

Land at rear of 42-100 Tollgate Road &  
42 Tollgate Road, Colney Heath, St Albans  
AL4 0PY

Proof of Evidence  
Nick Collins BSc (Hons) MSc MRICS IHBC

August 2023

PORTICO  
HERITAGE

## **Introduction**

- 1 I am Nick Collins BSc (Hons) MSc MRICS. I hold an honours degree in Land Management, I am a member of the Royal Institution of Chartered Surveyors. I also have a Masters (with distinction) in Historic Conservation and am a full member of the Institute of Historic Building Conservation.
- 2 I am a consultant providing advice and guidance on all aspects of the historic built environment. I have undertaken this work since July 2014. Prior to this I was a Project Director in the heritage team at Alan Baxter Associates.
- 3 Between 2004 and 2012 I was an Inspector of Historic Buildings & Areas in the London Region of English Heritage (now Historic England) dealing with a range of projects involving listed buildings and conservation areas in London. Prior to this, I was Conservation Officer with the London Borough of Bromley. I began my professional career at Jones Lang LaSalle as a Chartered Surveyor.
- 4 I was appointed by St Albans & District Council in respect of this Appeal in June 2023. I have visited and inspected the appeal scheme site and its surroundings. I have carefully assessed the appeal scheme and the reasons for refusal.
- 5 The evidence that I have personally prepared and provide for this appeal on behalf of the Local Planning Authority is my professional opinion and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

## **Approach to the Assessment**

- 6 In undertaking this assessment, I have consulted, in particular:
  - The Appellants Archaeology & Heritage Assessment (June 2022) CD 4.5
  - Design & Access Statement (June 2022) CD4.6
  - Landscape & Visual Impact Assessment & Green Belt Assessment (June 2022) CD 4.10
  - Plans/Masterplans & Proposed Access & Layout Plans (CD 4.17; 4.18; 4.19; 4.20; 4.22; 4.23; 4.24)
- 7 Additional/Amended Documents Submitted After Validation, including, in particular:
  - Heritage Setting Addendum (December 2022) CD5.4
  - Plans/Masterplan/Parameter Plans (CD 5.14-21 & 5.26)
  - Photosheets (CD 5.22-25)
  - View from North Mymms House (CD5.27)
- 8 I have also consulted the Local Planning Authority's Committee Report (CD 6.1) and Decision Notice (CD6.2).

- 9 The National Planning Policy Framework in relation to heritage matters (CD 1.1).
- 10 Planning Practice Guidance, in relations to heritage matters (CD 1.2)
- 11 Historic Environment Good Practice Advice in Planning Notes 2: Managing Significance in Decision Taking in the Historic Environment (CD11.1) ; Historic Environment Good Practice Advice in Planning Notes 3: The Setting of Heritage Assets, 2<sup>nd</sup> Ed, (CD11.2)

Assessing heritage significance and setting: concepts and terminology

- 12 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
- 13 Section 66(1) of the Act says that 'in considering whether to grant planning permission or development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses'.
- 14 Listed buildings are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF). Locally listed buildings or structures identified on the Historic Environment Record can be considered as 'non-designated heritage assets'.
- 15 'Significance' is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England "Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently – as 'the sum of its architectural, historical, artistic or archaeological interest'.
- 16 'Conservation Principles, Policies, and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.
- 17 The setting of a heritage asset is defined in the NPPF as:  
  
'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.<sup>1</sup>

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<sup>1</sup> <http://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

## **The Proposals & Reason for Refusal**

18 The Appeal Scheme is for *“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”*.

19 The Reasons for Refusal identify that:

20 *“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.”*

### *Local Planning Authority*

21 The Council’s Committee Report (CD6.1) assesses the impact of the proposals on heritage. It makes the following conclusions in respect of the agreed heritage assets:

22 *“...it is felt that that the proposed development would cause a moderate degree of less than substantial harm to the Grade I listed North Mymms Park house (8.1.17); 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 (8.11.23); less than substantial harm, on the lower end of the spectrum, to the non-designated Tollgate Farm and non-registered park and garden” (8.11.33).*

23 and makes the following final conclusion (8.11.34):

24 *“...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.”*

25 It goes on say (8.11.35) that, in accordance with paragraph 202 of the NPPF, this harm must be balanced against the public benefits of the development and concludes *“overall, it is considered that the public benefits of the proposed development would outweigh the harm to the heritage assets.”*

## **The position of other parties regarding heritage effects**

### *Welwyn Hatfield Borough Council Historic Environment*

26 The consultation response concludes that the impact on the setting of North Mymms Park would be less than substantial at the low end of the scale and that the harm to North Mymms Parkland and Tollgate Farm would be low on the scale.

### *Historic England*

27 In considering the final iteration of the scheme, Historic England concluded that the harm to the setting of North Mymms Park would be a moderate degree of less than substantial harm.

### *The Gardens Trust – Hertfordshire Gardens Trust*

28 The Trust considered that views from North Mymms Park mansion has views across the parkland to the northern boundary which would be harmed by the proposed development and that no adequate justification for that harm is included as part of the proposals.

### **Assessment**

29 Following the Inspector's Case Management Conference, 2<sup>nd</sup> August 2023, it was agreed that a topic-specific Statement of Common Ground on heritage would be produced (CD 8.2).

30 This has identified no substantive areas of disagreement between myself, representing the Local Planning Authority and the Appellant with regards heritage, including the relevant heritage assets affected.

31 The Inspector requested that the Heritage Statement of Common Ground identifies:

*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.*

32 In order to hopefully assist the Inspector, the agreed Heritage Statement of Common Ground and Appendices forms the basis of not just the areas of agreement, but the approach to assessing the heritage impact of the Appeal scheme.

### *Relevant Heritage Assets*

33 There are three designated heritage assets in the vicinity in which it is agreed that the Appeal Site forms part of their setting. These designated heritage assets are:

- North Mymms Park House – Grade I
- Colney Heath Farmhouse – Grade II
- Barn on the north side of Colney Heath Farm – Grade II

34 The appeal site also falls within the setting of two non-designated heritage assets:

- Tollgate Farmhouse
- Landscape at North Mymms Park

35 The history, evolution and use of these assets as relevant to this Appeal is identified in detail in Appendices 1-3 of the Heritage Statement of Common Ground.

### *Assessment of Impact*

36 The Assessment of Impact considers:

- The significance of the heritage assets, including the contribution made by their setting;
- Any contribution made by the Appeal site to identified significance
- Degree of any harm caused to that significance (taking into account mitigation)

37 This assessment is undertaken in detail in the Heritage Statement of Common Ground.

### **Conclusions**

38 I have visited and inspected the appeal scheme site and its surroundings. I have carefully assessed the appeal scheme. This includes the position taken by other parties as well as the appellant.

39 At the request of the Inspector, and in conjunction with the Appellant I have agreed a detailed Heritage Statement of Common Ground which also provides a detailed assessment of the impact of the proposals on heritage assets.

40 In agreeing the conclusions of that assessment, I am clear that in each case an element of harm is caused.

41 However, through the course of the evolution of the proposals the level of potential harm has been reduced through amendment and mitigation to the extent that I believe that the level of harm caused is at the lowermost end of spectrum with regards the designated heritage assets and of a very minor level with regards the non-designated heritage assets.

