



Summary Proof of Evidence of Valerie Scott on behalf of Aldenham Parish Council

Land south of
Shenley Hill, Radlett

July 2023 | Project Ref: 9216A

LPA Ref: 22/1539/OUT

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1. Introduction

- 1.1** My name is Mrs Valerie Scott and the Director of Planning at HCUK Group. I am the witness for Aldenham Parish Council (the "Parish Council"), who has been granted Rule 6(6) status in this appeal by Fairfax Acquisitions Ltd (the "Appellant") against the refusal by Hertsmere Borough Council, who are the local planning authority, ("LPA") for development on land south of Shenley Lane, Radlett (the "Site").
- 1.2** My relevant qualifications and experience are that I hold a Bachelor of Science Honours Degree in Geography, a Master's Degree in Civic Design and I am a Member of the Royal Town Planning Institute. I am currently the Planning Director of HCUK Group. Prior to joining HCUK Group I was a Planning Director in the London office of RPS CgMs, where I worked for over 12 years.
- 1.3** I have over forty five years' experience in planning, twelve of which were for local authorities, including the City of Manchester and the Corporation of the City of London, with the remainder in private practice. I have given evidence at several major planning appeal inquiries, attended many appeal hearings and given evidence at Local Plan Inquiries and Hearings.

2. Appeal Site and Surroundings

2.1 The Site comprises an open field used mainly as pastureland. It has a total area of 11.45 hectares.

2.2 It is located to the east of Radlett, immediately adjacent to the Radlett Village settlement boundary which runs along its western boundary. Shenley Hill forms the northern boundary and provides a gated access to the Site located in the north-west corner. The Site is bordered on its eastern side by an area of woodland, with further woodland (Part of Theobald's Wood) located at the southern end of the Site.

2.3 The Site also skirts around the northern, eastern and southern boundaries of Newberries Primary School, which consists of single storey buildings, a parking area for staff, a small playground and a grassed playing area.

2.4 Glimpses of the Site can be seen from the entrance gate and along Shenley Hill, although the Site is partially screened by a hedge of mature trees and vegetation along this frontage. A good public view of the Site is also available from the northern end of Footpath 55 accessed from Shenley Hill immediately to the north-east corner of the Site. However, there are many properties with rear and side gardens bordering the western boundary of the Site with the residents of these properties having good views across the Site to the woodland area beyond.



Figure 1: View of site from Shenley Hill. Figure 2: View of site from access gate, Shenley Hill



Figure 3: View of site from Footpath 55. Figure 4: View of site from 76 Williams Way

Notable designations on or near the Site

- 2.5** The whole of the Site is within the Metropolitan Green Belt.
- 2.6** The woodland area within the southern part of the Site is part of the Theobald Street Wood Local Wildlife Site.
- 2.7** The wooded area to the north of the Site, known as The Gorse, is also a Local Wildlife Site.
- 2.8** Within the adjacent woodland to the east of the Site is the Radlett Plantation Regionally Important Geological Site ("RIGS").
- 2.9** The Site is within the Hertsmere Landscape Character Area (LCA21 High Canons Landscapes and Ridges) and within the Watling Chase Community Forest Area.

3. Appeal Proposal

- 3.1** This appeal follows the decision of the LPA to refuse an application for planning permission (LPA Ref: 22/1529/OUT) for development on land south of Shenley Lane, Radlett.
- 3.2** The proposals seek outline permission for the erection of up to 195 homes of which 45% would be affordable, expansion space for Newberries Primary School and a new medical centre, with associated access, landscaping and parking.
- 3.3** The proposed development would be accessed via the existing access on Shenley Hill, with a new pedestrian and cycle route through Theobald's Wood to link with Theobald Street.
- 3.4** The LPA refused permission on three grounds with the first ground relating to inappropriate and harmful development in the Green Belt.
- 3.5** The Parish Council also supports this first reason for the refusal to the application, now subject to appeal, and my comments on this are referred to in my Proof of Evidence.

Other issues to be assessed

- 3.6** This appeal also requires consideration of the scale, density and character of the proposed residential development, provision of a medical centre, land for Newberries Primary School, and impact on the landscape and visual character of the area.

4. Planning Policy Context

Key Planning Policies

- 4.1** The statutory development plan includes the following relevant documents:
- Hertsmere Local Plan Core Strategy (adopted 2013) (“CS”);
 - Site Allocations and Development Management Policies Plan (adopted 2016) (“SADM”); and
 - Radlett Neighbourhood Plan (“RNP”) which was made (adopted) in May 2021.
- 4.2** No weight can be attributed to the draft Regulation 18 Local Plan, following the decision to set this aside. The evidence base upon which that strategy was developed does remain relevant.
- 4.3** Other material considerations include the NPPF, PPG, the Radlett Character Assessment 2016 and update in 2019, and data on the Housing Land Supply.

5. Main Issues and Assessment

5.1 The main issues to be assessed in this appeal are:

- a. The extent of harm to the Green Belt, and weight to be attached to this;
- b. Other harm arising from the proposal, including:
 - i. Harm to the character of the landscape;
 - ii. Inappropriate nature of the development in terms of its scale and density; and
 - iii. Inappropriate location for new medical centre;
- c. Whether the harm identified (including harm to the Green Belt and other harm as set out above) is clearly outweighed by other considerations, so as to amount to 'very special circumstances' ("VSCs") necessary to justify the development.
- d. Based on the above, whether the application of policies to protect the Green Belt provide a clear reason for refusing the development proposed, for the purposes of paragraph 11d(i) of the NPPF.

Harm to the Green Belt

5.2 I have identified that the appeal proposals will result in substantial harm to the Green Belt including:

- Definitive harm – the proposal is defined as 'inappropriate development' in the Green Belt as it involves the construction of new buildings which do not fall within the exceptions provided in Paragraphs 149 and 150 of the NPPF.
- Harm to the essential characteristics of the Green Belt – its openness and permanence.
- Harm to three of the five purposes of the Green Belt, purposes (a), (b) and (c) as set out in the NPPF paragraph 138.

5.3 The proposed development is therefore contrary to NPPF 2021 and Policies SP1, SP2, CS13, CS15, SADM22, SADM26 and RNPAG1.

Harm to the character of the landscape and visual amenity

- 5.4** For financial reasons the Parish Council has not been able to provide a Landscape Witness to give evidence at the Public Inquiry but Claire Browne, HCUK Group Landscape Consultant has reviewed the CSA LVIA and comments made by Place Services as well as the proposed development, as shown on the Parameters Plan and the Illustrative Masterplan.
- 5.5** Claire Browne agrees with the Place Services review of the CSA LVIA in terms of the development resulting in a harmful impact on the landscape. The Parish Council also considers that the proposed development by reason of the loss of this pasture would be harmful to the character of the Landscape Character Assessment (LCA 21 High Cannons and Valley Ridges). LCA 21 states:
- "Small settlements occupy the narrow fingers of plateau overlooking the surrounding slopes of both arable and pastoral landscapes, which often have a contained character."*
- This characteristic of the LCA i.e. settlement overlooking an arable or pasture landscape would be lost.
- 5.6** I consider that the proposed development would have a harmful impact on the landscape, the character of the LCA, and it would also undermine the Site's contribution to the Watling Chase Community Forest.
- 5.7** The proposed development would be contrary to following development policies: Policy CS12, Policy SADM11, Policy SADM28, and Policy RNP Policy HD3.

Scale, density and character of the proposed residential development

- 5.8** The Radlett Neighbourhood Character Assessment states that, for the whole of Radlett, in 2016, the average number of dwellings per hectare was 11. This is substantially lower than the UK National standard density for sub-urban districts which is 20 dwellings per hectare and indicates that Radlett, which has evolved from a semi-rural village, does not follow typical outer London residential characteristics.
- 5.9** Analysing the characteristics of medium-sized plots show that average plot cover in Radlett is 13.4% and the most common plots are those with 11%.

- 5.10** The building heights also confirm the low-rise character of Radlett. The majority of building units in Radlett are 7 to 9 metres high (52%). The building heights along Newberries Avenue are between 7 to 9 metres.
- 5.11** By building upwards, by being more closely spaced and with reduced parking and amenity spaces, the proposed development would differ from the overall character of Radlett by accommodating around 36 dwellings per hectare.
- 5.12** The Radlett Design Code seeks to protect and enhance Radlett’s attractive characteristics achieving plot coverage and ridge heights that respects its surroundings.
- 5.13** The proposed development would also be contrary to the following policies: Policy SADM30, RNP Policy HD3 and RNP Policy RD4.

Provision of a new Medical Centre

- 5.14** The proposed development includes the provision of a new Medical Centre for the Red House Surgery which currently have premises at 124 Watling Street in Radlett Village Centre. Although the Parish Council accepts that there may be a need in the future to expand these surgery facilities and the proposed development would itself put additional pressure on these medical services the RNP Policy RV2 of the Plan states as follows:
- 5.15** RV2 Medical Services – The retention or enhancement of the range of medical services in Radlett will be supported. Any such use should be **located in the village centre** unless it can be demonstrated that there are no viable or deliverable sites, in which case provision elsewhere in the settlement will be supported.
- 5.16** The Site is completely unsuitable for a Medical Centre. It would require many more car movements as elderly people could not be expected to walk up Shenley Hill and it is far better to locate community facilities in the village centre.
- 5.17** The proposed development would therefore be contrary to Policies SP1, SP2, CS24, SADM32, SADM39 and Policy RV2 of the RNP.

Land for Newberries Primary School

5.18 The proposed development includes the safeguarding of land for the expansion of Newberries Primary School but the plans do not show an extension to the school only use of this land as a playing field. Increased spaces for pupils will undoubtedly be required to support the provision of up to 195 homes, many of which are likely to be for families but there is no current need for expansion to the school and the provision of additional playing fields will require the need for extra and potentially costly maintenance.

5.19 Details in respect of this are set in my Proof of Evidence. This also includes reference to a letter to The Planning Inspectorate which was sent from the Local Education Authority dated 7th July 2023.

Conclusions re Green Belt and Other Harm

5.20 My conclusions in respect of harm to the Green Belt and other harm are as follows:

- Green Belt Harm: The proposal is defined as 'inappropriate development' in the Green Belt in the NPPF. It fails to preserve the openness of the Green Belt in both spatial and visual terms, and it undermines the purposes of the Green Belt designation as follows: it would result in sprawl to large built-up areas; it would result in a reduction in the gap between Radlett and the neighbouring settlements of Shenley and Borehamwood, and result in encroachment into the countryside. I give this substantial weight.
- Landscape and Visual Effects: Overall there are significant adverse impacts on both landscape and visual amenity. I give this significant weight.
- Harm to the scale, density and character of the area. I give this significant weight.
- Inappropriate location for new medical centre. I give this significant weight.

Very Special Circumstances (VSCs)

5.21 Paragraph 147 of the NPPF states that inappropriate development should not be approved except in VSCs, and that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by other considerations (Paragraph 148).

5.22 The purported VSCs put forward by the Appellant in the Statement of Case are:

- The delivery of up to 195 new market homes with 45% being affordable;
- The safeguarding of land to allow for the future expansion of Newberries Primary School;
- The delivery of a new Medical Centre;
- Enhancements and long-term management of the Radlett Plantation;
- Delivery of a biodiversity net gain in excess of 10%;
- Delivery of multiple economic benefits including (but not limited to) job creation, GVA creation, local residential expenditure and tax revenue uplifts; and
- Delivery of a highly sustainable development which will minimise carbon emissions, enhance connectivity and deliver public transport improvements in excess of policy standards.

Housing related benefits

5.23 It is accepted that the LPA is currently only able to demonstrate a 2.25 year housing land supply and the Housing Delivery Test score is 88% requiring an Action Plan to outline housing delivery improvements.

5.24 It is also recognised that there is a historic shortfall of affordable housing with the delivery of 57 affordable homes per annum since 2012 being well below the target of 76 homes per annum.

5.25 I agree with the Council that the proposed delivery of up to 195 housing units, of which 45% would be affordable, does carry substantial weight in the planning balance.

Land for School Expansion

5.26 The proposed development includes the provision of 0.7ha of safeguarded land for Newlands Primary School but the proposal does not provide for the building of or any contribution to enhancement of the educational facilities which would be required to cater for the proposed development. There is no evidence of a current need for expansion to the school and the provision of additional playing fields will require the need for extra and costly maintenance.

- 5.27** I consider that this proposed expansion of the school playing fields would result in limited weight in the long term, but in the short term, and until the school needs to become a two form entry school, it could result in some harm by reason of increased costs in terms of the maintenance of the school grounds.

Delivery of new Medical Centre

- 5.28** The Parish Council consider that even if the need for a new Medical Centre was required the future the proposed location at the Site is the wrong location for this facility. The Medical Centre should be located in the village centre in accordance with Policy RV2 of the RNP. The proposal to provide a new Medical Centre on the Site is therefore not supported and is considered to be harmful and not a benefit.

Radlett Plantation RIGS Enhancements

- 5.29** The Appellant states that the proposed development provides the opportunity to enhance the geological value of the Puddingstone within the adjacent Radlett Plantation RIGS as the landowner is the same. The Appellant argues that the proposed long-term management of the Puddingstone will enhance the geo-conservation value and that this benefit should be considered with moderate weight.

- 5.30** I agree with the views of the Borough Council that the only benefit would be for those who would study and inspect the site (i.e. geologists), but that these works would have no direct benefit to the public as the Puddingstone is important for its rarity, not its beauty or usefulness.

- 5.31** I consider that the inclusion of the enhancement to the geological value of the Puddingstone as a benefit of the proposed development is tenuous and that this proposal has very limited, if any, weight in the planning balance.

Biodiversity

- 5.32** The Parish Council notes that the net increase in biodiversity is achieved primarily through off site measures to offset the harm caused to the biodiversity of the Site itself. A 10% uplift in biodiversity is already an expectation of new development and I consider that this should carry limited weight in the planning balance.

Economic and Social Benefits

5.33 The Statement of Case by the Appellant introduces a new component of the VSCs case, relating to economic benefits and social benefits of the proposed development. This includes additional employment during the construction phase, additional spending in the local area by new residents, the provision of local housing providing much needed labour force and the improvement of open spaces for leisure.

5.34 I attribute limited weight to these purported benefits overall.

Sustainability and Environmental Benefits

5.35 The Appellant states that these purported benefits include the construction of new buildings of a high energy efficiency, incorporating use of sustainable energy and the delivery of off-site enhancements to the pedestrian network and public transport for sustainable travel.

5.36 Following the declaration of a Climate Change Emergency in 2019 and the creation of an Interim Position Statement on Sustainability and Climate Change by the Borough Council it is now expected that all new development should be sustainable, with high energy efficiency and lower or no carbon development in any case.

5.37 I therefore attribute limited weight to this purported benefit.

Conclusions re VSCs

5.38 I have set out in my Proof of Evidence my views on the benefits of the scheme and whether these amount to VSCs.

5.39 In summary, I have identified the following harm to the Green Belt and other harm arising from the appeal proposals:

- The proposal is defined as 'inappropriate development' as it involves construction of new buildings in the Green Belt and is not covered by any of the exceptions set out in Paragraphs 149 and 150 of the NPPF. The NPPF directs that this must be given **substantial weight**.
- Harm to the openness of the Green Belt, which the NPPF directs must be given **substantial weight**.

- Harm to the purposes of Green Belt designation, in particular, causing encroachment into the countryside, checking the unrestricted sprawl of large built-up areas, narrowing the gap between Radlett and Shenley and between Radlett and Borehamwood (to a lesser degree). I consider that this should be given **substantial weight**.
- Harm to the character of the landscape and visual amenity of the Site. I give this **significant weight**.
- Inappropriate scale, density and character of development in the area. I give this **significant weight**.
- Inappropriate location for new medical centre. I give this **significant weight**.

5.40 I have provided the following assessment of the VSCs suggested by the Appellant:

- Contribution to housing land supply. Given that there is a significant shortfall in housing supply overall of 2.25 years and a shortfall and affordable housing. I give this **substantial weight**.
- Land for the provision of new playing fields for Newberries Primary School. I give this **limited weight**.
- Delivery of new Medical Centre. This would by reason of its appropriate location result in **harm**.
- Radlett Plantation RIGS Enhancements. **Very limited weight**.
- Enhancement of biodiversity. **Limited weight**.
- Economic and Social Benefits. **Limited weight**.
- Sustainability and Environmental Benefits. **Limited weight**.

5.41 I do not consider that the VSCs identified by the Appellant outweigh the substantial harm to the Green Belt, harm to the openness of the Green Belt, harm to the purposes of the Green Belt, harm to the landscape and visual amenity of the Site, harm to the residential character of the area and harm in relation to the siting of the new medical centre.

6. Conclusions

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. NPPF Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or policies which are most important for determining the application are out-of-date (due for example a shortage in supply of housing land), granting permission unless the application of policies in the Framework that protect areas or assets of particular importance (including Green Belts) provide a clear reason for refusing the development proposal (NPPF Paragraph 11(d)(i)).
- 6.2** Substantial harm to Green Belt has been identified. In addition, there would be significant harm to the landscape, character and appearance of the area and harm in relation to the siting of a new medical centre.
- 6.3** The VSCs put forward by the Applicant have been assessed, but these do not in my opinion outweigh the substantial harm which has been identified. There is, therefore, a clear reason for refusal for the purposes of NPPF Paragraph 11(d)(i).
- 6.4** The appeal should therefore be dismissed.