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Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath

CD 9.11

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22 Aug 2023	1	Issue to Planning Inspectorate

GREEN BELT, LANDSCAPE CHARACTER AND VISUAL IMPACT Proof of Evidence

by

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Colney Heath Parish Councillor

For Colney Heath Parish Council Rule 6 Party

Planning Inquiry

PINS Ref : APP/B1930/W/23/3323099

LPA REF: 5/2022/1988

Summary

The appeal site has been assessed as having both an open character and an open character was determined to make an important contribution to the openness of the Green Belt and should be retained as such.

The appeal site has existing restrictions which would not make effective use of Green Belt land.

We do not agree that the fields on the site are previously developed land.

The proposed development would have a negative visual impact on the character of its setting.

The buildings and partial masking by trees would have a significant negative impact on both spatial and visual openness.

In Tier 6 out of 7 in the settlement hierarchy the village the village would not be allocated in a Local Plan.

Colney Heath village is not a sustainable location for housing development of this scale.

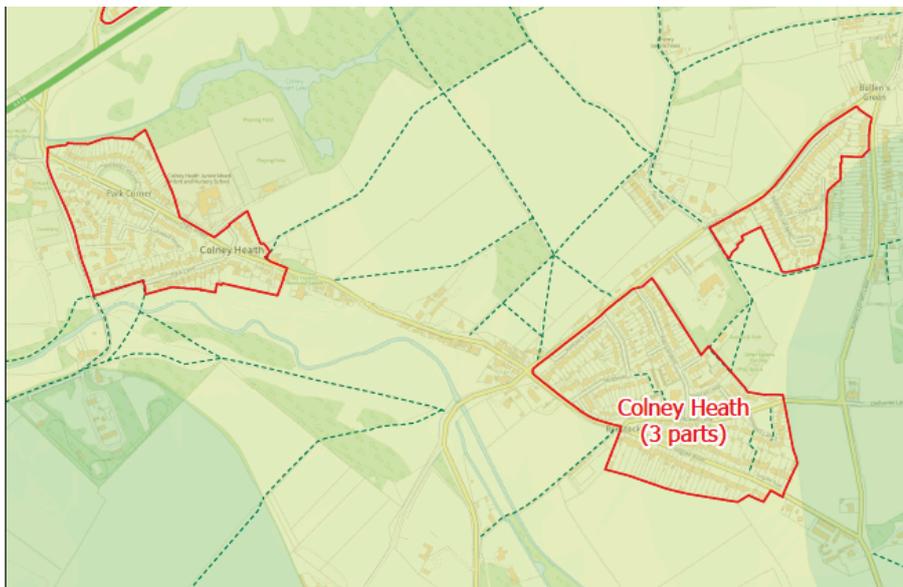
We consider it significant that St Albans District Council's regulation 18 draft Local Plan does not allocate any sites in Colney Heath village, and the allocated sites in Green Belt areas are within walking distances of public transport routes with potentially adequate services.

1 Green Belt

- 1.1 The appeal site entirely within the designated Metropolitan Green Belt. The entire development area is outside the Colney Heath settlement envelope and poorly relates to the existing settlement.
The proposal is not limited infilling in the village and is not previously developed land.
- 1.2 The proposal does not fall within the other exceptions listed in NPPF paragraph 149 so is by definition inappropriate development which is, also by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 1.3 The proposal is a significant intrusion of the built environment into the countryside so is contrary to the purpose of the Green Belt as defined in NPPF paragraph 138 c) namely to assist in safeguarding the countryside

from encroachment.

- 1.4 The nature and duration of the proposed development will effectively and irreversibly contradict the essential characteristics of the Green Belt, namely openness and permanence.
- 1.5 The Green Belt assessment by SKM dated 2013 covering St Albans, Dacorum and Welwyn Hatfield Councils categorized settlements in three tiers and assessed the land parcel extending beyond Colney Heath village concluding that the parcel made
 - a. a significant contribution to safeguarding the countryside and maintaining the existing settlement pattern and
 - b. a partial contribution to preventing neighboring towns from merging and preserving the setting and special character of historic towns
- 1.6 The June 2023 Green Belt review by Arup CD 3.6 Green Belt Review, Washed over villages study Annex Report June 2023 considers a much more closely defined area i.e. Colney Heath village, and then within the village Arup considers the three separate nucleated clusters that form the village, illustrated below.



- 1.7 In the St Albans Final Green Belt Review report CD 3.4 paragraph 6.2 Colney Heath was assessed as having both an open character and was determined to make an important contribution to the openness of the Green Belt and therefore should be retained as washed over.

This is the case as proposed in the Regulation 18 draft Local Plan.

2 Effective use of land

- 2.1 Any development of land in the Green Belt is harmful to one or more purposes of the Green Belt and thereby inappropriate. The appeal site has existing restrictions which would result in poor use of Green Belt land.
- a. Flood plain level 3 on the lower southwest sector which is undevelopable due to the flood risk.
 - b. Intermediate zone above the level 3 flood plain which has a risk of causing environmental harm to the internationally rare chalk stream by flooding or pollution. (see CHPC doc 5)
 - c. The area prone to flooding to rear of the houses in Tollgate Road will restrict development and possibly access. No detailed assessment has been undertaken by the applicant in this area despite this area having been recorded as flooding on Environment Agency (EA) surface flood risk map. The use of further site investigation by way of a condition will not resolve the issue of effective use of land if the appeal is granted. (see CHPC doc 5 and CHPC doc 5a)
 - d. The need for significant screening for the listed buildings in the proximity of the site resulting in loss of land.
- 2.2 Of the 7.82ha site area, the flooding risk and the need for screening to potentially alleviate visual impact, results in only 3.93ha (50%) of the site is occupied by housing and associated access, with a resulting density of 19.2 dwellings per hectare.

The appellants Parameter Plan CD 4.22 does not include a zone for screening the proposed housing area along the boundary to numbers 44-100 Tollgate Road. If provided as a condition to reduce the visual impact on existing houses, this would further reduce the area for development by c0.5ha.

- 2.3 Any development on the application would be contrary to the NPPF paras 119 and 124.

NPPF

119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Achieving appropriate densities

124. Planning policies and decisions should support development that makes

efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

125. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*



Appellant’s Concept Masterplan CD4.17 indicating the development in the area identified as being prone to surface water flooding.

3 Previously developed land

3.1 Only the dwelling house at 42 Tollgate Road and stables constitute previously developed land.

Evidence included in our document Previously Developed Land CD 9.12 shows that either the site was in use for arable agricultural use. More recently the remainder of the site is used for grazing horses, and any riding or equestrian related equipment has been only temporary in nature.

3.2 Planning permission is required for a manège (outdoor equine exercise area). We have not found any record of a planning application for the manège. As set out in Previously Developed Land CD 9.12 this was built in 2018 so has not been there for 10 years to enable a Certificate of Lawful Development.

3.3 We therefore do not agree with the Statement of Common Ground CD 8.5 paragraph 6.12 which states “It is also agreed that the remainder of the Appeal Site is in lawful equestrian use” if this means it is previously developed land.

4 Openness

- 4.1 The site is bounded on one side only by housing at numbers 42 to 100 Tollgate Road with deep rear gardens. The site is open to the countryside on three sides amounting to c63% of the perimeter. Spatially it is neither enclosed nor contained.
- 4.2 The development will have visual impact on the experience of openness of the Green Belt.
- 4.3 The June 2023 Green Belt review by Arup (Green Belt Review, Washed over villages study Annex Report June 2023 CD 3.5) states that specific to the application site,
- a. Regarding key views, views from the boundary of the site along 42-100 Tollgate Road have very strong connections to the wider landscape with open arable fields and wooded blocks in the background as there is a visually permeable boundary with no adjacent development along Tollgate Road, and
 - b. Regarding settlement edge characteristics and setting, this boundary has a mixture of various garden fences and hedges which allow a moderate visual permeability and some areas with simple, very visually permeable fences allow a strong relationship with the wider landscape.
- and concludes that the open character of the village makes an important contribution to the openness of the Green Belt.
- 4.4 We consider it significant that the draft Local Plan does not allocate any sites in Colney Heath village.

5 Landscape Character and Appearance

- 5.1 The proposed development would have a negative visual impact on the character of the Colne valley, Colney Heath village and its setting, together with heritage buildings and park land in the area.
- 5.2 The character of Colney Heath village is formed by three separate clusters each surrounded by open spaces – farmlands and green fields with woods.



5.3 The character of the open spaces along the Colne River include the Common and the appeal site which is effectively an extension of the Common.

5.4 Colney Heath is an open area of common with both deciduous woodland and acidic/neutral grassland. Species include hawthorn, gorse, bracken, and oak, with alders lining the river Colne.

Adjacent to the appeal site is Fredericks Wood having a mixture of deciduous woodlands along the boundary.

5.5 The character of the contextual landscape for the appeal site is open spaces with deciduous woods with native species.

5 Visual impact

5.1 The photomontages provided by the applicant clearly show the significant reduction in the spatial and visual openness from the selected viewpoints photos 7, 13 and 16, in effect closing off the open space across the site between Tollgate Road and the River Colne.

The imagined planting partially screening the buildings 15 years after construction would provide intermittent, palliative masking when trees were in leaf for part of the year. The buildings and partial masking by trees would have a significant negative impact on both spatial and visual openness.

- 5.2 View from the footpath on the north west boundary – unlikely to be masked by perimeter hedge and intermittent tree planting as illustrated below.



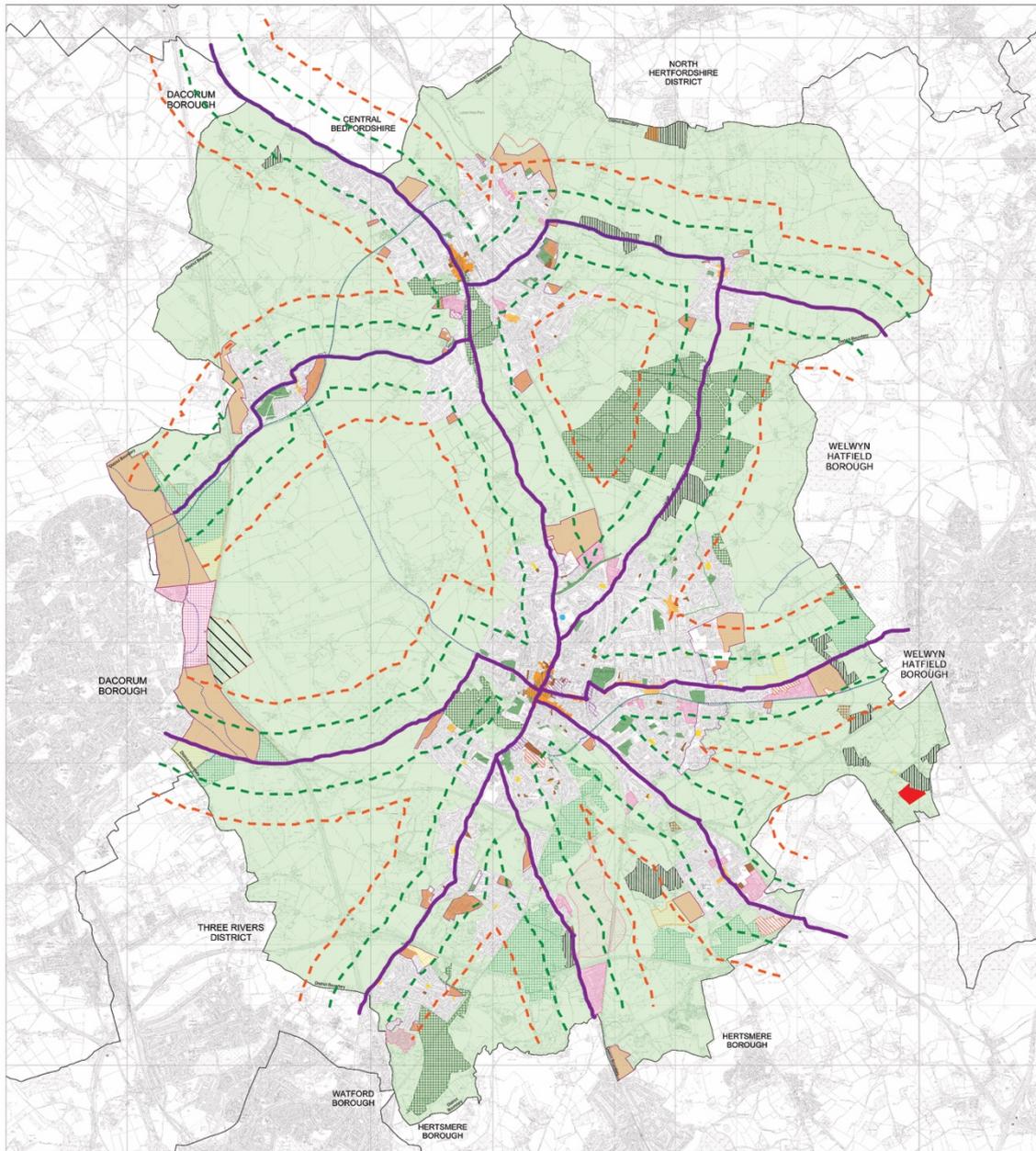
6 Heritage

- 6.1 The proposed development would negatively impact on the visual setting and character of Mymms House, which is grade 1 listed park and gardens and the Colney Heath Farm which is grade 2 listed.
- 6.2 Previous planning applications have been refused due to the impact of a golf club house on the Grade II listed Colney Heath farm.

7 Regulation 18 draft Local Plan

- 7.1 The Regulation 18 draft Local Plan published by St Albans District Council assigns Colney Heath as a Green Belt village, 6th out of 7 tiers in the Settlement Hierarchy, above only Green Belt hamlets. Characteristic of 6th tier settlements are
- some or few key services – in our evidence on sustainability we show that there are very few key services in Colney Heath village
 - generally functional relationship to settlements in higher tiers within the hierarchy which provide key services and higher order services.
 - generally some or limited availability of bus routes to provide a public transport offer – in Highways and Active Transport we show very limited bus services.
- 7.2 As shown in our Sustainability document CD 9.14 Colney heath village is not a sustainable location for housing development of this scale.
- 7.3 We consider it significant that the reg 18 draft Local Plan does not allocate any sites in Colney Heath village and the allocated sites in Green Belt areas are within 1000m of routes with bus services with an hourly+ frequency between 7am and 7pm as shown on the SADC draft Local Plan (reg18)

Policies Map with CHPC overlays



Policies Map

- Adequate bus route
- - - 500m from road
- - - 1000m from road
- Appeal site

Key			
	Local Authority Boundaries		Policy EMP9 - St Albans City Core Principal Office Location
	Policy LG5 - Green Belt		Policy EMP4 - Hertfordshire Innovation Quarter (Herts IQ) East Hemel Hempstead (Central)
	Policy LG1 - Broad Locations		Policy EMP4 - Hertfordshire Innovation Quarter (Herts IQ) Rothamsted Research
	Proposed Areas To Be Released From Green Belt		Policy SP5 - City and Town Centres
	Policy LG4 - Site Allocations in Green Belt		Policy SP6 - District Centres
	Policy LG4 - Site Allocations Within Urban Settlements		Policy SP6 - Local Centres
	Policy LG4 - Site Allocations for Previously Developed Land in Green Belt		Policy TCR1 - Protecting Retail and Main Town Centre Uses
	Policy COM1 - Arlesey Site		Policy TCR3 - Out of Centre Retail Parks
	Policy EMP1 - Protected Employment Areas		Policy TRA2 - Major Transport Schemes (M1 Junction 8)
	Policy EMP2 - Strategic Rail Freight Interchange (SRFI)		Policy TRA2 - Major Transport Schemes (Proposed Key and Indicative Cycle and Footpath Routes)
			Policy NEB2 - Local Green Spaces
			Policy NEB4 - Significant Publicly Accessible Green Areas (Existing)
			Policy NEB4 - Significant Publicly Accessible Green Areas (Proposed)
			Policy NEB4 - Significant Publicly Accessible Green Areas (Linear Green Spaces)
			Policy SP7 - Sites for Community Uses
			Policy COM1 - Education Sites
			Policy LG8 - Green Belt Settlements

