site. The two Listed Buildings were added to the National List on 27 th September 1984 (NHLE refs. 1103019 and 1103020). The Background, Historical Development, and Current Uses and Views are set out at Appendix 1, together with relevant plates.	 As Grade II Listed buildings, the assets are designated heritage assets of less than the highest level of significance, as defined by the NPPF. Their significance is principally derived from the architectural and historic illustrative interests of their physical form. Setting does make a contribution to the heritage significance of the assets, but to a lesser degree. Those elements of setting which principally make a contribution to the significance of the assets are: The remainder of the historic buildings of the complex (i.e., each other). The extended curtilage areas, including the former farmyard and domestic curtilages, from where they are best experienced and understood, albeit each is altered from its historic extent or character. The former outbuilding to the east, which now appears to be part of a separate complex. The historic landholding, particularly that immediately adjacent to the assets and across which there are views to the asset, such as from the public footpath to the south. 	The site is mainly in equestrian use with stables and a menage on the north-western boundary and paddocks to the south-east. The earliest available source shows the site was not associated with the farm complex. Part of the site was later recorded as associated with the farm in 1844. This association has now been severed. The site lies beyond the key areas of adjacent pasture most visible from the assets and most- co-visible with them, and beyond the area of pasture across which are views to the assets from the public footpath to the south. As an area of land that was associated with the farm complex for part of its history, which lies beyond the key areas of adjacent pasture, it is considered to make a very minor contribution to the heritage significance of the assets through setting, through historic illustrative value.	Residentia the site, re- illustrative visible and lying beyo open char Following of the set to the sign the compl pasture w to be less of the spe
LPA Case				The prop- wider agri farmhouse developm adjacent fi significance However, be less the the spectr



e of harm taking into account ation

ntial development will change the character of e, removing the very small amount of historic tive value it holds. The development will be and distantly co-visible with the assets, but eyond intervening land which will retain an haracter.

ing the development of the site, the elements setting which make the principal contribution significance, comprising the other buildings of mplex, curtilages, settlement and key areas of e will remain. As such, the harm is considered ess than substantial and at the lowermost end spectrum.

oposed development would diminish the agricultural character of the setting of the buse and its associated barn. The pment would also alter the character of the nt field and how it contributes to the ance of Colney Heath Farm.

ver, it is agreed that the harm is considered to than substantial and at the lowermost end of ectrum.

NORTH MYMMS PARK

	Background	Significance including contribution of setting	Any contribution of the Appeal Site
Appellant Case	The Grade I Listed North Mymms Park with adjoining garden Walls and Ha Ha is located c. 1.4km to the south of the Site. The building was added to the National List on 6 th February 1952. The house is an impressive Jacobean brick building, built in the 16th century with later additions and alterations. North Mymms Park house lies within the non- designated North Mymms Park. This originated as a deer park and later evolved to comprise ornamental landscape parkland surrounding the house and also the church of St Mary. More formal gardens, including late 19th-century rose gardens and a parterre lie close to the house. The house was once the principal residence of a wider estate. The background, historical development and current uses and views, and plates are set out in Appendix 2.	 As a Grade I Listed building. North Mymms Park is a designated heritage asset of the highest value, as defined by the NPPF. Its significance is largely derived from its architectural, artistic and historic interest as a late I 6th-century house with additions and alterations. Its significance is primarily derived from its physical form, with setting also contributing but to a lesser degree. Those elements of its setting which make the principal contribution to its significance comprise: The parkland, which appears to have evolved from deer park to ornamental parkland in the 18th century, with 19th-century enhancements such as the short-lived lake. Parkland structures designed to enhance the status of the house, which are largely 19th-century in date, such as the entrance gates. Other associated features within the parkland area, such as the stables and ice house. The church, cottage and vicarage which were subsumed in the parkland, which have historic illustrative value as to the evolution of the complex. With regards to wider land, no designed views outwards have been identified. There may once have been views to the north-west along the valley of the Colne to a lake and island, but these appear to have had a backdrop of plantation, rather than 'borrowing' views of the landscape beyond. Earlier views in this direction were to a road, defined to the north by a line of vegetation, and later views in this direction were clearly enclosed by trees. These have through setting. With regards to the parkland, this is non-designated but clearly of some heritage significances. The setting of the asset is as described for the wider surrounds of the house. No designed views or considered to make a minimal contribution to the heritage of significances. 	The pasture land of the site is not itself readily visible from North Mymms House or the parkland, nor do there appear to have been designed views to this area historically. In views from the upper rooms of the house facing north towards the site, the eastern extent of the site lies beyond plantation at the northern extent of the park, and beyond intervening agricultural land. The remainder of the site is screened by intervening lines of vegetation in the intervening agricultural landscape. Whilst the site was once part of the wider estate in the earlier 19th century, this former link had been severed by 1844 and is in no way legible in the landscape today. The site lies between North Mymms House and Colney Heath, but the ground plain is not visible in views from the house, and any contribution to separation is minimal. The site is considered to make a very minor contribution to the heritage significance of the Grade I Listed House and unregistered park and garden through setting.
LPA Case			



Degree of harm taking into account mitigation

The visibility of the proposed development has been carefully analysed through the creation of photomontages, refinement of the scheme to reduce visibility and remodelling of the montages.

The anticipated visibility of the proposed scheme from the house can only be described as minimal on point of construction and in an area which has an existing backdrop of built form (see photomontages), and from limited parts of the house only.

This minimal initial visibility appears only to be the result of incidental tree loss around the boundaries, and there do not appear to have been designed views in this direction historically.

At Year 15, the development will be screened by vegetation, and the visual impact will be resolved.

Some minor reduction is separation between the house and parkland and existing settlement will occur, but this will be little perceived from the house and parkland.

Overall, the impact to the Grade I Listed house is considered to be less than substantial and at the lowermost end of the spectrum. The impact to the heritage significance of the parkland is considered to be very minor.

Whilst concurring with the assessment above, it is believed that there is the potential for an 'urbanising effect' from the proposed development: the light spill,



change of character and the changes of land use to a suburban residential development would all have an urbanising effect which would potentially have a small adverse impact on the appreciation of the significance of the North Mymms Estate and parkland and its historic connection to its agricultural estate.

The trees that screen views of the proposed development are largely outside the control of the appellant and, whilst unlikely that a large extent of these trees would be felled there is nothing to prevent it.

However, the overall conclusion on impact is agreed: that the impact to the Grade I Listed house is considered to be less than substantial and at the lowermost end of the spectrum. The impact to the heritage significance of the parkland is considered to be very minor.

Tollgate Farm

	Background	Significance including contribution of setting	Any contribution of the Appeal Site	Degree of harm taking into account mitigation
Appellant Case	 Tollgate Farm is located c.200m to the east of the Site. It is recorded on the HER although I do not consider that this necessarily engenders a level of significance to the asset. Whilst recorded on early and mid 19th-century map sources, the farm buildings within the complex appear undistinguished and the farmhouse appears rebuilt in the 20th century. Background mapping and a plate is included at Appendix 3. 	 Taking a precautionary approach, the complex is here considered to be a non-designated heritage asset of minimal value within that range. If it were an asset, its significance would largely be within any architectural interest held within any historic fabric of the outbuildings, although this is not readily legible. If the complex were to be considered a heritage asset, the elements of its setting which make the greatest contribution to its significance would comprise those areas of adjacent farmland which had consistently remained within its landholding, and associated farm buildings, as well as Tollgate Road 	The site is largely screened from the oldest core of the complex by modern silos and farm buildings, as well as intervening vegetation. Any association is no longer legible. Any contribution of the site to heritage significance would be very minor.	The proposed development would result in very minor harm, at most.
LPA Case		 Tollgate Farm is located to the south east of the Site – its presence recognised on historic maps. However, from a visual inspection there does not appear to be any structures remaining of a historic or architecturally special nature and therefore any significance is primarily historic. Its setting is broadly agricultural – either agricultural structures or land, although, as with Colney Heath Farm, Colney Heath has evolved to the north during the 20th century. It is, nevertheless, agreed that Tollgate Farm is a non-designated heritage asset of minimal value. 	The site forms a small part of the farm's broader historic agricultural setting however it is agreed that any contribution to its heritage significance would be very minor.	It is agreed that the proposed development would result in very minor harm, at most.



4. Appendix I: Colney Heath Farmhouse and Barn

Background

4.1. The Grade II Listed Colney Heath Farmhouse and Attached Barn, and associated Grade II Listed Barn on North Side of Farmyard at Colney Heath Farm (hereafter 'Colney Heath Farmhouse' and 'barn' are located c.180m north of the site. The two Listed Buildings were added to the National List on 27th September 1984 (NHLE refs. 1103019 and 1103020). The List Entries are as follows:

"Farmhouse with adjoining contemporary barn. Date plaque: 1695. Timber frame. Roughcast walling. Plain tile roof in continuous long ridge, joining barn on left end. 2 storeys. 3 original casements to right half of elevation. Large external chimney stack to right gable end with heavy square base and 2 joined shafts. The right 2 casements are each 3-light with metal frames and square leading. 1-light 1st floor casement on left, probably to a stair. Beneath this a replacement casement. This and the right ground floor casements have C19 stuccoed hood moulds. Door between is half glazed with moulded frame and similar hood. Left half of elevation is blank except for C19 door in C17 wood frame. Barn on left is 2 bays at right angles, gable end projecting to rear. Weatherboarded side and back walls. Timber frame with clasped purlin roof. Mid-C19 wing on rear right with canted window bay."

"Barn. Late C18. Red brick. Plain tile roof. Long single storey range on slightly canted plan. Dentilled brick eaves. Parapeted W gable end. Farmyard side with C20 lower part. Included for group value."

4.2. As such, the farmhouse is considered to be a timber framed, late-17^{th-}century building, with later alterations. The detached barn is late 18th-century, also with later alterations.



Plate 1 Colney Heath Farmhouse, looking south-east from Coursers Road



Plate 2 The Grade II Listed Barn, looking south-west from Coursers Road



Historical Development

4.3. An Estate Map for North Mimms of 1819 indicates that the farm complex was part of that estate at that time, although probably part of a separate tenancy, rather than being held in hand as it was being auctioned as part of a separate lot.



Plate 3 Extract from the North Mimms Estate Map of 1819 – Approximate site outline in red. The extent of the Lots offered for sale are shown edged in yellow, blue and green on the historic mapping.

4.4. By the time of the survey of the North Mimms Tithe Map of 1844, the farm complex was under separate ownership to North Mymms, being part of a tenancy with a slightly dispersed landholding, as shown on Plate 4.



Plate 4 Approximate tenancy associated with the farm in 1844 highlighted in yellow, approximate site area edged red

4.5. The farm complex at this time comprised the farmhouse, which was possibly divided into two residences at this time, and associated outbuildings (Plate 5).





Plate 5 Detail from the North Mimms Tithe Map of 1844

4.6. The Ordnance Survey map of 1898 shows that the building which is now the farmhouse appears then to have still be divided in two (Plate 6), perhaps with a domestic element and other uses. The gap between the two outbuildings had been filled with further built form, enclosing the probable farmyard area.



Plate 6 Extract from the Ordnance Survey map of 1898



- 4.7. The late 19th-century mapping also illustrates the location of the farm complex as part of the settlement of Colney Heath, with built form clustering around the road junction to the north, where a smithy, public house and residences were present.
- 4.8. Mapping of 1939 shows the addition of an outbuilding to the east of the complex, as well as the expansion of the settlement in the wider area (Plate 7).



Plate 7 Extract from the Ordnance Survey map of 1937

4.9. Today, the farmhouse appears to be part of a residential and possible business complex, with a further residential and business complex immediately to the east, focussed on the mid-20th-century outbuilding and having a separate access from Tollgate Lane (Plate 8).



Plate 8 Extract from an aerial photograph of 2022



Current uses, surrounds and views

- 4.10. The farmhouse has an extended curtilage in comparison to that which it had historically, which includes a swimming pool, driveway and garden area. To the north-east, between the garden and the other complex, the barns and an area of hard standing have a commercial appearance, with several apparently commercial vehicles present in all recent aerial photographs and dormer windows in the barn.
- 4.11. The house will have views onto its front garden which is defined by a strong hedge, and oblique views north-west to the river corridor and common. To the south-west lies a probably associated paddock. To the north-east, there will be views to the barns, commercial complex, and settlement of Colney Heath beyond.
- 4.12. Views south-east are to an area of wider pasture and reciprocal views are possible from the footpath to the south, across intervening paddock (Plate 9).



Plate 9 Looking north to Colney Heath Farmhouse from the public footpath to the south



4.13. Views south-west from the house are to a paddock. This paddock is clearly co-visible with the farmhouse and barn in views from Coursers Road, and the open land further to the south more distantly visible (Plate 10).



Plate 10 Looking south-east from Coursers Road.

5. Appendix 3: North Mymms Park

<u>Background</u>

5.1. The Grade I Listed North Mymms Park with adjoining garden Walls and Ha Ha is located c.
1.4km to the south of the Site. The building was added to the National List on 6th February 1952. The List Entry describes the building as follows:

"Country House. Built for Henry or Sir Ralph Coningsby about 1600, probably before 1596. Altered on courtyard side in 1846–7 by E Blore, and extended on same side in 1893– 4 by Sir Ernest George and Yates. H plan with long courtyard arms. Red brick with burnt header diaper patterning. Stone dressings. Plain tile roofs. 2 storeys and attics. 7window entrance front has gabled projecting ends and flat-parapeted porch bay, all projections with flush stone quoins. 4 and 5 light windows with 2 transoms. Restored fluted Doric columns to porch; triglyph frieze and foliate spandrels. Restored cement parapet to whole front. NE and SW elevations are each 5 windows and have 3-light mullioned and transomed windows. The NE side has a central C17 style stone Doric doorcase with fluted columns, bracketed cornice and scrolled overthrow; probably late C19. This side has 3 gabled attic dormers retaining original stone mullioned windows. SW elevation has 2 similar dormers. SE courtyard elevation is mainly 1846-7 restored brickwork and shows tall red brick stacks with Tudor style square and polygonal shafts, those of NE side with C17 bases. Main elevation has projecting outer gable ends and large central gabled oriel window, mullioned and transomed in 25 lights. Stair window to right. The side wings were built forward with corridors but show single gabled attic dormers of original build each side. The wings terminate in square angle blocks incorporating 3storey stair turrets with copper ogee domes. Each wing has gable ends on SE elevations. The windows throughout the house are diamond leaded casements.

Large extension to SE wing of 1893-4 is 1-2 storeys. Its most important feature is a loggia with 3 arched lights. Barrel- vaulted interior with mosaic patterning. Richly carved marble frieze and arcade of Corinthian pilasters. Shallow niches. Elaborate bronze door on SE. It joins with SE courtyard walls, corner gazebos and gates. Red brick with stone banding. The gazebos have stone square domes with cupids at angles and paired lonic pilasters at the corners. Wrought iron double gates with wrought iron railings. These connect at SE corner with a C18 garden wall which runs for about 130 metres on the NW side of the path to the church. It has at its centre a wrought iron gate in an arched opening. It joins with a semi circular 'ha ha' with red brick walling of the same date, and this connects on the SE side of the main entrance road with a C17 stretch of wall, joining near the house with the front garden walls which appear to date c.1846. They form two terraced gardens and have richly detailed wrought iron gates near the house. On the SW side of the house are three walled gardens of the C18 and C19, containing rose beds laid out by William Robinson in the late C19.

The interior of the house is mainly c.1893 in Elizabethan revival style. The entrance hall has a large French chimneypiece of 1515 with rich guilloche and fluted decoration. The SW ground floor room retains complete original panelling and chimneypiece, the latter with an inserted crest dated 1655, its surround in stone and the overmantel in two tiers of three ornamental panels. Rear central room has Jacobean style minstrels' gallery and newel staircase, and the upper front room a chimneypiece with Elizabethan fireback. (Country Life, Jan. 1934; Pevsner (1977); RCHM Typescript)."



5.2. North Mymms Park house lies within the non-designated North Mymms Park. This originated as a deer park and later evolved to comprise ornamental landscape parkland surrounding the house and also the church of St Mary. More formal gardens, including late 19th-century rose gardens and a parterre lie close to the house.



Plate 11 Extent of North Mymms Park in purple, site edged red

- 5.3. Aside from the Grade I Listed principal residence and the Grade II* Listed church (and associated Grade II Listed monuments), notable buildings within the park comprise:
 - The 18th-century ice house (Grade II);
 - The late 19th-century main gates and octagonal lodge (Grade II);
 - The late 19th-century bridge at the main gates (Grade II);
 - Late 19th-century gate and screen at churchyard entrance (Grade II);
 - Church Cottage and Old Vicarage close to the church (each Grade II); and
 - Late 19th-century Stable block (Grade II Listed).

Historical Development

5.4. The deerpark appears to have evolved to become more ornamental parkland by the 18th century, as evidenced on the Drury and Andrews Map of 1766. This appears to show scattered trees within and area of the valley north-west of the house, defined to the east and west by probable tree belts. This area was defined by a now-removed road to the north, apparently flanked to the north by a hedge or line of trees.



Plate 12 Extract from Drury and Andrews map of 1766 (approximate site outline in red, park outline in purple)

5.5. The Estate plan of 1819 shows the parkland, with the northern boundary partly enclosed by plantation (Plate 13).





Plate 13 1819 North Mymms Estate map (approximate site outline in red, park outline in purple)

- 5.6. The layout of the parkland appears more landscape in tradition that picturesque, with long views to the perimeter rather than an arrangement drawing the eye variously to foreground middle ground and distant views, which would tally with a mid 18th-century layout, or simply a piecemeal evolution from deerpark.
- 5.7. The Tithe Map of 1844 shows the establishment of a sinuous watercourse through the parkland with a lake excavated in the north-western extent of the parkland (Plate 14).





Plate 14 Extract from the 1844 Tithe Map (approximate site area edged red, park outlined in purple)

- 5.8. Whilst the lake and island may possibly have been distantly visible from the house, they had a backdrop of plantation as indicated by the Tithe Map recorded landuses (Plate 14, green arrows). The northern edge of the parkland was further enclosed by plantation to the east of the lake (Plate 14, orange arrow). Views north from the north-western area of the park may have been possible for a short distance, but these would have been curtailed by a large area of plantation beyond one field only (Plate 14, blue arrow). The approximate site location is shown by the red outline.
- 5.9. A similar situation is depicted on the late 19th-century Ordnance Survey mapping (Plate 15), although the lake had silted up and its area was described as 'osier beds', but these are likely to have been enclosed by the plantations described on the tithe map. As such, the parkland was clearly visually enclosed to the north at this time.





Plate 15 Extracts from the late 19th-century Ordnance Survey map, approximate site area edged red, park edged purple

5.10. Today, the perimeter planting belts have thinned, most likely due to incidental loss of trees rather than intentional opening up of views, as this has opened up views from the main house to housing at Tollgate Lane, Colney Heath.



Plate 16 View looking north-east from South Mymms Park house, housing at Tollgate Lane shown with red arrow.

5.11. The estate extended beyond the parkland, with several agricultural tenancies recorded as for sale separately to the house and grounds in 1819 (See Plate 13, above). The estate appears to have reduced following the sale, by 1844.

Current uses, surrounds and views

- 5.12. North Mymms Park House is currently used as a wedding venue and filming location. Its immediate surrounds comprise its parkland, much of which still lies in common ownership with the house and used for ancillary purposes. Its wider surrounds (and the surrounds of the parkland) comprise agricultural land, woodland, The A1(M) and settlements such as Colney Heath. The principal approach to the parkland and house historically and today is via the main entrance off Tollgate Lane, to the east.
- 5.13. Views out from the house are largely focussed on the parkland, but some views to Colney Heath are possible, as discussed above. Such views are due to the loss of trees and no designed views out have been identified.
- 5.14. Views include those from north-west facing windows, and the terrace/garden on the north side of the house. From the central bay of the first floor long gallery, 100 Tollgate Road is visible through a gap in planting at the north-eastern park boundary, along with other properties at Tollgate Road. The rooftops of existing properties to the north-west of 100 Tollgate Road are also visible, beyond the site, although not prominent due to the distance and intervening trees.



6. Appendix 4: Tollgate Farm



Plate 17 Looking west to Tollgate Farmhouse from Tollgate Road

- 6.1. The surrounds of the asset comprise adjacent farmland, the settlement of Colney Heath and Tollgate Road.
- 6.2. Historic mapping of the early 19thcentury appears to show the landholding associated with the complex at this time, that formed 'Lot 2' in the sale of North Mymms Estate lands.





Plate 18 Extract from the 1819 estate plan (approximate site area edged red)

6.3. The Tithe Map of 1844 shows that the associated landholding was smaller.



Plate 19 Looking south-east from the site towards Tollgate Farm



Town & Country Planning Act 1990 (as amended) Planning and Compulsory Purchase Act 2004

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