

**HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
FRIDAY, 13 JULY 2001, 10.30AM**



**THREE RIVERS DISTRICT
APPLICATION FOR INFILLING OF PIT AND RESTORATION TO AMENITY
WOODLAND AT GARSTON MANOR, GARSTON, HERTS**

Report of the Director of Environment

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Local Member: Mr P V Goggins

1. Purpose of the report

To consider planning application 8/0182-01 for the infilling of a pit and restoration to amenity woodland at Garston Manor, Garston, Herts.

2. Summary

- 2.1 The application seeks planning permission to infill a dell hole of approximately 0.1ha in size with 3850 cubic metres of inert waste at High Elms Lane, Garston.
- 2.2 The development would generate an average of 20 lorry movements per day, with a maximum of 40. The proposed hours of operation would be between 06:30 – 18:30pm Mondays to Fridays and no operations on Saturday. There would be no working on Sundays or Bank Holidays.
- 2.3 The site is located in secondary woodland, which forms part of the Garston Manor estate and parkland. Direct access to the tipping area would be provided by an old gravel track running from the southern side of the pit to a locked gateway at the eastern perimeter of the estate directly onto High Elms Lane.
- 2.4 The site is bordered to the north by High Elms Lane, to the south by secondary woodland, to the east by St Michael's School playing field and to the west by part of the Manor gardens.
- 2.5 In considering this application the main issues relate to:-
 - the importation of waste within the Green Belt;
 - impact on the highway network;
 - impact on the local environment;
 - impact on residential amenity;
 - impact on the adjacent listed building – Garston Manor.

3. Conclusion

The report concludes that the Director of Environment should be authorised to grant planning permission to infill the pit with inert waste subject to:

- (i) the prior submission of revised details for access improvements;
- (ii) planning conditions including restrictions on the categories of waste to be tipped, noise, dust, restoration, landscaping, restricting access/egress from the A405, traffic movements (a maximum of 20 waste movements per day, 10 in and 10 out), measures to prevent the deposit of mud on the highway, hours of working (08:00 – 18:00pm Mon-Fri, with no lorry movements during school times between 08:30 – 09:30am and 15:00 – 16:00pm Mondays to Thursday and 08:30 – 09:30am and 14:30 – 15:30pm on Fridays), the removal of any existing potentially polluting materials from the site and completion of the development, including restoration and landscaping but excluding aftercare, 9 months from the date of commencement.

1. Description of the site and proposed development

- 1.1 The site covers an area of approximately 0.1 hectares and is located to the north of Garston, just off the A405 North Orbital Road. It contains a void created by the extraction of sand and gravel some time ago for use within the estate. The void is of irregular shape and is approximately 32 metres wide and 8 metres deep.
- 1.2 The site is shown on the attached plan and is located within the Garston Manor estate and parkland and is set in secondary woodland. The estate boundary is bordered to the north by High Elms Lane which links to the A405, the south adjoins residential development, the east backs onto St Michael's School playing field and the west is part of the Manor gardens. Other built development within 250m of the site is Parminter's School along High Elms Lane and New Cottage at the north eastern end of the application site and estate.
- 1.3 The site is within the Metropolitan Green Belt and has a number of environmental features of importance surrounding it. Garston Manor house, 140 metres to the north of the site, is a Grade II Listed Building. Part of the woodland in which the application site is included is covered by a Woodland Tree Preservation Order (W4) noting species such as pine, holly, silver birch and beech. A survey of the woodland carried out by Hertfordshire Biological Records Centre in 1992 found the presence of invertebrates, mosses and fungi. The lawn and meadow to the south-west of the application site are designated as a Wildlife Area.
- 1.4 The application proposes to infill the void to contribute to the overall restoration, management and safety of Garston Manor Estate.
- 1.5 It is proposed to fill the void with 3850 cubic metres of inert waste, capped with subsoils and topsoils. Approximately seven sycamore trees would need to be removed from within the void to enable filling to take place. Some laurel clearance would be required to provide a suitable width of haul road and a turning circle for lorries. It is proposed to restore the area with native hardwoods, in keeping with the landscape character of the grounds. It is proposed to start operations as soon as possible, preferably commencing during the school summer holidays. Subject to the grant of planning permission the majority of infilling could be completed during this period, with restoration being completed within the following six months.
- 1.6 Direct access/egress to and from the tipping area would be provided by an old gravel track running from the southern side of the pit to a locked gateway at the eastern perimeter of the estate directly onto High Elms Lane. To the east of this access, High Elms Road is up to six metres wide and can accommodate passing lorries.
- 1.7 The proposed development would generate a maximum of 40 movements (20 in and 20 out) with an average of approximately 20 movements of waste (10 in and 10 out) per day.

- 1.8 The proposed operating hours would be:
06:30 – 18:30pm Monday to Friday
No workings on Saturdays, Sundays or Public Holidays.

2. Consultations and representations

- 2.1 Three Rivers District Council – object to the use of the proposed access by vehicles associated with the proposed works on the grounds of safety. They also object to the loss of a number of mature trees as a result of the works. The District would also like vehicle movements from the site, hours and days of operation and the resurfacing of High Elms Lane to be considered in the determination of this application.
- 2.2 Abbots Langley Parish Council – do not wish to object to the application but feel consideration should be given to restricting traffic movements at the commencement and finish of the school day. They also raise the issue of the state of High Elms Lane and the possibility of resurfacing it.
- 2.3 The Environment Agency - have no objection, in principle, to the proposed development provided a planning informative be attached to any planning permission recommending the Herts & Middlesex Wildlife Trust and Herts Biological Records Centre be consulted.
- 2.4 The County Council as Highway Authority - have no objection in principle to the revised access plans, subject to the imposition of conditions relating to the prior approval of the access/egress details from High Elms Lane; ensuring no operations are carried out between 08:30 – 09:30am and 15:00 – 16:00pm Mondays to Thursday and 08:30 – 09:30am and 14:30 – 15:30pm on Fridays during school times; restricting lorries accessing/egressing the site from the A405 North Orbital Road, to prevent the deposit of mud on the highway; wheel cleaning equipment and no more than 20 HGV lorry movements (10 in and 10 out) at the site on any one working day during school term.
- 2.5 Highways Agency - has no comments to make other than specifying the provision of wheel cleaning equipment, for trunk road safety reasons.
- 2.6 English Nature – confirm that no Sites of Special Scientific Interest are affected by the proposal but advise if badgers, bats or great crested newts are found on site they be contacted again. Hertfordshire and Middlesex Badger Group are going to survey the site imminently.
- 2.7 Herts Biological Records Centre - advise that the deadwood that is currently present in the pit be removed and placed in a pile close to the pit. Any blue bells within the pit should be transplanted to either side of the adjacent track. The access track should be re-seeded with an acid grassland seed mix after the completion of the infilling processes.
- 2.8 Thames Water – have no objection to the planning application.
- 2.9 English Heritage Garden History Society and the Herts & Middlesex Wildlife Trust – have no comments

2.10 Consultations – a full consultation was carried out including neighbour notification, a press release and a site notice. 2 letters have been received, one objecting to the proposal on the following grounds:

- highway grounds, proposing lorries should only be allowed to approach and leave the site from the A405 and raising concerns over the capacity of High Elms Lane to cope with this type and quantity of traffic;
- the impact of using the old access as proposed in the application due to safety and its proximity of a Pill Box.

The other letter was in favour of the proposal but would like the following points taken into account:

- the road condition of High Elms Lane due to high volumes of traffic;
- the degradation of the hedges further along High Elms Lane;
- the frequent blockages of the road drains;
- the proposal of 20-40 vehicle movements being excessive.

3. Planning Considerations

3.1 The material considerations in respect of this proposal are:

- the importation of waste within the Green Belt;
- impact on the highway network;
- impact on the local environment;
- impact on residential amenity;
- impact on the adjacent listed building – Garston Manor.

3.2 The development plan comprises the Hertfordshire Structure Plan Review 1991-2011, adopted April 1998, Hertfordshire Waste Local Plan 1995-2005, adopted January 1999 and the Three Rivers District Plan Review 1991, adopted August 1993.

3.3 Green Belt – The site is located within the Green Belt. Structure Plan Policy 5 states that there is a presumption against inappropriate development and permission will not be given, except in very special circumstances, for purposes other than those detailed in Planning Policy Guidance Note 2 (PPG2). The disposal of waste is not included as one of the uses which would normally be appropriate in the Green Belt. Policy GB.1 of Three Rivers District Plan accords with a similar policy.

3.4 Paragraph 3.12 of PPG2 states that:-

“.....The carrying out of operations and the making of material changes of use of land are inappropriate unless they maintain openness and do not conflict with the purposes in including land within the Green Belt.”

3.5 The proposal to carry out landfill within the Green Belt is by its definition inappropriate development and should only be permitted if special circumstances exist. This proposal would result in the restoration of land back to its original landform and

make a valuable contribution to enhancing land within the Green Belt. The site's location within an existing woodland would not result in any loss of openness nor would it conflict with any of the main purposes of including land with the Green Belt. As such it is considered that the special circumstances required to justify the setting aside of Green Belt policy in this instance exist.

- 3.6 Policy 55 of the Structure Plan states that the disposal of waste will only be permitted where it can be demonstrated that:
- it will not give rise to unacceptable adverse environmental effects, in particular air, water or land pollution, or other effects, and
 - it is necessary and appropriate to restore sites worked for mineral extraction; or
 - it would result in significant land drainage, landscape enhancement or other environmental improvement.
- 3.7 The use of inert waste to fill the void minimises the risk of pollution to the surrounding environment. During infilling some dust and noise disturbance would be generated, however, this could be controlled through the imposition of a suitable condition. It is considered that any adverse environmental effects resulting from the development could be controlled by condition such that the proposal does not conflict with the objectives set out in Policy 55. A condition could be imposed to ensure that any existing potentially polluting materials are removed from the site prior to infilling commencing.
- 3.8 The land surrounding the pit is secondary woodland, forming part of the Garston Manor estate and parkland. The land is part of one of the few estates and parklands remaining in the area. The site has never been restored, leaving an open void space, uncharacteristic of the surrounding landscape. The restoration of the pit would restore the landform to its original state and create a landform more in keeping with the parkland setting as supported by Policy 55.
- 3.9 Restoration of the pit would help deter unauthorised waste disposal within the area as well as improving the site. The removal of fly-tipped material and subsequent restoration would enhance the local landscape and bring environmental improvement therefore satisfying Policy 55.
- 3.10 Highways – The proposed site access is from a locked gateway at the eastern perimeter of the site directly onto High Elms Lane. This proposed route is up to six metres wide and can accommodate passing lorries and connects to the A405 North Orbital Road.
- 3.11 The proposed route passes two schools (Parminter's School and St Michael's School) and a small number of residential properties. Abbots Langley Parish Council has raised concern over the capacity of High Elms Lane to cope with additional traffic during school drop off and collection times. Policy 29 of the Structure Plan states that development which would generate significant change in the amount or type of traffic using rural roads will be resisted. However, it is considered that as the importation of material could take place over a relatively short period and that the maximum number of lorry movements should be restricted to 20 per day (see para 3.14 below), the

impact on the surrounding highway network would not be contrary to the objectives of Policy 29.

- 3.12 Waste Policy 43 relates to traffic and states that, in determining applications for land raising, the County Council will take into account the effect the extra activity will have upon other users of the road system in the area, the structure of the roads and the adjoining environment. The application site has good accessibility onto the existing road network, and then on to a main distributor road (A405 North Orbital Road). The County Council as Highway Authority advises that all lorries approach the site from the A405, this could be secured through condition.
- 3.13 The applicant proposes to operate the site between 06:30 – 18:30pm Monday to Friday with no workings on Saturdays, Sundays or Public Holidays. Any operations this early in the morning would be unacceptable due to the disturbance this would cause to the residential properties along High Elms Lane. It is therefore considered appropriate, should planning permission be granted, to restrict the hours of operation to 08:00 – 18:00pm to minimise the impact on nearby properties. Furthermore, High Elms Lane has two school entrances close to the application site's access/egress. These generate considerable amounts of traffic during drop off and pick up times. A condition could be imposed to stop lorry movements between 08:30 - 09:30am and 15:00 - 16:00pm Mondays to Thursday and 08:30 – 09:30am and 14:30 – 15:30pm on Fridays during school times. This would prevent a High Elms Lane conflict between lorries and school traffic.
- 3.14 The proposal involves the importation of 3850 cubic metres of inert material with a maximum of 40 lorry movements per day and an average of 20 movements per day. Lorry movements would depend on the availability of material but, in order to protect residential amenity, it would be appropriate to restrict lorry movements to 20 movements of waste (10 in and 10 out) per day. Based on these figures, approximately 15 days would be required to complete the importation of material. The timescale would, however, depend on the availability of material, a realistic assessment suggests that the infilling process could take up to 12 weeks. The majority could be completed during a school holiday period with the final restoration being completed within the following six months. This could be secured through condition to ensure the completion and final restoration of the site within a reasonable timescale.
- 3.15 Three Rivers District Council and a local resident have raised the issue of access onto High Elms Lane. The local resident notes the proximity of a pill box close to the proposed access. At the time of writing this report the applicant is submitting revised access plans to improve visibility and safety accessing/egressing High Elms Lane. The applicant proposes to improve the sight lines, reduce the height of the hedge within the site to improve visibility and the use of a fixed mirror positioned on the opposite side of High Elms Lane for lorries exiting the site.
- 3.16 Impact on the local environment – The site lies within woodland which has a Woodland Tree Preservation Order (W4) (TPO) noting species such as pine, holy, silver birch and beech. The purpose of placing a TPO either on individual trees or groups is to secure their preservation, or in certain circumstances to secure their replacement. Three Rivers District Council has raised objection to the loss of a number of mature trees as a result of the proposed works. The applicant identifies the

loss of seven sycamore trees and proposes to replace these with additional hardwood trees planted as part of the overall restoration of the site. In this instance the proposal is to replace the self-seeded sycamores and secure the management and new planting of the woodland area. This will secure the improvement of the woodland for the future.

- 3.17 The Biological Records Centre confirm that Garston Manor supports a wide diversity of species and that the Wildlife Site, 76/049, a grassland area to the south-west of the site will not be affected by the proposals. It advises that the deadwood that is currently present in the pit be removed and placed in a pile close to the pit. Any blue bells should be transplanted to either side of the adjacent track and the access track be re-seeded with an acid grassland seed mix after the completion of the infilling processes. The restoration of this part of the estate will contribute to the overall value of the area and hopefully safeguard it in the future.
- 3.18 Impact on residential amenity - The site is well positioned away from any major residential developments, although properties along High Elms Lane would be affected by vehicles accessing the site. The closest property to the site is Parmiter's School to the north with the site being sheltered by a line of trees along its boundary. The property which would be most affected by the proposal is New Cottage, located at the site's entrance. Although this resident did not make a representation it has to be accepted that during the operations there would be a loss of amenity due to the increased vehicle movements especially lorries importing material to the site, albeit for a limited period of approximately 12 weeks. The small scale of this operation would generate some temporary noise and dust emissions and minimal landscape and visual loss of amenity to the local area. It also needs to be recognised that the proposal's impact would be greater, by concentrating tipping during the summer months. Conditions restricting hours of operation, vehicle movements, working hours, noise and dust should help to mitigate some of these potential adverse effects.
- 3.19 Impact on Listed Building – Garston Manor was known as High Elms until 1895 and is shown in the Three Rivers District register of listed buildings as a Grade II Listed Building. The building is not within the application site but is situated adjacent to it. Policy 36 of the Waste Local Plan states landfilling of a void created by mineral working that would affect the setting of other historic buildings of merit will be permitted only on condition that the most important landscape features are conserved wherever possible, and that the restoration of the landscape recreates the original quality, with the replacement and maintenance of landscape features. The application site is to the east of the estate, 140m from the Manor and screened by woodland. The proposal would restore the land to its original state and contribute to the overall restoration of Garston Manor Estate. The proposal therefore does not conflict with Policy 36 by restoring the site to its original quality and would not detrimentally affect the setting of the historic building.

4. Conclusions

- 4.1 This application provides an opportunity to restore a pit previously used for small scale mineral extraction on land in the Green Belt. In its present condition the site attracts fly tipping, is in a dangerous state and not in keeping with its parkland setting.

Although the site is within the Green Belt and considered as inappropriate development, it does not conflict with the purposes of including land in the Green Belt and special circumstances exist to warrant the justification of overriding Green Belt policy.

- 4.2 It is concluded that because of the scale of this operation, its location connecting onto a main distributor road (A405 North Orbital Road) and its limited impact on other land uses, this planning application would afford the opportunity to improve a piece of land back to its original condition and deter unauthorised tipping.
- 4.3 It is therefore concluded that subject to the prior submission of revised details for access improvements planning permission could be granted with appropriate planning conditions relating to restrictions on the categories of waste to be tipped, noise, dust, restoration, landscaping, restricting access/egress from the A405, traffic movements (a maximum of 20 waste movements per day, 10 in and 10 out), measures to prevent the deposit of mud on the highway, hours of working (08:00 – 18:00pm Mon-Fri, with no lorry movements during school times between 08.30 - 09.30am and 1500 - 1600pm Mondays to Thursday and 08.30 - 09.30am and 1430 - 15.30pm on Fridays), the removal of any existing potentially polluting materials from the site and completion of the development, including restoration and landscaping but excluding aftercare, 9 months from the date of commencement.

5. Financial Implications

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from a decision of the Committee.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

Background material used by the author in compiling the report

Planning Application ref. 8/0182-00

Consultation responses and representation received in response to Planning Application ref. 8/0182-00

Hertfordshire Structure Plan Review 1991 to 2011 (adopted April 1998)

Hertfordshire Waste Local Plan 1995- 2005 (adopted January 1999)

Three Rivers District Plan Review 1991 (adopted 25 August 1993)