



ST ALBANS CITY AND DISTRICT– LOCAL PLAN 2020- 2036
EXAMINATION HEARING STATEMENT – MATTERS AND
ISSUES PART 1 – MATTER 7

**Prepared by Strutt & Parker (ID 1051550) on behalf of The
Gorhambury Estates Company Limited (ID 375996)**

December 2019

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1. Introduction

- 1.1 Strutt & Parker are instructed on behalf of the The Gorhambury Estates Company Ltd to submit this summary statement to Examination for the St Albans City & District Local Plan 2020-2036 (ID Number 375996). Previous submissions on behalf of our clients' have been made to the St Albans City & District at the Regulation 19 stage and at earlier stages of the Local Plan process.
- 1.2 This summary statement seeks to address key issues and questions raised by the Planning Inspectorate in the Matters and Issues Part 1. We have not sought to repeat comments made at the Regulation 19 stage. It is noted that our comments at Regulation 19 stage regarding primary education and policy LS21, will be dealt with at stage 2 of the plan.
- 1.3 The Gorhambury Estates Company Limited previous representations relate to the following:
 - Land adjacent to Batchwood Drive, St Albans, which is an omission site within the Local Plan
 - Proposed Hemel Hempstead allocations at Hemel Hempstead, at Central and South having regard to the setting of the Gorhambury Estate.

2. Matter 7 – Hemel Hempstead

East Hemel Hempstead (Central) S6 (ii)

1. *Is the site suitable for the development proposed and are there any specific constraints or requirements associated with it, or the need for mitigation measures?*
2. *How have heritage assets been considered and is a Heritage Impact Assessment required?*
- 2.1 As set out in our previous representations, no objection is raised in principle to the allocation of East Hemel. We recognise the need for additional employment growth and we broadly support the allocation. The purpose of our attendance at the Examination in Public is to ensure that the setting of the Gorhambury Estate is fully protected as a result of the development. As set out within our Regulation 19 statement, amendments are required to this policy in order for it to be considered to be sound in planning terms.
- 2.2 A full detailed review of the heritage assets within the Gorhambury Estate are set out in our Regulation 19 representation. In summary, the heritage assets include Old Gorhambury House (Grade I listed) and Gorhambury House II* listed. Most of the Estate is identified as a Grade II historic park and garden. There are 12 additional listed buildings within the estate, including the Grade II* listed Temple Cottage.
- 2.3 As set out within our Regulation 19 submission, it is not considered that the setting of heritage assets has been adequately assessed as part of the site allocation. Whilst it is recognised and appreciated that a detailed Heritage Impact Assessment will be prepared at planning application stage, it is important that the East Hemel Policy seeks to provide adequate protection to Heritage assets, in particular Gorhambury House and Old Gorhambury.
- 2.4 The policy correctly identifies that measures should be undertaken to protect the Buncefield Oil Depot. However, it is considered that similar policy measures have not also been put in place to protect the setting of Gorhambury House. We consider that the reason that measures have not been put in place to protect the setting of Gorhambury, is because of the lack of a heritage assessment undertaken at this stage, and we support the comments from Historic England in this regard.
- 2.5 Paragraph 193 and 194 of the NPPF identify that when considering the impact of the development upon a heritage asset, great weight should be given to the assets conservation.
- 2.6 It is considered important that a heritage assessment is undertaken as part of the emerging Local Plan for a number of reasons, as follows:
 1. It will inform the SEA Sustainability Appraisal and identify if the proposed allocation or parts of the allocation are likely to have a significant adverse effects upon heritage assets.

2. The Heritage Impact Assessment may also be able to identify suitable mitigation measures that could be incorporated into the policy in order for it to be considered sound in planning terms.
- 2.7 It is recognised that at this stage any heritage impact assessment only needs to assess the deliverability of the site, inform the sustainability appraisal and identify suitable mitigation measures to ensure the protection of heritage assets in close proximity to the development. Therefore, we are happy for the heritage impact assessment to be proportionate to the high level stage of the plan.
- 2.8 In the absence of a heritage impact assessment, it is considered imperative that in order for the policy to be considered as sound that additional measures are implemented to safeguard the setting of Gorhambury House and Old Gorhambury.
- 2.9 As set out within our Regulation 19 representation, our principle areas of concern in relation to the policy are currently worded as follows:
 - Lack of detail on the scale of transport improvements to the east side of the M11, including the level of detail lighting and landscape mitigation;
 - Lack of detail regarding height of the proposed new development; and
 - Additional detail on lighting to form part of the policy S6 (ii) in order to protect the setting of the Gorhambury Estate.
- 2.10 Particular concern is raised given the proposed allocation is for employment purposes, which could result in buildings of a significant scale and height.
- 2.11 It is therefore considered that the following amendments should be made to the policy in order for it to be considered as sound in planning terms:
 1. Completion of a Heritage Impact Assessment to ensure that adequate mitigation is provided to protect the setting of the heritage assets within the Gorhambury Estate are protected as a result of the proposed development. This should include the following:
 - Clarification on the scale, location and levels associated with the transport improvements proposed to the east side of the M1, including details of lighting and landscape mitigation. The landscape mitigation shall consist of a bund and evergreen landscape planting.
 2. The heights of all buildings shall be limited to a maximum level of 4 storeys (or 16 metres in height)
 3. Full details of lighting shall be provided as part of the submission of a planning application.
 4. Light shields and lower level lights shall be provided along the east side of the M1 as part of the wider transport improvement work.

- 2.12 Subject to the above amendments being made, the policy is considered to be sound in planning terms.
- 2.13 We do not have any specific comments regarding the capacity of the site, however as per our comments at Regulation 19 stage, we consider that the density of the Central and Southern areas be limited to a maximum of 4 storeys in height in order to protect the setting of the Gorhambury Estate.

3. East Hemel Hempstead (South) S6 (iii)

1. *Is the site suitable for housing and are there any specific constraints of requirements associated with it, or the need for mitigation measures?*

How have heritage assets been considered and is a Heritage Impact Assessment Required?

- 3.1 Our comments on South Hemel, are similar to the points raised on Central Hemel. As set out in our previous representations, no objection is raised in principle to the allocation of South Hemel. We recognise the need for the housing and we broadly support the allocation. The purpose of our attendance at the Examination in Public is to ensure that the setting of the Gorhambury Estate is fully protected as a result of the development. As set out within our Regulation 19 statement, amendments are required to this policy in order for it to be considered to be sound in planning terms.
- 3.2 A full detailed review of the heritage assets within the Gorhambury Estate are set out in our Regulation 19 representation. In summary, the heritage assets include Old Gorhambury House (grade I listed) and Gorhambury House II* listed. Most of the estate is identified as a Grade II historic park and garden. There are 12 additional listed buildings within the estate, including the grade II* listed Temple Cottage.
- 3.3 As set out within our Regulation 19 submission, it is not considered that the setting of heritage assets has been adequately assessed as part of the site allocation. Whilst it is recognised and appreciated that a detailed Heritage Impact Assessment will be prepared at planning application stage, it is important that the East Hemel Policy seeks to provide adequate protection to Heritage assets, in particular Gorhambury House and Old Gorhambury.
- 3.4 It is considered that similar policy measures have not also been put in place to protect the setting of Gorhambury House. We consider the reason that measures have not been put in place to protect the setting of Gorhambury, is because of the lack of a heritage assessment undertaken at this stage, and we support the comments from Historic England in this regard.
- 3.5 Paragraph 193 and 194 of the NPPF identify that when considering the impact of the development upon a heritage asset, great weight should be given to the assets' conservation. The multiple heritage assets within the Gorhambury Estate should be afforded the highest degree of protection. As set out in paragraph 194 of the NPPF, any harm or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting), should require a clear and convincing justification. Substantial harm to or loss of:
 - b) assets of the highest significance, notably scheduled monuments, protected wrecks sites, registered battlefields, grade I and grade II* listed buildings, grade I and grade II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 3.6 It is considered important that a heritage assessment is undertaken as part of the emerging Local Plan for a number of reasons, as follows:

- 4 It will inform the SEA Sustainability Appraisal and identify if the proposed allocation or parts of the allocation are likely to have a significant adverse effects upon heritage assets.
 - 5 The Heritage Impact Assessment may also be able to identify suitable mitigation measures that could be incorporated into the policy in order for it to be considered sound in planning terms and to ensure that the setting of the Gorhambury Estate, including the registered park and garden is not compromised.
- 3.7 Without the completion of the Heritage Impact Assessment, it is unclear if the proposed development would have a less than substantial harm upon the setting of the Gorhambury Estate, which would require wholly exceptional circumstances to be acceptable and could impact upon the deliverability of the development and particularly the required transport improvements on the east side of the M1.
- 3.8 It is recognised that at this stage any heritage impact assessment only needs to assess the deliverability of the site, inform the sustainability appraisal and identify suitable mitigation measures to ensure the protection of heritage assets in close proximity to the development. Therefore, we are happy for the heritage impact assessment to be proportionate to the high level stage of the plan.
- 3.9 In the absence of a heritage impact assessment, it is considered imperative that in order for the policy to be considered as sound that additional measures are implemented to safeguard the setting of Gorhambury House and Old Gorhambury.
- 3.10 As set out within our Regulation 19 representation, our principle areas of concern in relation to the policy are currently worded as follows:
4. Lack of detail on the scale of transport improvements to the east side of the M11, including the level of detail lighting and landscape mitigation.
 5. Lack of detail regarding height of the proposed new development.
 6. Additional detail on lighting to form part of the policy S6 (ii) in order to protect the setting of the Gorhambury Estate.
- 3.11 It is therefore considered that the following amendments should be made to the policy in order for it to be considered as sound in planning terms:
- 5 Completion of a Heritage Impact Assessment to ensure that adequate mitigation is provided to protect the setting of the heritage assets within the Gorhambury Estate are protected as a result of the proposed development. This should include the following:
 - Clarification on the scale, location and levels associated with the transport improvements proposed to the east side of the M1, including details of lighting and landscape mitigation. The landscape mitigation shall consist of a bund and evergreen landscape planting.

- 6 The heights of all buildings shall be limited to a maximum level of 4 storeys (or 16 metres in height)
 - 7 Full details of lighting shall be provided as part of the submission of a planning application.
 - 8 Light shields and lower level lights shall be provided along the east side of the M1 as part of the wider transport improvement work.
- 3.11 Subject to the above amendments being made, the policy is considered to be sound in planning terms.
- 3.12 We look forward to discussing the above points in further detail at the Examination in Public.