

Hertsmere Local Development Framework
Development Plan Document

Revised Core Strategy

Additional Note following Examination in
Public

8th June 2012



Introduction

This note is provided to the Inspector following the examination of the Hertsmere Revised Core Strategy. It provides additional information and suggested revisions to the Revised Core Strategy in light of the examination discussions. The amendments set out in this note are subject to ratification by Chief Officers and Members.

Local Plan Policy H4 Safeguarded Land for Housing

In light of the discussions regarding the Safeguarded Land for Housing (Policy H4 of the Local Plan) the Council proposes that this remains saved from the Local Plan to ensure that the proposal map remains legally compliant with the Act, and that the continued status of the land as safeguarded.

Appendix PE1 in this document provides an updated Revised Core Strategy Appendix 5.

Policy CS4 Affordable Housing

Following the discussions in the examination regarding Policy CS4 of the revised Core Strategy, the Council have proposed to amend the policy to reduce the threshold for affordable housing (paragraph 6.31 of the Development Economics Study), and increase the requirement in high value areas (paragraph 6.23 of the Development Economics Study), as proposed in the Development Economics Study.

An amended Policy CS4 and supporting text is set out Appendix PE2.

Policy CS6 Gypsy and Traveller Sites

The Council proposes revised wording for Policy CS6 and revised supporting text. The revisions take account of the discussions at the examination during Matter 3, and are set out in Appendix PE3 of this document.

Policy CS12 Green Belt Protection and enhancement of the natural environment

During Matter 3 and Matter 5, the Council agreed to amend Policy CS12, and provide two separate policies for the natural environment and for the Green Belt, the proposed text for these policies is provided in Appendix PE4 of this document.

In addition the Council has been in discussions with David Lander Consulting, representing RRHE LLP. Both parties have agreed a revised paragraph 5.8 which clarifies the position with this specific site, which supports the new Green Belt policy. For the purposes of this note, Policy CS12 has been split into Policy CS12(a) and Policy CS12(b) to provide clarity and avoid later policies and relevant supporting text in the document having to be renumbered. However, the final Core Strategy would contain a new Policy

CS13, in respect of Green Belt, with all subsequent policies being renumbered.

Policy CS18 Key community facilities

Following the examination, the Council reviewed the information regarding change of use between residential and community use. Between 2000 and 2012, there were 21 planning applications involving a change of between residential and community uses, including:

- Five related to the change of use from residential C3 use to either D1 or C2 uses.
- Ten applications related to the change of use from either D1 or C2 uses to residential C3 use;
- Six were the ancillary use or partial conversion of a Use Class C3 unit involving some D1 floor space. This involved either retention of the first floor for residential use, or the conversion of a room or garage for an ancillary use.

Whilst there has been some land use change around residential and community uses, the scale of change is relatively modest and it is not thought that there is sufficient evidence to justify the final sentence of Policy CS18. It is also noted that paragraph 6.7 of the RCS recognises that in providing such healthcare and elderly care facilities with fair levels of access, 'this may require the conversion of existing buildings and in exceptional circumstances...including some residential properties'.

Policy H6 of the Local Plan promotes the retention of existing residential accommodation. As this policy is general to any other use class, it may be that this policy would be carried through to any future Development Management policies, subject to its reassessment.

An amended CS18 is provided in Appendix PE5 of this document.

Policy SP1 and CS16

Minor amendments are proposed to SP1 and CS16 to ensure consistency with paragraph 5.44. The amendments are proposed in Appendix PE6 and PE7 of this document.

Update on Brookes Place traveller site further to HBC Matter 5 Statement

The Council is working with land owners to bring forward planning applications for the appropriate extension and intensification of existing, established private and public sites. Paragraph 2.4 of the Council's submitted Matter 5 statement makes reference to advanced pre-application discussions with an owner of one site in relation to the provision of additional authorised pitches. Following these discussions, the Council recently received and validated a retrospective planning application (HBC reference number

TP/12/0786) for 18 traveller pitches at Brookes Place, Barnet Road, Potters Bar (also known as the Pylon Site) within the curtilage of the existing site.

The Pylon Site currently has permission for 12 traveller pitches. Although the site has previously been treated as a single planning unit, its management is split between two separate parties. The planning application currently seeks to split the site into two planning units, along the same line that splits it for management purposes. The part of the site that is subject to an application for planning consent currently has permission for 8 pitches, and the other part of the site currently has permission for 4 pitches. Should the application be approved the site would lawfully accommodate a total of 22 pitches. This would be a net increase of 10 authorised pitches.

Given that an appeal for 1 pitch at Shenleybury Cottages was allowed in December 2011 (PINS reference number APP/N1920/A/11/2151457), a net increase of 10 pitches would mean that the Council has made provisions for a total of 20 pitches since the beginning of the Regional Spatial Strategy plan-period (2006). This would meet the Revised Core Strategy Policy CS6 target to 2011 and begin to meet the 2 pitch per annum target to 2017.

Update on Elstree Way Corridor

1.) Hertfordshire Constabulary

Following lengthy negotiations, a formal proposal for the Hertfordshire Constabulary to share some of the Hertsmere Borough Council Civic Offices was agreed by the Hertfordshire Police Authority on 18th May 2012. The proposal was agreed, the police station will share the site of Hertsmere Borough Council's offices and build on the existing joint working relationship with the police as part of the Hertsmere's Community Safety Partnership. The existing police station site would be made available for development in line with the Elstree Way Corridor Feasibility Study. The move is planned to be completed before the summer 2013.

2.) Horizon One

Since the examination, planning permission has been granted, subject to independent viability ratification, for 130 dwellings on the site on Studio Way, Borehamwood.

Minor Amendments

In addition to the policy amendments set out in this note, various further revisions to the text within the Revised Core Strategy are proposed. A new paragraph 5.26 and an amended Paragraph 7.28 are set out in Appendix PE8, as a result of discussions during Matter 6.

Appendix PE1: Amended Appendix 5 Schedule

Core Strategy Policy	Development Management application	To replace Local Plan policy (deleted)	Compliments Local Plan policy
SP1 Creating sustainable development	Y	K1 Sustainable Development K2 Development Strategy	
CS1 The supply of new homes	Y	H1 Housing Land – overall supply	
CS2 The location of new homes	N	H4 Green Belt Safeguarded Land for Housing	H4 Green Belt Safeguarded Land for Housing
CS3 Phasing of development	Y	H5 Phasing of Housing Sites is delete	
CS4 Affordable Housing	Y	H16 Affordable Housing Provision and paragraph 9.6.	
CS5 Affordable Housing in rural areas on "exception sites"	Y	H17 Affordable Housing Provision in Rural Villages and Settlements.	
CS6 Gypsy and traveller sites	Y	S9 Gypsies and Travellers is deleted	
CS7 Housing mix	Y	H7 Housing Mix	H12 Sheltered Housing
CS8 Scale and distribution of employment land	Y		B1 Employment Area; B3: Cranborne Road Employment Area; B5: Centennial Park
CS9 Local Significant Employment	N (until Site	B6 Class B1(a)	

Sites	Allocations adopted)	development	
CS10 Land use within employment areas	Y	B2 Employment areas - offices and other employment generating users B6 Class B1 (a) development	
CS11 Promoting film and television production in Hertsmere	Y	B7 Borehamwood Town Centre - revitalisation	
CS12 The Green Belt protection and enhancement of the natural environment	Y	C9 Landscape Conservation Areas C10 Landscape character	C1 Green belt C18: Major Developed Sites in the Green Belt E1: Sites of Special Scientific Interest, E2: Nature Conservation Sites – Protection, E3: Species Protection, E4: Features of Major Importance for Nature Conservation, E5: Nature Conservation Sites – Management, E6: Nature Conservation Sites - Opportunities Arising from Development, E7: Trees and Hedgerows - Protection and Retention, E8: Trees, Hedgerows and Development D6 Safeguarding Mineral Supplies
CS13 Protection or enhancement of historic assets	Y		E9: Archaeology - Assessment of Sites, E10: Archaeology - Nationally Important Sites, E11: Archaeology - Sites of Less than National Importance, E12: Listed Buildings – Demolition, E13: Listed Buildings - Alteration

			<p>and Extensions, E14: Listed Buildings - Changes of Use, E15: Listed Buildings - Repairs, E16: Listed Buildings - Development Affecting the setting of a listed building, E17: Listed Buildings - Submission of Drawings E18: Buildings of Local Interest, E19: Conservation Areas – Demolition, E20: Conservation Areas - Redevelopment, E21: Conservation Areas - Retention of Character, E22: Conservation Areas - Preservation and Enhancement, E23: Conservation Areas - Design of Development, E24: Conservation Areas - Cumulative Effect of Small, E25: Conservation Areas - Detailing and Materials, E26: Conservation Areas - Submission of Detailed, E27: Conservation Areas - Adjacent Development, E28: Conservation Areas - Open Space, E29: Conservation Areas - Streetscape, E30: Conservation Areas – Shopfront, E31: Historic Parks, E32: Battlefield</p>
<p>CS14 Promoting recreational access to open spaces and the countryside</p>	<p>Y</p>	<p>C8 Watling Chase Community Forest Gateway Sites</p>	<p>M6: Cyclists, M7: Equestrian Needs M8: Rights of Way - Existing Definitive and Non-Definitive Public Networks, M9: Rights of Way - New 'Off Road' Routes and Greenways C7 Watling Chase Community Forest</p>

CS15 Environmental impact of development	Y		D1: Watercourses, River Corridors, Floodplains and water meadows, D2 Open Water Areas, D3: Control of Development Drainage and Runoff Considerations D4: Groundwater Protection , D5: Water Supply & Sewerage Facilities for New Development D7 Re-use and recycling in construction D15: Energy Efficiency - Design and Layout of Development, D16: Renewable Energy Sources D17: Pollution Control, D18: Hazardous Substances, D19: Lighting Installations and Light Pollution
CS16 Energy and CO ₂ Reductions	Y/ In line with Part L of the building Regulations		D15 Energy Efficiency – Design and Layout D14 Renewable Energy Sources
CS17 Access to services	Y		S2 Surgeries S3 Residential Care and Supported Accommodation S4 New Schools or Colleges S5 Extensions to Existing Schools or Colleges S6 Nurseries and Crèches
CS18 Key community facilities	Y	S1 Social and community facilities – existing S8 Libraries	

CS19 Securing mixed use development	Y	B2 Employment Areas – offices and other employment generating uses	H13 Changes of use to residential
CS20 Standard charge and other planning obligations	Y		H7 Housing Mix R2 Developer Requirements
CS21 Securing a high quality and accessible environment	Y (including 100% lifetime homes requirement)	H15 Accessible Housing and the ability to adapt	D21 Design and Setting of Development
CS22 Elstree Way Corridor	Y		
CS23 Development and accessibility to services and employment	Y	M2 Development and Movement (<i>regarding location of major development</i>) B6 Class B1(a) development	M2 Development and Movement
CS24 Accessibility and parking	Y	M13 Car Parking Standards H14 New Residential Development in Town and District Centre Locations	
CS25 Promoting alternatives to the car	Y		M5: Pedestrian Need, M6: Cyclists, M7: Equestrian Needs, M8: Rights of Way - Existing Definitive and Non-Definitive Public Networks, M9: Rights of Way - New 'Off Road' Routes and Greenways M10: Passenger Transport Facilities M11: Passenger Transport

			Enhancement (Topics within Integrated Package Areas)
CS26 Town centre strategy	Y	T3 Town and District Centres – Retail and Commercial Developments	T5 Shopping Facilities – Areas of Deficiency
CS27 Strengthening town centres	N		T6 Non retail uses – Locational Criteria T7 Non-retail uses – other criteria
CS28 Retail and commercial development in Shenley	Y		T5 Shopping Facilities – Areas of Deficiency
CS29 Safe and attractive evening economy	Y		T3 Town and district centres – retail and commercial developments T6 Non-retail uses – locational criteria T7 Non-retail uses – other criteria T8 Development in shopping centres – environmental considerations

Local Plan (2003) Proposal Map: All components of the Local Plan Proposal Map (2003) are saved **apart from H4**, and will be superseded by a revised proposal map to support the Site Allocations DPD

Appendix PE2: Policy CS4: Affordable Housing

Policy CS4 Affordable Housing

To increase the supply of Affordable Housing, developments of 5 self-contained, residential units or more (gross), or residential sites of more than 0.3 hectares, should make provision for an element of Affordable Housing. On sites of fewer than 15 units, this may be delivered through the provision of intermediate housing (including shared ownership and share equity), with sites of 15 units or more containing a mix social rented housing, affordable rent and intermediate housing.

The following percentage targets will be sought through negotiation:

- 40% in post code areas EN5 4, WD25 9, WD7 8, WD7 7;
- at least 35% in all other locations;

Appendix 6 provides a map of the post code areas within Hertsmere.

The policy equates to an affordable housing target of **x** from 2012 to 2027.

The Council will seek the maximum level of Affordable Housing on site. A lower level of provision will not be acceptable unless the Council agrees exceptional circumstances are demonstrated. Only in exceptional circumstances, will an alternative to on-site provision be appropriate.

As a guideline, on sites of 15 or more units (gross) or 0.5 hectares, the council expect that 75% of the Affordable Housing units will be delivered as social rented and/or affordable rent housing and the remainder as intermediate housing. The precise tenure and dwelling mix will be agreed with the Council on a site-by-site basis and reflecting current housing needs or updated supplementary guidance.

On-site provision will be expected for sites of 5 or more dwellings. Where scheme viability may be affected, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision.

Appendix PE3: Policy CS6 Gypsy and Traveller Sites

Policy CS6 Gypsy and Traveller sites

The Council will provide for the further needs of Gypsies and Travellers on the basis of identified need within south and west Hertfordshire. ~~†~~The Council will ~~seek to~~ identify and allocate ~~up to at least~~ 9 additional pitches to ~~meet~~ 2011 based on the evidence ~~before~~ the East of England Plan ~~requirements to 2014 examination~~ and a further ~~10-2~~ pitches ~~per annum~~ ~~to by~~ 2017 through the identification of land in the Site Allocations DPD.

In identifying ~~or determining planning applications for~~ any required potential sites ~~/ pitches~~, consideration will be based on a range of criteria including:

- i) the potential of existing sites to accommodate additional pitches;
- ii) a sequential site selection process with an emphasis on land which has been previously developed;
- iii) safe and convenient access to the ~~primary~~ road network, ~~with proximity to the major road network and~~ without blocking or inhibiting use of any existing rights of way; ~~the proximity of a transit site to a major road network;~~
- ~~iv) avoiding prejudicing adjacent nearby residential or rural amenity as a result of visual intrusion, excessive noise, lighting, traffic generation or activity at unsocial hours;~~
- iv) ~~avoiding over-dominating and~~ respecting the size and scale of ~~and not dominating~~ the nearest settled community, ~~ensuring that there is not an undue level of Gypsy and Traveller pitches in any one part of the Borough which might result in~~ an ~~and avoiding an~~ adverse impact on ~~the~~ local ~~environment and / or~~ infrastructure ~~and services~~;
- vi) safe and acceptable environmental conditions within the site including the need to avoid air and noise pollution and significantly contaminated land;
- vii) an ability to receive essential services including water, sewerage, drainage and water disposal;
- ~~viii) an ability for a site with over 5 pitches to be effectively managed for Gypsies and Travellers with local connections;~~
- viii ✕) a location within reasonable proximity to key local services;
- viii ✕) the potential for a site to be effectively landscaped and where necessary, an adequate buffer between the site and any nearby ~~housing settled community~~;
- ixi) the potential risk of flooding or the ability to mitigate this risk; and ensuring ~~any~~ other adverse effects on the built and natural environment are

avoided and / or mitigated including compliance with the key environmental policies set out in the Core Strategy ~~(including Policies CS12, CS13, CS15, CS16 and CS17)~~; and

xii) the likely availability of the site to accommodate Gypsy and Traveller pitches.

Appendix PE4: Policy CS12 Green Belt Protection and enhancement of the natural environment

Policy CS12 (a) – The Enhancement of the Natural Environment

All development proposals must conserve and enhance the natural environment of the Borough, including biodiversity, habitats, protected trees, landscape character, and sites of ecological and geological value, in order to maintain and improve environmental quality, and contribute to the objectives of the adopted Greenways Strategy and the Hertsmere Green Infrastructure Plan. Proposals should provide opportunities for habitat creation and enhancement throughout the life of a development. In the case of the highest quality agricultural land (Grades 1, 2 and 3a) and Preferred Areas of mineral extraction, proposals will only be permitted where there is no likelihood of the land being sterilised for future agriculture or mineral extraction.

Policy CS12 (b) – The Green Belt

There is a general presumption against inappropriate development within the Green Belt, as defined on the Proposals Map and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the NPPF.

Limited infilling within those parts of Elstree, Shenley and South Mimms which are in the Green Belt will be considered appropriate, provided that it is sympathetic to its surroundings, retains and protects features essential to the character and appearance of the village; and complies with other relevant policies in this Plan. Village envelopes for Elstree (that part not in the Green Belt), Shenley and South Mimms for limited infilling will be identified through the Site Allocations DPD.

Key Green Belt Sites (previously known as Major Developed Sites) contain established educational, research and other institutions within the Green Belt and are suitable locations for appropriate infilling; development within defined boundaries for infilling will be considered acceptable and these boundaries will be reviewed through the Site Allocations DPD.

The Green Belt will remain unchanged from that shown in the Hertsmere Local Plan (2003) except around Shenley where the boundary will be redrawn to reflect the recent development of Shenley Hospital.

Revised Paragraph 5.5

Within the Green Belt, there is a need to maintain strict controls over the types of development, which can be permitted. The types of uses permitted in the Green Belt are limited by central Government in ~~PPG2 (Green Belts)~~the NPPF to a limited range ~~of 'open land' of uses and types of site~~, in order to protect its openness and prevent urban sprawl or the merging of towns. These permitted uses ~~extend to include~~ agriculture, forestry, essential facilities outdoor for sport and recreation, cemeteries ~~and~~ mineral extraction and local transport infrastructure. Limited development within 'Key Green Belt Sites' ~~Major Developed Sites~~, previously permitted through national policy as Major Development Sites, will be supported; ~~can also be permitted and~~ there ~~are presently~~ were previously 15 Major Developed Sites in Hertsmere comprising education and medical manufacturing or research facilities and ~~the~~ number of these sites, together with their boundary 'envelope' which clarifies the extent of appropriate infilling and development, will be ~~clarified set out~~ in the Site Allocations DPD to enable those sites to plan effectively for their future land use requirements including through the use of masterplans, where appropriate.

Appendix PE5: Policy CS18 Key community facilities

Proposals for the provision or dual use of key community facilities, including educational, healthcare and recreational facilities, will be supported, subject to any environmental constraints and other relevant policies. The loss, reduction or displacement of facilities and sites will not be permitted unless it can be demonstrated that they are surplus to the needs of the local community or are no longer fit for purpose. It should also be demonstrated that there is no reasonable scope for alternative community uses to be provided and that any required, replacement accommodation elsewhere is satisfactory for all of its users, having regard to the provisions of Policy CS20. ~~The conversion or redevelopment of residential properties for healthcare and elderly care will not be considered appropriate unless it can be demonstrated that there are no other suitable sites or buildings within the service provider catchment.~~

Appendix PE6: Policy SP1 Creating sustainable development

The Council will work with Hertfordshire County Council, Hertfordshire Constabulary, NHS Hertfordshire, Registered Housing Providers and other key local stakeholders to enable development in the Borough to make a sustainable contribution to delivering the Core Strategy Spatial Vision and Strategy. Accordingly new development will be required to prioritise the efficient use of brownfield land in delivering the land use requirements of the private sector, local service providers and the different needs of the hierarchy of settlements across the Borough. There will be a focus on prioritising development opportunities in Borehamwood but all existing built up areas within urban settlements will be expected to accommodate opportunities which arise for meeting local housing, jobs growth and other development and service needs.

All development across the Borough should:

- i) ensure a safe, accessible and healthy living environment for residents and other users of a development;
- ii) conserve and enhance biodiversity, protected trees, and sites of ecological value in the Borough and provide opportunities for habitat creation and enhancement throughout the life of a development;
- iii) mitigate the environmental impact of transport by promoting alternatives to the car for accessing new development and existing development and other destinations across the Borough, and opportunities for linked trips;
- iv) be of high quality design and appropriate in scale, appearance and function to the local context and settlement hierarchy, taking advantage of opportunity to improve the character and quality of an area;
- v) avoid prejudicing, either individually or cumulatively, characteristics and features of the natural and built environment;
- vi) minimise and mitigate the impact on local infrastructure and services;
- vii) avoid inappropriate development ~~which causes harm to the openness and appearance of in~~ the Green Belt;
- viii) seek the maximum level of Affordable Housing on site;
- ~~ix) do not create an unacceptable level of risk to occupiers of a site, the local community and the wider environment;~~
- ix) ensure a safe, efficient and affordable transport system that allows access for all to everyday facilities;
- ~~xi) x)~~ be constructed and operated using a minimum amount of non-renewable sources and be required to use energy efficiently, such as from decentralised and renewable or low carbon sources;
- ~~xii) xi)~~ as a minimum standard, achieve the required levels of the Code for Sustainable Homes for residential development and ~~BREEAM Excellent or Outstanding emissions reductions in line with the Buildings Regulations~~ for non-residential development;

- ~~xiii)~~ xii) do not create an unacceptable level of risk to occupiers of a site, the local community and the wider environment;
- ~~xiv)~~ xiii) conserve or enhance the historic environment of the Borough in order to maintain and where possible improve local environmental quality;
- ~~xv)~~ xiv) avoiding development in the floodplain and close to river corridors unless the requirements of the sequential and exceptions tests have been met and flood prevention/mitigation measures are in place;
- ~~xvi)~~ xv) incorporate the use of Sustainable Urban Drainage Systems (SUDS) where appropriate and where required by the Flood and Water Management Act 2010 to help reduce the risk of flooding;
- ~~xvii)~~ xvi) ensure that pollutants are minimised, including emissions to air, water, soil, light and noise; and
- ~~xviii)~~ xvii) make provision for waste minimisation and recycling within the development during the construction phase and following occupation.

Appendix PE7: Policy CS16: Energy and CO2 Reductions

All new residential developments will be required to achieve the following levels of the Code for Sustainable Homes (Code) as a minimum as and when successive updates to Part L of the Building Regulations become mandatory:

- 2010 - Code level 3
- 2013 - Code level 4 once updates to Part L come into effect.
- 2016 - Code level ~~6~~5 once updates to Part L ~~and the national Zero Carbon Homes policy~~ come into effect.

All new non-domestic will be expected as a minimum to achieve CO2 emissions reductions in-line with the Building Regulations Part L. This requirement will not come into effect until successive updates to Part L of the Building Regulations become mandatory:

- 2010 - 25% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006).
- 2013 - 44% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006) (reductions above 70% can be delivered using allowable solutions).
- 2019 - Zero Carbon - no additional requirement.

The Council will further encourage all new development or major refurbishment to incorporate energy from decentralised and renewable or low carbon sources. All large scale development will be required to incorporate on-site renewable energy generation, unless it is not feasible or viable or alternative decentralised and renewable, low carbon sources can be identified. The Council will also permit new development of sources of renewable energy generation subject to:

- local designated environmental assets and constraints, important landscape features and significant local biodiversity;
- minimising any detriment to the amenity of neighbouring residents and land uses; and
- meeting high standards of sustainable design and construction.

Appendix PE8: Minor Amendments

New paragraph 5.26

The Council intends to review the Open Space Study and Play Pitch Strategy by the end of 2013 to ensure a robust evidence base for its CIL charging schedule.

Amended Paragraph 7.28

The financing of improvements and development of routes, such as those in policy CS25 can be achieved through ~~planning conditions~~, Section 106 legal agreements, and the implementation of a Community Infrastructure Levy in the future. It is intended that guidance, presently set out in the Watling Chase Greenways Strategy, will be incorporated into an updated Supplementary Planning Document identifying new priority routes.