

# Land to Rear of 42-100 Tollgate Road Colney Heath

## Statement of Case

Rule 6 Party - Colney Heath Parish Council

### **Colney Heath Parish Council**

Highfield Park Trust Visitor Centre

Hill End Lane

Hertfordshire AL4 0RA

Tel: 01727 825314

Email: [clerk@colneyheathparishcouncil.gov.uk](mailto:clerk@colneyheathparishcouncil.gov.uk)

Website - [www.colneyheathparishcouncil.gov.uk](http://www.colneyheathparishcouncil.gov.uk)

## **1.0 Introduction**

- 1.01 Colney Heath Parish Council (CHPC) has been granted Rule 6 status at the appeal and will be representing the community opposed to the scheme. CHPC is also opposed to the scheme.

### **1.02 The Appeal Scheme**

The scheme is for up to 150 new homes on land to the southeast of Colney Heath village. The proposed site is 7.82ha of land in the Green Belt mostly on agricultural land which has not been previously developed.

- 1.03 The site has very limited access to services required by residents, so is highly dependent on travelling beyond the village to access many day-to-day requirements so will permanently embed carbon emissions.

## **2.0 Planning History**

### **2.01 November 1982 5/1459/82**

Construction of one dwelling adjacent to 42 Tollgate Road

Refused - The site is within the Green Belt so would be contrary to Green Belt polices, and no special circumstances exist.

### **2.02 July 1990 5/90/1045**

Construction of club house, floodlit driving range, car parking and related facilities

Refused - Contrary to Green Belt polices, detrimental impact on residential amenities as set out in SADC policy 45, overdevelopment of the site resulting in visually intrusive appearance to the detriment of the amenity of the locality.

### **2.03 October 1990 5/90/1708**

Construction of club house, car parking new access and related facilities

Refused – Contrary to Green Belt policies and detrimental impact on Grade 2 listed building.

### **2.04 October 1990 5/90/0974**

Change of use from agricultural land to golf course

Refused – Due to loss of wetland and grassland which support a wide and interesting and diverse flora resulting in loss of habitat of ecological importance.

2.05 An Appeal was made following refusal of 5/90/0974 and 5/90/1708 in December 1991.

This was considered as two applications.

a) 5/30/0974 change of use to golf course

b) 6/50/1708 construction of club house, car parking and related facilities.

In the decision letter dated 10<sup>th</sup> March 1992 the change of use to golf course was approved subject to conditions, but the construction of a club house and

related facilities was refused due to harm caused to the nearby listed buildings.

**2.06 September 1992** 5/92/1126

On the adjoining land but relates to the appeal site. Conversion of a cow shed to club house.

Refused - overdevelopment of the site resulting in visually intrusive appearance to the detriment of the amenity of the locality and Green Belt.

**2.07 August 1996** 5/1996/0787

Stables

Refused – size and siting and close proximity to 42 Tollgate Road

**2.08 October 1996** 5/1996/1240

Stables with storage and grooming facilities

Granted with a condition of 3year time limit.

The 3 year condition was removed on appeal in decision note dated 23<sup>rd</sup> July 1997.

**2.09 June 1997** 5/1997/0779

Hard surfaced area with turning area

Approved subject to an agreed landscaping scheme however no evidence has been found this was ever completed.

### 3.0 Rule 6 parties Statement of case

#### 3.01 Effective use of land

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.
- c) The area prone to flooding adjoining the houses in Tollgate Road will restrict development and possibly access.
- d) The need for significant screening for the listed buildings in the proximity of the site resulting in loss of land.

#### 3.02 Previously developed land

Only the dwelling house (42 Tollgate Road) and stables constitute previously developed land. The remainder of the site is used for grazing, and any riding or equestrian related equipment is only temporary in nature. Therefore, it's not previously developed land and full Green Belt policies apply.

3.03 Planning permission is required for the menage (outdoor equine exercise area). As far as we can tell this was never applied for and as the google images show was built in 2018 (so has not been there for 10 years to enable a LDC).

#### 3.04 Housing need in St Albans District

Affordability is the key issue for many and particularly for low paid and key workers.

The Southwest Herts Group Housing Need Assessment quantifies need by number, size, and tenure. The emerging St Albans draft Local Plan identifies

sites to meet its housing need therefore the housing need is already met without this site.

**3.05 The Southwest Herts Group** – provides evidence on desired locations and dwelling sizes and its headline conclusions are that this would not be a suitable location for development due to -

Poor affordability

1-2 bedroom dwellings needing to be near train stations

2-3 bedroom dwellings requiring good transport links

Colney Heath has none of these attributes.

**3.06 St Albans Local Plan**

Housing supply

St Albans District Council has stated that the need for housing is 888 houses per annum and that it has identified land for 5,000 houses, more than a 5 year supply of land for housing.

3.07 The St Albans Local Plan is at reg18 and, while this carries a lesser weight than an adopted plan, it still carries some weight in planning terms. The draft local plan has identified strategic and smaller sites which together with the expected windfall sites will provide its housing need. The identified sites are all in more sustainable locations. The settlement Hierarchy provides the basis for allocation and location of growth in the draft Local Plan which locates most growth generally within and adjacent to the larger and most sustainable urban centres that are Tier 1 - St Albans and Hemel Hempstead; Tier 2 – Harpenden, and Tier 3 - London Colney.

3.08 Colney Heath is designated Tier 6 (Green Belt village) in the settlement hierarchy.

This demonstrates that St Albans housing needs can be met elsewhere and importantly in more sustainable locations.

**3.09 Affordability**

**Local need** – The Colney Heath Parish Council agree and support the need for genuinely affordable housing and the need for such housing within the district. However, as legally defined affordable housing is not affordable to many local families it does not assist in meeting St Albans housing need. Rural locations are not suitable sites for one- or two-bedroom dwellings due to the lack of public transport and social facilities. Building large numbers of smaller starter homes in this rural location will permanently embed carbon emissions.

### **3.10 Affordability - Key workers**

We will provide evidence that the affordable component of the proposal will not be attainable for low income and key workers and therefore will not contribute to meeting St Albans Housing needs. We will show that the level of discount needed for this to become attainable would be significantly greater than the legally defined 20% off market rents or market house prices and will request the necessary level of discount be a condition if consent is granted.

### **3.11 Building a strong Competitive Economy**

#### **Social**

Due to the likely poor affordability of homes, they will not meet the local residents' housing needs so locals will be unable to live in the area they grew up in. This means that families will be separated by distance and unable to support family members if required.

3.12 The scale of the development will place additional stress on parents trying to obtain school places for their children.

### **3.13 Green Belt**

The application site is 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.

- 3.14 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.
- 3.15 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.
- 3.16 The nature and duration of the proposed development will effectively and irreversibly contradict the essential characteristics of the Green Belt, namely openness and permanence.
- 3.17 The site is bounded on one side only by housing with deep rear gardens. The site is open to the countryside on three sides amounting to some – 63% of the perimeter. Spatially it is neither enclosed nor contained.
- 3.18 The development will have visual impact on the experience of openness of the Green Belt. Once the key viewpoints which the Colney Heath Parish Council will request are included in the SoCG, visualisations of the proposal to demonstrate the visual impact, at human eye level, are required. This will facilitate the necessary level and quality of judgement to being formed. Without these visualisations the visual impact is imaginary conjecture.

### **3.19 Heritage**

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.

### **3.20 Impact on Character and Appearance**

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.

### **3.21 Location and Sustainability**



The application site is not in a sustainable location having limited local facilities and limited public transport, with minimal bus services. Roads are unsafe for cycling and walking distances are excessive meaning that residents in Colney Heath are dependent on the use of cars for most of their day-to-day needs – employment, education, shopping, and health services.

### **3.22 Access**

#### **Highways and Active Transport**

Sustainable forms of transport are a key theme within the NPPF. The applicant's claims and statements are overly optimistic and not evidence based, so we will be presenting evidence to challenge these statements.

3.23 Cycling – the roads connecting Colney Heath with essential facilities and employment areas are narrow and busy and are considered dangerous for most cyclists. Any alternative routes do not follow the desired lines so would result in longer journeys which would not encourage cycling.

3.24 Walking - the pavements within the village are significantly below the required standard to encourage walking. Many of the roads beyond the village are narrow, busy and without any pavements so again do not promote walking. Walking distances to amenities outside the village are excessive and unrealistic.

### **3.25 Traffic and Road safety**

We believe that road safety is a priority for all parties.

The data used to prepare the Highways and Transport Assessments started from incorrect assumptions, so much of the output is simply incorrect. The locations used for the trip generation are simply not representative of a semi-rural village with very limited public transport, and a very high affordability ratio, and none of the selected locations are within or near the M25 and so understate car usage.

3.26 Coursers Road has not been included in any of the highways or road safety assessments. This is a fundamental error. We will provide evidence on the

importance of this route and that of the Bell roundabout as well as its road traffic accident history.

- 3.27 Key access roads within the village have older cottages and homes with no off-street parking. Due to the design and/or location of these dwellings the residents have little or no alternative but to parking on the highway. We will also demonstrate that no practical alternative parking is available. This results in the key roads within the village often only operate with alternative one-way traffic flows at peak times with these roads therefore operating significantly below their theoretical design capacity.

### **3.28 Public Transport**

Buses, this more sustainable mode of transport, offers strictly limited services which for most practical purposes only link with St Albans. For most employment purposes, the timetabling means they are unsuitable, so in real terms they are for shoppers only. If a village child is able to gain a place in a school in St Albans (which is difficult) these are only limited bus routes from the village serving a limited number of schools.

- 3.29 Rail, again a more sustainable mode of transport, with Welham Green station being the nearest. This station it is beyond practical walking distance and the access road is considered unsafe for most cyclists. The car parking at the station is normally at or near capacity.

- 3.30 St Albans City station is well beyond practical walking distance and the most direct road is considered unsafe for most cyclists or requires long diversions on safety grounds.

### **3.31 Facilities**

Education – Primary

The village school is at or near capacity. The already approved site at Bullens Green Lane for 100 new houses, which is also within the schools catchment area, and the resulting influx will take the school above its current capacity. None of the alternative primary schools are within the desired walking

distance or accessible by desirable routes, nor are they on bus routes, so are only accessible by car.

### 3.32 Education – Secondary

Gaining a secondary school place for children from the village is challenging, with most St Albans schools already at capacity. The only schools which have bus links from the village are within St Albans. The alternative schools are only accessible by car or occasionally via unsuitable walking or cycling routes.

Evidence will be provided on education together with evidence stated within the Highways and Active Transport.

### 3.33 Retail

The village has one small convenience store/post office, one hairdresser, one takeaway and a public house.

Due to normal employment hours for most working people, the timetabling of the limited bus services in the village and the location of major retail zones in local towns and cities. The major retail areas are only accessible by car which is an unsustainable mode of transport.

Evidence will be provided on retail together with evidence contained within the Highways and Active Transport documents.

### 3.34 Healthcare

#### Doctors & Dentists

The village does not have either a doctor's or dentist surgery so healthcare has to be accessed further afield with most only being accessible by car or taxi due to public transport timetabling issues and surgery times. The only surgery within walking distance is via an unsatisfactory and undesirable route.

### 3.35 Hospitals

The major hospitals are in Watford or Stevenage with St Albans and Welwyn Garden City hospitals only offering a limited range of services. None of these hospitals have direct public transport links from Colney Heath so will require

one or more changes. Unless a short appointment is obtained in the middle of the day these are only accessible by car or taxi.

Evidence will be provided on healthcare together with evidence stated within the Highways and Active Transport.

### **3.36 Environmental harm**

#### **River Colne**

The River Colne is one of about 200 chalk streams worldwide so is internationally rare. Its current state is of concern. We will provide evidence on its current state and projects aimed to improve it. Other agencies have already expressed concerns over the risk to this stream so we will try to work with these agencies to provide evidence.

- 3.37 The River Colne already suffers from low summer flow rates. While some of this may be due to climate change, the high levels of water extraction are a significant factor. Affinity Water acknowledges the harm water extraction is causing to these chalk streams; however, any solution will take many years to construct.

### **3.38 Flood risk**

The flood risk to the homes is from both the river and from surface water runoff. The lower part of the site is a flood plain level 3, the highest risk level. However, the development area is only marginally above the flood plain level. In the event of heavier rainfall, which is forecast as a result of climate change, there is a possibility that the river could be polluted with debris.

- 3.39 There is an area of flooding within the proposed development zone close to the dwellings in Tollgate Road bordering the site, this could be related to ancient watercourse - the evidence is still emerging. This flooding appears on the surface following rain.

### **3.40 Environmental harm – CO<sub>2</sub> emissions**

It is both national and international policy to reduce CO<sub>2</sub> emissions. Development in a car dependant location where cars are used for day-to-day

needs will permanently embed carbon emissions from transport into the future.

Evidence will be provided on the location of and access to facilities including schools as well as car emissions.

#### **4.00 If granted conditions**

The Parish Council will request a number of conditions if this appeal is granted. These will include:

Building standards

Reducing the environmental impacts of the development.

A full and detailed flood risk assessment including surface water.

Provision of truly affordability dwellings for local and key workers.

## **5.00 Overall Conclusions**

- 5.01 The entire developed area is within the Green Belt and no evidence exists to prove the very special circumstance required for this development.
- 5.02 St Albans District Council has stated that the need for housing is 888 dwellings per annum and that it has allocated land for 5,000 dwellings which means there is more than a 5 year supply of land for housing.
- 5.03 The proposed development would not assist St Albans meet its housing need, particularly for genuinely affordable homes.
- 5.04 Colney Heath is not a sustainable location.
- The highways network connecting the village with facilities is largely unsuitable to more sustainable modes of transport such as walking and cycling. So, if the site were to be developed it would be embedding increased carbon emissions for the future.
- 5.05 The village has strictly limited services and facilities and access to many daily essentials requires travelling beyond the settlement. Education for children is a particular problem which in many cases requires the use of unsustainable modes of transport.
- 5.06 The development would have a negative impact on nearby listed buildings and especially the character of the village.