



Appeal Decision

inquiry held on 1 and 2 September 1999

by Malcolm Lewis Dip

an Inspector appointed by the Secretary of State for the Environment, Transport and

The Planning Inspectorate
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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

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Comments
Secretary of State for the
Environment, Transport and
the Regions

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Appeal 1: T/APP/A1910/A/99/1022620

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is brought by Depvale Properties Ltd against Dacorum Borough Council.
- The site is located on land adjacent to Stratford Way, Hemel Hempstead, Hertfordshire.
- The application (ref: 4/02126/98/OUT), dated 9 December 1998, was refused on 25 March 1999.
- The development proposed is the erection of 54 No. 2 bedroomed flats and associated external works.

Decision: The appeal is dismissed.

Procedural matters

1. The application was made in outline with all matters, apart from siting and means of access, being reserved for future consideration.
2. Following the close of the inquiry correspondence has been received from the Council and on behalf of Depvale Properties Ltd. All these letters relate to the Council's recent decision in respect of the use of the adjoining land owned by British Gas. Due account has been taken of the contents of these letters in this appeal decision.

The site and its planning history

3. The site is located some 550m south of Hemel Hempstead town centre. It is a wedge shaped piece of vacant, heavily overgrown land which, being adjacent to the main London/Liverpool railway line and close to the station, was formerly used as railway sidings. The site contains a considerable number of trees, having 2 main belts along the southern and northern boundaries. All these trees are covered by a tree preservation order, which was confirmed on 20 July 1999. Vehicular access to the site would be from Stratford Way, a residential cul-de-sac comprising, in the main, semi-detached housing. To the north is an area of land which is owned by British Gas and which comprises industrial, office and storage/distribution uses.
4. The site has an extensive planning history. In 1988 outline planning permission was granted for the erection of 39 dwellings with access and parking and in 1990 a scheme to erect offices on the site was allowed on appeal. The 1988 permission was renewed in 1991 and in 1994 and in 1992 a further outline planning permission was granted for 72 flats.

The development plan

5. The development plan for the area comprises the adopted 1998 Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Plan, which was adopted in 1995. The Dacorum Local Plan is currently under review and was placed on deposit from 2 November

1998 until 15 January 1999. Also of relevance to this appeal is the Two Waters and Apsley Study Report which was issued in December 1996.

The main issues

6. The main issues in this appeal are firstly, whether, having regard to development plan and emerging local plan policies, the site should be retained for an industrial and storage use to be planned comprehensively with the adjoining site currently occupied by British Gas; secondly, whether the proposal would result in the loss of a significant number of trees and, if so, whether the loss would have a harmful impact on the character of the area; and thirdly, whether the proposal would destroy important plant species which are supported on the appeal site by the fly ash waste.

Inspector's reasons

Use of the site for industry or storage

7. The site is allocated for housing in the adopted local plan in which it is notated as Housing Site H42. It is understood that this designation reflected the outline planning permission for residential development that existed at the time of the preparation of the plan. The site also falls within the Two Waters General Employment Area. Policy TWA8 of the emerging local plan review specifically refers to the British Gas site and the land to the rear (the appeal site) and proposes the reuse and redevelopment of the former railway sidings and gas works for industry and storage.
8. At the inquiry the Council made the point that the combined sites represent an important contribution to the employment land supply in the Borough, particularly given that it provides the only opportunity in the area for freight railhead facilities required by Policy 66. It also offers the opportunity for the provision of a waste-recycling centre required by the Hertfordshire Waste Local Plan and would be suitable for park and ride.
9. However, following the close of the inquiry the Council has reviewed its intentions relating to the adjoining British Gas site. Due to pressure on the Green Belt for further housing in the area, this site has now been allocated for housing and park and ride facilities. In these circumstances, the use of the appeal site for housing would accord with policies contained in both the adopted and emerging local plans.
10. While there is clearly some merit in a comprehensive housing redevelopment scheme I do not consider that this is fundamental to the successful development of the appeal site or the land owned by British Gas. Some local residents have expressed concerns regarding the means of access although this view is not supported by the highway authority. While there would be an increase in traffic using Stratford Way I do not consider that highway safety would be at risk if this appeal were to be allowed and the development implemented. I therefore consider that, having regard to development plan and emerging local plan policies, there is no need for the site to be retained for industrial or storage purposes. The proposed housing development is therefore, in my opinion, an appropriate use for this site.

Loss of trees

11. Running parallel and adjacent to the northern boundary of the site is a line of mature Sycamores. These trees are located on an embankment and extend for approximately 120m from the site entrance. From this point onwards they are replaced by a mixed line of

younger trees and scrub. A railway embankment is also located on the southern site boundary. This embankment contains mature Sycamore and Ash with an understorey of Hazel, Hawthorn and Dogwood. The remainder of the site consists mainly of self-sown Goat Willow, Hawthorn, Sycamore, Birch and Dogwood. I acknowledge that the smaller trees within the centre of the site are not widely visible and therefore have a limited contribution to make to the surrounding environment and its enjoyment by the public. However, both parties agree that the trees on both the northern and southern boundaries make an important contribution to the amenities of the area.

12. Following arboricultural advice and the appellant's decision to reduce car parking standards an amended drawing, No. 13098/1A, was submitted during the course of the inquiry. The objective of this plan was to enable the retention of more trees on the northern boundary by reducing some of the parking areas and on the southern boundary by increasing the distance of the access road from the embankment. Subject to the Council's objections to a reduction in parking standards such a layout may, in theory, result in additional trees being retained. Nevertheless, it does not overcome my fundamental concern, which relates to the lack of a site survey which identifies all relevant site features and trees.
13. BS 5837:1991 *Trees in relation to construction* states at paragraph 5.1.1 that a land survey should be made showing all relevant existing site features before any planning application is submitted. In this case, having regard to the number and variety of trees within the site, I consider that such a survey is vital. It is only with this information that a meaningful decision can be made on the precise siting of the flats and the number of units which can satisfactorily be accommodated on the site without substantially eroding the valuable contribution which these trees make to the character of the area.
14. Despite various assessments being made at the inquiry as to the percentage tree loss on certain parts of the site, I am concerned that without a proper assessment of the condition of the trees to be removed and those to be retained, the proposal could result in a widespread loss of vigorous healthy trees. While I acknowledge that some form of tree management is essential on this site and accept that its development would inevitably result in the removal of trees it is essential, in my opinion, to demonstrate conclusively at this stage that the buildings can be sited as shown without an unwarranted loss of important trees.
15. Policy 8 of the adopted Local Plan (Policy 9 of the emerging Local Plan) identifies that applicants will be required to provide sufficient information and appropriately detailed plans to enable the Council to judge the full impact of the development proposal. It goes on to state *that development will not be permitted unless it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features*. In this case, I consider that the proposal is contrary to the aims and objectives of the policy as sufficient information has not been provided to enable a reasoned judgement to be made in respect of the effect of the proposed buildings on important landscape features.

Fly ash waste

16. The loss of the plant species which are supported on the fly ash waste is of concern to the Council. However, subject to the completion of a suitable planning obligation it was agreed that this matter could be resolved. In view of the fact that the obligation would provide precise details of the proposed translocation, including finance for an element of future

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management, I am also satisfied that the proposal would not result in the destruction of important plant species.

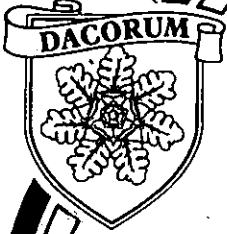
Other matters

17. All other matters raised at the inquiry and in writing have been considered including the assertion that the proposal is for low cost market housing which would aid the supply of affordable homes in the area.

Conclusions

18. For the reasons given above I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

Malcolm Lewis



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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/02126/98/OUT

ADJ, STRATFORD WAY, HEMEL HEMPSTEAD, HERTS, HP3
ERECTION OF 54NO 2BEDROOM FLATS AND ASSOCIATED EXTERNAL WORKS

Your application for outline planning permission dated 09 December 1998 and received on 17 December 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 25 March 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/02126/98/OUT

Date of Decision: 25 March 1999

- 1. The proposal for residential development is premature in the light of Policy 31 of the Dacorum Borough Local Plan 1991- 2011 Deposit Draft and the Two Waters and Apsley Inset which identifies the site as falling within the Two Waters General Employment Area. The site is identified for industrial and storage use to be planned comprehensively with the adjoining Gas Board site. The proposed development conflicts with this Policy.**
- 2. The proposed development would result in a significant loss of trees, protected by a Tree Preservation Order, to the detriment of the character of the area.**
- 3. The proposed development would destroy an area of substantial local importance for wildlife. No provision has been made within the application proposal to take measures to secure the translocation of the existing ecological interest.**