

Christine Whyte

From: Neil Cottrell <Neil.Cottrell@cala.co.uk>
Sent: 14 September 2015 13:31
To: Local Plan
Cc: Andrew Aldridge; 'Ian Dudley'; William Stuart; 'Granville Taylor'; Mark Silverman; Karen Humphries
Subject: SADM Publication Stage Reps Form - Representations by CALA Management Limited relating to Paddocks, Bushey Heath
Attachments: doc01294220150914131946.pdf

Dear Sir/ Madam,
I enclose CALAs response in relation to the SADM Publication Stage Consultation process and look forward to receiving the Examination arrangements in due course.
The enclosed response cites strong and fundamental objections to the proposed Local Green Space allocation for the site.
Please do not hesitate to contact me on 07841292877 if you have any queries.
I would also be grateful if you could acknowledge safe receipt of this e-mail.
Yours faithfully,
Neil Cottrell

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Site Allocations and Development Management Policies Plan (SADM)
Publication Stage Representation Form

For office use only

Reference No:

Date received:

Please use this form to make Representations

Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015

By post: Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

By email: local.plan@hertsmere.gov.uk

This form has three parts:

Part A – Personal details (only needed once).

Part B – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation’s name at the top of the page.

Part C – What information you want the Council to provide you with about future progress of SADM (only needed once).

Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).

Part A	1. Personal details*	2. Agent details (if applicable)
Title	Mr	
First name	Neil	
Last name	Cottrell	
Job title (where relevant)	Planning Manager	
Organisation (where relevant)	CALA Management Limited (Chiltern)	
Address	Riverside House Holtspur Lane Wooburn Green High Wycombe Bucks	
Post Code	HP10 0TJ	
Telephone number	01628536200	
Email address	neil.cottrell@cala.co.uk	

*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.



Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.

Part B

Name or organisation:

For office use only
 Ref No:
 support:
 object:
 change:

IMPORTANT: Please use a separate Part B form for each representation

3. To which part of SADM ('the Plan') does this representation relate?

Paragraph Policy Policies Map Other part of Plan (specify)

4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be: Please tick which boxes apply

4(a) Legally Compliant Yes No no comment to make

4(b) Compliant with the Duty to Co-operate Yes No no comment to make

4(c) Sound Yes No no comment to make

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

5. If you consider the Plan to be unsound is this because it is not:

5(a) Positively prepared Please tick which box(es) apply

5(b) Justified

5(c) Effective

5(d) Consistent with national policy

6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.

If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.

The site at the Paddocks, Elstree Road, Bushey Heath does not meet the NPPF criteria for Local Green Space designation in the National Planning Policy Framework (NPPF). This is explained in detail in the enclosed report by Lockhart Garratt attached at **Annex 1**.

- 7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan**
- **legally compliant or**
 - **sound (having regard to the criteria you ticked at 5 above relating to soundness).**
- You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

The plan can be made sound by removing the proposed Local Green Space Designation for the Paddocks from the SADM.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. After this current publication stage, further submissions will only be able to be made at the Inspector’s request, based on the matters and issues he/she identifies for Examination.

- 8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a ‘Statement of Common Ground’ with this Council?**

Yes No

- 9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the oral Examination Yes, I wish to participate at the oral Examination

- 10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

The proposed designation of the Paddock as a Local Green Space severely constrains residential development on the site, which lies in a sustainable location in an established settlement. In addition, the designation also affects the interests and assets of Bushey Museum Property Trust, who have also made representations on the matter.

(continue on a separate sheet/expand box if necessary)

Please note: the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature:

[Redacted Signature]

Date: 14/09/15

Part C

(Only needed once)

Name (Print): Neil Cottrell

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.

If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.

If you no longer wish to receive communications from the Council on SADM please tick this box.

ANNEX 1 Detailed representations by Lockart Garratt



LOCAL GREEN SPACE SUITABILITY APPRAISAL

CALA Management Limited
(Chiltern)

The Paddocks, Bushey Heath

Ref: 15-1429

Version: 4

Date: September 2015

Author: Ian Dudley

Reviewer: Richard Heath

Address: 7-8 Melbourne House
Corbygate Business
Park
Weldon
Corby
Northamptonshire
NN17 5JG

Purpose of Document

This document will present an independent appraisal of the suitability of the area of land identified as The Paddocks adjacent to Elstree Road, Bushey Heath for designation as Local Green Space against the criteria set out within the National Planning Policy Framework.

Executive Summary

An appraisal was conducted of the site known as The Paddocks in Bushey Heath against the Local Green Space designation criteria set out within Paragraph 77 of the National Planning Policy Framework.

The appraisal concluded that whilst The Paddocks meets the criteria of being reasonably close to the local community and not an extensive tract of land, it meets none of the criteria which would distinguish it as being demonstrably special or of particular local significance, and therefore it is not suitable for Local Green Space Designation.

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1. INTRODUCTION & BACKGROUND

Site Location & Extent

- 1.1. The Paddocks is located within the urban settlement of Bushey Heath, to the north of the junction between Elstree Road and Caldecote Gardens. The site centroid is TQ 152 947.
- 1.2. The site is approximately 0.6 hectares in area.

Site Description

- 1.3. The Paddocks currently comprises an area of rough grassland with regenerating scrub and a treed boundary. It is situated on a north-west facing slope with a fall of approximately 5m from south-east to north-west and views available of the surrounding landscape towards Watford.
- 1.4. The grassland has been assessed within the last two years by an ecologist and found to be poor semi-improved grassland with no notable species present.
- 1.5. There are several patches of scrub within the grassland, and a mature oak tree is located in the northern corner.
- 1.6. The site is surrounded with overgrown hedgerows of predominantly hawthorn, with oak, holly, sycamore and blackthorn also present. Several ash and oak trees stand within the hedgerow, although the ash trees appear to be in decline with thinning crowns, and with one ash tree having been recently felled.
- 1.7. The site is separated from the adjacent public highways by a post and rail timber fence. A locked pedestrian gate is located on the south-eastern boundary close to the southern point, with a sign which states that the site is private property. Vehicular access to the site is provided via a timber gate at the eastern corner.

Planning Policy Context

- 1.8. The national policy precedent for Local Green Spaces is established within Paragraphs 76-78 of the National Planning Policy Framework. New development within these areas is only permitted under "*very special circumstances*", which is likely to indicate an over-riding public benefit and therefore the designation of these areas is strictly controlled.
- 1.9. In terms of the identification of sites suitable for Local Green Space designation, Paragraph 76 notes that these should be areas of "*particular importance*" to local communities, whilst Paragraph 77 builds upon this, stating that the designation should only be used when the following requirements are met:
 - Where the green space is in reasonably close proximity to the community it serves;
 - Where the green space is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.
- 1.10. Furthermore, the National Planning Practice Guidance (Paragraph 014, Reference ID: 37-014-20140306) gives examples of suitable areas for Local Green Space designation as land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

2. APPRAISAL OF SITE AGAINST POLICY CRITERIA

National Planning Policy Framework Paragraph 77

- 2.1. Paragraph 77 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space; the implication being that only those spaces which deliver the greatest public benefit should be designated.
- 2.2. The criteria which all need to be satisfied to justify designation are set out in paragraph 1.9 above and the site will be considered against these criteria below.

Proximity to Community

- 2.3. The Paddocks is surrounded by built development and therefore it meets this criterion in the sense that it is in close proximity to the local community. This is, however, likely to apply to most green spaces within urban locations within the UK.

Demonstrably Special to a Local Community

- 2.4. There is no evidence to suggest that the local community has a special relationship with The Paddocks, beyond it being an area of private open space within their neighbourhood.
- 2.5. Whilst there is a current campaign on the part of local residents opposing the development of the site¹, this does not constitute evidence that the site is 'demonstrably special', as this applies to many similar spaces within the UK.
- 2.6. To satisfy this criterion it would be expected that there would be extensive evidence of the community interacting with the site for a significant period of time, through access, artistic expression, local folklore, investment or other similar means. Prior to the anti-development campaign there is no evidence that the community has interacted with this site in any of these forms.

Local Significance: Beauty

- 2.7. The Paddocks is a local natural space comprising grassland, shrubs and trees and whilst it is commonly accepted that natural elements are more attractive than built elements in most cases, this site does not demonstrate the particular significance required by the NPPF.
- 2.8. In particular, the site does not express any particular beauty in terms of its individual elements or the assemblage thereof, and whilst there are views available to the surrounding landscape, this view includes significant urban structures including tower blocks and warehouses.
- 2.9. There are a number of comparable open space areas within Bushey Heath, for example the small area containing an ornamental water body to the north of the junction between Warren Road and The Comyns. It is also notable that directly to the south of the site lies the gardens associated with Reveley Lodge, which are locally promoted for their attractiveness and open to visitors.
- 2.10. It is therefore concluded that whilst the site is natural, it is not sufficiently attractive to be of particularly local significance as required by the NPPF criteria.

¹ <https://busheyheathresidentsassociation.wordpress.com/>

Local Significance: Historic Significance

- 2.11. Historic Ordnance Survey mapping² shows The Paddocks to have been part of enclosed agricultural land on the edge of Bushey since the late 19th Century, with formal gardens to the east (Caldecotte Lodge/Caldecote Towers) and south (Reveley Lodge).
- 2.12. There are no statutory or non-statutory historic designations, or Historic Environmental Record entries on the site³, indicating that the site is of no recognised national or local historical significance and therefore does not meet the NPPF criteria in this regard.
- 2.13. With regard to the setting of local heritage assets, the site is near to the Grade II Listed Buildings of Rosary Priory High School, Reveley Lodge and its stables, although the site does not make such a contribution as to be of 'particular local significance'.

Local Significance: Recreational Value

- 2.14. There is no record of The Paddocks having been used for public recreation and therefore this criterion does not apply. The site is clearly signed as private property and gates are locked.

Local Significance: Tranquillity

- 2.15. The Paddocks is located adjacent to the A411 Elstree Road, one of the principal routes into Bushey Heath and a busy public highway, with a bus stop directly opposite the site's south-eastern boundary. It is also located within 40m of the Immanuel College school complex and within 700m of the M1 Motorway.
- 2.16. These factors combine to reduce the potential tranquillity of the site. In addition, the fact that the site is inaccessible to the public means that any relative tranquillity that the site may express could not be enjoyed by the local community in any case.
- 2.17. It is therefore concluded that the site is not locally significant in this regard.

Local Significance: Richness of Wildlife

- 2.18. An ecological appraisal of The Paddocks was conducted by Ethos Environmental Consulting in September 2014.
- 2.19. This report concluded that the site is dominated by poor semi-improved grassland surrounded by a mixture of dense and scattered scrub which has a medium to low botanical diversity.
- 2.20. With regard to the hedgerows which surround the site, the report identifies three of these as having low diversity, whilst the hedgerow on the boundary with Elstree Road is of greater diversity. These hedgerows are identified as having some value as potential foraging and nesting/roosting habitat for a range of species including protected species.
- 2.21. The mature oak tree located at the northern end of the site was also identified as having habitat potential for birds and invertebrates.
- 2.22. With regard to the relative importance of the site in a local context, the ecological appraisal identifies four Local Wildlife Sites within 1km of the site, one of which (Hilfield Park Reservoir) is also a Local Nature Reserve.
- 2.23. In light of the above, it is concluded that whilst the site has some potential value to wildlife, this is not sufficient to meet the NPPF criterion of being locally significant.

² Source: www.old-maps.co.uk

³ Source: www.heritagegateway.org.uk

Local in Character

- 2.24. The NPPF offers no definition of this rather subjective term, although it may be considered to mean in keeping with the surroundings of the space in question.
- 2.25. The area surrounding The Paddocks is relatively smart and suburban in character, with clusters of dwellings of common architectural character and frontage landscaping of a formal and ornamental character.
- 2.26. In this sense, the unmanaged and naturalistic appearance of site does not express this character, with an area of ornamental park of municipal character with ordered features more likely to be suited to this location.

Not an Extensive Tract of Land

- 2.27. The Paddocks is approximately 0.6 hectares in area.
- 2.28. Whilst the NPPF does not define 'extensive', it is unlikely that it would be less than the site area and therefore it is concluded that the site meets this criterion.

3. CONCLUSION

- 3.1. It is the conclusion of this appraisal that whilst The Paddocks meets the criteria set out in Paragraph 77 of the National Planning Policy Framework of being reasonably close to the local community and not an extensive tract of land, it meets none of the criteria which would distinguish it as being demonstrably special or of particular local significance, and therefore it is not suitable for Local Green Space Designation.
- 3.2. We reserve the right to make further representations in response to representations made by other parties. In addition, we would respectfully wish to appear at the forthcoming Examination.