

CHAPTER 11 - SOCIAL AND COMMUNITY FACILITIES

11.1. POLICY 68: LAND FOR SOCIAL AND COMMUNITY FACILITIES

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1828	Wilcon Development Group Ltd	5106	Tring Environmental Forum

Support

1344 CPRE - The Hertfordshire Society

Key Issues

- (a) Whether Policy 68 adequately considers sustainability or capacity issues. (5106)
- (b) Whether the policy should be replaced by others dealing with the issues relevant to the allocated sites, or be redrafted to provide a criteria based policy which reflect sustainability principles. (5106)
- (c) Whether the provision of social and community facilities as part of the proposed development at West Hemel Hempstead (Site C6) should be restricted to the land required, and whether this should be phased in accordance with a development brief. (1828)

Inspector’s Conclusions

(a) Sustainability or capacity issues

11.1.1. The objector is concerned that Policy 68 provides for a wide range of development without examining the need for it or the impact of it. I accept that, taken on its own, the Policy is open ended, seeking sufficient land to accommodate facilities to meet the social and community needs of all sections of the community. It is not the intention of the Plan, however, that each policy is considered in isolation. Instead the Plan is underpinned by the overall objectives set out in Part 2, which are then used to derive the broad development strategy in Section 1 of Part 3. Issues of sustainability and capacity are reflected in the objectives and the development strategy, and would be made more explicit if the Council accepts my recommendation that a general policy should be formulated to demonstrate that such concepts are at the forefront of the policy framework. In this context it is not necessary for matters of sustainability and capacity to be repeated in individual policies throughout the Plan. I recommend no change in response to this objection.

(b) Replacement by criteria based policy or planning issues for individual sites

11.1.2. One way that sustainable development objectives could better be addressed, in the objector’s view, is by replacing Policy 68 with policies that deal with the planning issues specific to the allocations in the Schedule of Social and Community Facilities Proposals Sites. I do not believe, however, that individual policies are necessary for this purpose. As I indicate in the paragraph above, issues of sustainability and capacity apply throughout the Plan and are best addressed by a general policy included in the early chapters.

- 11.1.3. As to site-specific issues, it seems to me that such matters are largely covered in the “planning requirements” component of each site within the Schedule, where the individual treatment of planning issues follows the format used throughout the rest of the Plan. While I accept that the requirements are often very detailed, I share the Council’s view that it is appropriate to establish the main constraints and guidelines at an early stage. I acknowledge that some of these sites already have planning permission, but the Schedule is consistent with other sections of the Plan in providing a complete picture at the base date of 1 April 1997. The fact that planning issues are covered on a site-specific basis does not mean, however, that Policy 68 is redundant. It establishes the context for the provision of social and community facilities, and in my view is necessary to provide the link between the general policy framework and the individual site allocations. I therefore conclude that Policy 68 should be retained.
- 11.1.4. As an alternative, the objector suggests that Policy 68 should be redrafted to provide a framework for the assessment of individual proposals in the context of sustainable development principles. I recognise that criteria based policies are commonly found in other parts of the Plan, and I accept that there is some justification for establishing a framework against which as yet unidentified community provision could be assessed. However the Council has included criteria based policies for those categories of community provision that it considers warrant such an approach, such as education (Policy 70) and community care (Policy 72). Other forms of provision will be assessed against the policies relevant to the type of location, such as residential areas or local centres.
- 11.1.5. As sustainable development principles have been taken into account in the formulation of these policies, I do not believe that it is necessary for them to be repeated in Policy 68. Moreover Policy 68 is not prescriptive, in that it does not require land to be provided but merely gives it high priority, and as provision is dependent upon need, the policy would enable the rejection of any proposal where need could not be established. Taking all these factors into account I am satisfied that the enabling nature of the policy is appropriate, and I do not believe that it is necessary for it to be replaced by a criteria based approach. I recommend no change in response to this objection.

(c) *Provision at West Hemel Hempstead*

- 11.1.6. Wilcon does not object to the provision of land for new social and community facilities as part of the proposed development at West Hemel Hempstead, provided it is commensurate with the scale of the housing development and is properly phased. The company argues, however, that the provision of the facilities themselves, as required by Proposals Site C6, is inconsistent with the terms of Policy 68, which relates only to the provision of sufficient land. I find nothing in this objection which takes issue with the substance of Policy 68, for it seems to address the more onerous requirement of Site C6 for facilities to be provided. Accordingly I shall deal with this matter in my consideration of Site C6.

(d) *Consequential amendment*

- 11.1.7. The final paragraph of the background to Policy 68 refers to the provision of facilities for gypsies and travellers. I have indicated in Chapter 7 that gypsy site provision is

normally considered within the Housing section of development plans, and I recommend that the Council adopts this approach (see paragraphs 7.15.4 to 7.15.11). Consequently paragraph 11.6 should be deleted from the Social and Community Facilities section of the Plan. For similar reasons paragraph 11.5, which relates to the needs of travelling showpeople, should be moved to the Housing section of the Plan.

Recommendation

- 11.1.8. **No modification be made in response to these objections.**
- 11.1.9. **Paragraphs 11.5 and 11.6 be deleted from the Social and Community Facilities section of the Plan, and paragraph 11.5 be moved to the Housing section.**

11.2. POLICY 69: RETENTION OF SOCIAL AND COMMUNITY FACILITIES

Objection

<i>Rep No</i>	<i>Name</i>
595	The House Builders’ Federation

Support

1345	CPRE - The Hertfordshire Society
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Key Issue

- (a) Whether the term “viable” should be defined within the text of Policy 69. (595)

Inspector’s Conclusion

- (a) *Should “viable” be defined*

- 11.2.1. The objector argues that the Policy, which seeks to retain viable social and community facilities, is not capable of reasonable interpretation unless the term “viable” is defined. It is clearly desirable that the full meaning of Policy 69 is readily apparent, and I accept that neither the Policy nor its reasoning explains how the viability of a social and community facility is to be established. The objector provides no examples of the sorts of difficulties that might be faced, however, and I am not convinced that the task of interpretation is as problematic as is suggested.
- 11.2.2. In my experience “viability” is usually associated with a degree of practicability or economic feasibility, so it is a more precise test than, for example, mere need. I also have some sympathy with the Council’s view that, because of the diverse nature of social and community facilities, it would be difficult to define the term “viable” so as to encompass all eventualities. Instead of attempting to include some arbitrary definition, the Council considers that the issue of viability should be left to be examined in the context of specific proposals. Such an approach is not uncommon with policies of this nature, and in my view is acceptable. I recommend no change to Policy 69 in response to this objection.

Recommendation

11.2.3. No modification be made in response to this objection.

11.3. POLICY 70: EDUCATION

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1346*	CPRE – The Hertfordshire Society	3758	Government Office for East of England
1910	Hemel Hempstead Team Parish PCC	3998	HCC Corporate Services Department

Key Issues

- (a) Whether the word “redundant” should be deleted from the text of Policy 70. (3758)
- (b) Whether Policy 70 should recognise other opportunities for new schools coming forward in towns and large villages. (1346)
- (c) Whether Policy 70 should contain additional text to guard against social divisiveness near areas of mixed tenure. (1910)
- (d) Whether alternative development of educational sites on Open Land should be restricted to social, community, or recreational purposes, or whether the criteria of Policy 110 should apply. (3998)

Inspector’s Conclusions

(a) *Use of word “redundant”*

- 11.3.1. The objection from GOEE repeats earlier objections to the requirement that buildings in the Green Belt should be redundant before they are appropriate for re-use. The Council accepts that the word ‘redundant’ should be deleted, and has introduced PIC122 to effect this amendment. As with Policy 3, I agree that compliance with the advice in PPG2 does not require buildings to be redundant, and I recommend that the Plan be modified in accordance with the pre inquiry change.

(b) *Other opportunities for new schools*

- 11.3.2. The CPRE considers that Policy 70 is somewhat restrictive, for it believes that some schools may be needed in towns and large villages as part of new developments, rather than as re-use or redevelopment of existing facilities. However it seems to me that sub-paragraph (c) of the policy does cater for the concern of the CPRE, in that reference is made to the development of sites in town centres, local centres and residential areas. I note that the objection has been conditionally withdrawn, and I see no reason to change the Plan in response to this objection.

(c) Social divisiveness

- 11.3.3. The objector is concerned that the pressure on school numbers in growth areas like West Hemel Hempstead could give rise to social divisiveness because of the mixed tenure of the housing provision. It is unclear how the policy, which facilitates education provision, could address this matter, however. The Council acknowledges the need to provide mixed and balanced communities, as promoted in PPG3 (CD3A), which for the larger housing schemes would be controlled through development briefs and at the detailed planning stage. I believe that the way in which the resultant pressure for school places is managed is primarily a concern of the local education authority, rather than a matter for the development plan. I am not persuaded that a criteria-based land use policy is an appropriate vehicle for dealing with social divisiveness in education. I therefore recommend no change to Policy 70 in response to this objection.

(d) Re-use of educational sites on open land

- 11.3.4. The County Council objects to the statement that surplus education sites on open land in the towns and large villages may be converted or redeveloped for social, community or recreational purposes. It believes this to be contrary to Policy 110, which sets out criteria for considering the re-use or redevelopment of buildings in such areas and does not prescribe alternative uses. Instead of the presumption in favour of redevelopment or re-use for social, community or recreation purposes, the County Council suggests that Policy 70 should include a cross-reference to the criteria of Policy 110.
- 11.3.5. As Policy 110 makes clear, the main purpose of the open land strategy is to protect such land from building and other inappropriate development. Consequently education buildings, which comprise the greatest proportion of all buildings within the open land, are themselves contrary to the spirit of the open land strategy. The Council argues that the alternative uses identified in Policy 70 are suitable because of their similarity to education, being community uses which can make best use of facilities such as shared parking and which would help to maintain the current open land setting of the sites. Moreover such uses, like education, have difficulty in competing with other more valuable land uses.
- 11.3.6. In my view it is reasonable that the principles which determined that education uses were acceptable in open land areas should continue to apply to any re-use or redevelopment of these sites. Furthermore, it appears that almost all the buildings that are sited within open land are in social and community or recreation uses, so the Policy is merely seeking to perpetuate the existing pattern of development in such areas. In addition, the Policy does not preclude other uses, provided the character and setting of the open land is respected.
- 11.3.7. As to the cross-reference to Policy 110, I believe that the omission of any reference to Policy 110 is inconsistent in the context of a policy in which cross-references are used throughout. Although as a general principle I consider that cross-references in policies should be avoided (see following paragraph), in this instance I accept that they are helpful to the Plan. The Council’s argument that the reference to Policy 7 is sufficient, as this itself refers to Policy 110, is not adequate in my view because the reference to Policy 7 in the penultimate paragraph of Policy 70 does not apply to the sentence

concerning open land. I recommend that a cross-reference to Policy 110 be added to this sentence.

(e) Consequential amendments

- 11.3.8. An objector to Policy 71 seeks the inclusion in that policy of a cross-reference to Policy 9, as appears in the final sentence of Policy 70. Policy 9 is a general policy that seeks a high quality in all development proposals. Unless there is a specific reason, I believe that the inclusion of cross-references to the general policies that apply to all development is unnecessary, as it is intended that the Plan should be read as a whole. The same argument applies to the final sentence of Policy 70, and consequently I recommend that this be deleted.
- 11.3.9. Secondly, I recommend in Chapter 4 that two educational facilities should be designated major developed sites in the Green Belt (see proposed Policy 3A). This designation would allow limited infill development at these sites, in line with Annex C of PPG2. However, the Council proposes by FC19 to add a sentence to Policy 70 indicating that extensions to existing educational facilities will not be acceptable in the Green Belt. It is necessary to remove the inconsistency between these policies by adding a clause to FC19 which acknowledges that it does not apply to those schools identified as major developed sites by Policy 3A.

Recommendation

11.3.10. The Plan be modified in accordance with PIC122 and as follows:

- (a) a cross-reference to Policy 110 be added to the second sentence in the penultimate paragraph of Policy 70;
- (b) the final sentence of the Policy be deleted;
- (c) a clause be added to FC19 indicating that the sentence does not apply to schools identified as major developed sites.

11.4. POLICY 71: SOCIAL AND COMMUNITY FACILITIES IN NEW DEVELOPMENTS

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1550	Linden Homes South-East Ltd	4030	HCC Environment Department
2456	Hemel Hempstead Congregations of Jehovah’s Witnesses	4543	John Dickinson Stationery Ltd

Supports

1347	CPRE - The Hertfordshire Society	1911	Hemel Hempstead Team Parish PCC
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Key Issues

- (a) Whether Policy 71 should define the term ‘major’. (1550)
- (b) Should Policy 71 include a reference to Circular 1/97. (1550)

- (c) Whether the Plan provides adequate opportunities and a planning framework for the provision of social and community facilities. (2456)
- (d) Should Policy 71 include a reference to Policy 9. (4030)
- (e) Whether the need for new social and community facilities should be more appropriately considered in the Area Proposals or in the preparation of planning briefs. (4543)

Inspector’s Conclusions

(a) *Definition of “major”*

- 11.4.1. Policy 71 requires consideration to be given to the provision of integral social and community facilities as part of major new developments. The objector argues that it lacks clarity, as the term “major” is not defined. The Council contends, however, that a universal definition is not possible, in that “major” has to be considered in the context of factors such as settlement size, the type of land use, the impact of incremental development, and so on. The authority prefers to leave the assessment to individual proposals at the planning application stage, allowing each development to be considered on its merits.
- 11.4.2. I agree that it would be difficult to define appropriate thresholds to cover what is meant by “major” in all circumstances, and I accept that it is reasonable for each development to be considered individually. This does mean, however, that “major” has to be interpreted in its plain sense, for example as large or significant. It would be difficult to see how a small incremental development could come within its ambit, for whilst the consequences of an incremental change might have major significance, it could not be argued that a small development would itself be major. Whilst I recommend no change to the Policy, if the Council wishes the context of a development to be taken into account, then it may consider it necessary to qualify the policy accordingly.

(b) *Reference to Circular 1/97*

- 11.4.3. The objector suggests that Policy 71 should make reference to the advice in Circular 1/97, which indicates that contributions should be related in scale and kind to the development proposed. This matter is addressed under Policy 11, however, which deals with planning conditions and planning obligations. The Plan is structured so that policies that have general applicability appear in its early sections, thereby obviating the need for their requirements to be repeated in the various topic chapters. It is intended that the Plan is read as a whole, and it is not therefore necessary to repeat the provisions of Circular 1/97 in this policy.

(c) *Adequacy of opportunities for social and community provision*

- 11.4.4. The objector argues that the enabling nature of Policy 71, and the similar broad support for social and community provision given by Policy 68, does not ensure that an identified need for a facility will lead to a site being provided. For ten years or more the Hemel Hempstead Congregations of Jehovah’s Witnesses have sought an additional place of worship in the town, but despite a broadly similar policy framework in the past, their aspirations have been frustrated. Factors such as amenity

considerations within residential areas, the absence of a specifically local need as a result of a wide catchment population, charitable status limitations on funding, and religious prejudices or sensibilities, have conspired to thwart the acquisition of potentially suitable sites. Moreover, none of the sites included in the Schedule is currently available; most are allocated for specific users, and the only potentially available site (Proposals Site C4) is likely to be developed for residential use. Effectively, therefore, the Plan contains no new provision for social and community facilities.

- 11.4.5. The Council acknowledges the needs of the objector, but considers that the primary responsibility for finding sites should rest with the organisations concerned, who are best placed to assess their needs and requirements. It also points out that planning permission was granted in October 2000 for a place of worship and a care home on Site C4, demonstrating that the policy framework is effective. The fact that permission has also been obtained for a flat development on Site C4 is not inconsistent with the Plan, which recognises that alternative non-community uses may be acceptable on this site. Whilst recognising the difficulties that charitable institutions have in competing in the land market, this is not a matter that can be resolved through the development plan process.
- 11.4.6. I have considerable sympathy with the difficulties faced by the Jehovah’s Witnesses, who have evidently been searching for a suitable site in Hemel Hempstead for many years. Opportunities are undoubtedly limited in a town where land is in short supply and is potentially available for a number of competing uses. It is perhaps unfortunate that the organisation did not specifically request the Council’s assistance in identifying a site as part of the local plan review process, though I accept that the need is well known to the authority. Nevertheless, there could be no guarantee that a site identified in this way would ultimately be available to the Jehovah’s Witnesses, as allocations should not favour particular organisations or interests over others.
- 11.4.7. The question for me is whether the policy framework of the Plan is adequate, or whether an additional site should be specifically identified. I note that this matter was considered by the previous Inspector at the inquiry into the adopted Plan (CD39), who concluded that the Council should not be required to ascertain the needs of all the social, community and religious groups in the Borough. He felt that it would be better to discuss specific sites on an individual basis within the framework of existing policies, indicating that applicants would also have the possibility of advancing special circumstances in particular cases that could be weighed against other policy considerations.
- 11.4.8. I do not believe that there have been any material changes in circumstance since the previous local plan inquiry. The revised PPG12 (CD10) maintains the advice that plans should make provision for a range of community facilities, including places of worship. However, I agree with the previous Inspector that not all needs have to be ascertained on a site-specific basis. The background to Policy 68 makes it clear that new buildings for social and community facilities may be located in residential areas and in town and local centres, as well as in new developments, under Policies 7, 16, 38 and 71. Other opportunities may arise through the reuse of existing buildings in a variety of locations. In my view these policies provide considerable scope for identifying land suitable for a wide range of facilities, including places of worship. I

believe that the enabling nature of the policy framework is adequate to meet the needs of the objector, and I do not consider it necessary for an additional site to be identified.

(d) Reference to Policy 9

- 11.4.9. To ensure that the Plan properly addresses landscape issues associated with social and community provision, the objector suggests that, as with Policy 70, Policy 71 should contain a cross-reference to Policy 9, which seeks to control the quality of development. This is another instance where a reference to the general policies which apply to all development is unnecessary, though the objector does highlight an inconsistency in the Council’s approach by pointing to the inclusion of such a reference at Policy 70. I have dealt with this matter under that policy (see paragraph 11.3.8). I endorse the Council’s view that the Plan should be read as a whole, and I recommend no change to Policy 71 in response to this objection.

(e) Whether the need for facilities should be addressed elsewhere

- 11.4.10. The objector contends that the proper medium for the provision of social and community facilities as part of major projects is either the Area Proposals (Part 4 of the Plan) or through planning briefs. The Council acknowledges that the details of social and community provision, where known, are generally included in the site specific parts of the Plan, particularly in the ‘planning requirements’ sections of the individual site proposals. It argues that not all development can be identified in this way, however, and I share the view that a general statement of intent is therefore reasonable. I consider that Policy 71 is an appropriate means of identifying a potential need for provision as part of major development proposals, and recommend no change in response to this objection.

Recommendation

- 11.4.11. No modification be made in response to these objections.

11.5. POLICY 72: COMMUNITY CARE

Objection

<i>Rep No</i> 4031	<i>Name</i> HCC Environment Department
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Key Issue

- (a) Whether Policy 72 should include a reference to Policy 9. (4031)

Inspector’s Conclusion

(a) Reference to Policy 9

- 11.5.1. The objection is identical to that made to Policy 71, and promotes the inclusion of a cross-reference to Policy 9, which seeks to ensure a high quality of development. As I

indicate in paragraph 11.3.8 above, I believe that such cross-references to the general policies of the Plan are not appropriate, as the document should be read as a whole. I have recommended that the reference to Policy 9 in Policy 70 is deleted (see paragraph 11.3.10), and I do not consider it necessary or desirable to add such a reference to Policy 72.

Recommendation

11.5.2. No modification be made in response to this objection.

11.6. SOCIAL AND COMMUNITY FACILITIES: SUGGESTED NEW POLICY

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
3999	HCC Corporate Services Department	4679	HCC Corporate Services Department

Key Issues

- (a) Whether an additional policy is required regarding the impact of development on social and community facilities. (4679)
- (b) Whether Ashlyns School, Berkhamsted, and Kings Langley Secondary School should be identified as ‘Secondary Schools in the Green Belt’ under a new policy. (3999)

Inspector’s Conclusions

(a) *Impact of development on social and community facilities*

- 11.6.1. The objector considers that the Plan should require development that would have an adverse impact on any existing social and community facility to make provision to mitigate that impact. Mitigation could take the form of additional facilities, either on- or off-site, or a financial contribution to the service provider, and would normally be secured by planning obligations. The suggestion is viewed as being complementary to Policy 71, which seeks social and community provision as part of major new development. Essentially the objector is arguing that compensatory provision should also be made to off-set the adverse effect of smaller developments which lead to incremental deterioration in service provision. It is the impact of housing development that primarily concerns the objector. At the inquiry it was established that the threshold for provision would vary according to the type of social or community facility that was affected and the nature of the deficiency that would arise. It was not envisaged that the policy would be based on a formula, for it should be capable of flexible interpretation.
- 11.6.2. General advice on infrastructure provision in development plans, which includes community facilities, is given in PPG12 (CD10). This emphasises the role of the planning system in co-ordinating new development with the infrastructure it demands, indicating that the timescale of plans enables bodies responsible for infrastructure provision to plan ahead, knowing the future shape of the community. Moreover the input of service providers can influence the pattern of development at the time

development plans are prepared, so as to make best use of the existing infrastructure. The advice recognises the role of planning obligations in enabling developers to advance infrastructure investment programmes to meet the needs of their site, and allows for local plan policies where developers are expected to enter into such obligations on a regular basis, in relation to similar types of development. Reference is made to Circular 1/97 on planning obligations, which sets out the tests of necessity, reasonableness, relevance to planning, a direct relationship with the proposed development, and a fair and reasonable relationship in scale and kind.

- 11.6.3. To my mind the Deposit Draft Plan closely follows the advice in PPG12. Those situations where there is both a need for a facility and an identified site are the subject of specific proposals. Where planned housing development would give rise to a recognised problem, such as lack of capacity at a local school, some form of provision is sought as part of that development. In some instances, such as the provision of leisure space, integral provision is required in all developments above a certain size, primarily to meet the needs of future residents.
- 11.6.4. Where social or community needs have not been identified, Policy 71 enables provision (or contributions) to be sought as part of major new developments. In addition, the general Policy 11 indicates that planning conditions or obligations will be used to meet the adverse effects of development proposals, which can include contributions to the social and physical infrastructure of the area. In my view this represents an appropriate and thorough framework for the provision of social and community infrastructure. If a particular development proposal would cause harm to the existing infrastructure that could not be satisfied by the mechanisms available, then this would be a material consideration in deciding whether planning permission should be granted.
- 11.6.5. There is an inescapable logic to the argument that a number of small developments can, over time, have as much impact on services as one large scheme. Nevertheless, it does not automatically follow that the adverse effects of incremental development can or should be addressed through local plan policies. In most cases the impacts of small developments are subtle, in that they are generally spread geographically throughout an area and occur over a period of time, thereby allowing service providers to adjust to the evolving circumstances. Some small developments might have little or no impact on community facilities if, for example, they cater for the growing number of small households. Furthermore, it is rarely possible to argue that the need for a new or expanded facility arises directly as a result of an individual small development. If such an argument could validly be made in a particular case, then I believe that the policy framework of the Plan would enable the issue to be satisfactorily addressed.
- 11.6.6. It seems to me that the sort of open-ended policy favoured by the objector is fraught with problems of interpretation, for in many cases it would not be apparent at the planning application stage whether the policy applied. Even if an acknowledged shortfall was known to exist, it may be difficult to argue that a small development would materially exacerbate the deficiency. If material harm could be established, it is unlikely that the size of contribution that could reasonably be related to a small development would be sufficient to resolve the problem. Instead contributions would probably have to be made to a fund, which would be contrary to the advice in Circular 1/97 unless the facility was directly related to an individual proposal, which is unlikely. Taking all these factors into account, I consider that an adequate policy

framework exists to mitigate the impact of development on social and community facilities, and that the additional policy suggested by the objector is neither appropriate nor necessary.

(b) *Secondary schools in Green Belt*

- 11.6.7. Two secondary schools are located on the edges of settlements within the Green Belt, and the County Council is concerned that the normal restrictive Green Belt policies would make it difficult to extend or improve their accommodation. It argues that the Ashlyns and Kings Langley schools should be treated as major developed sites in the Green Belt, thereby enabling limited infilling to take place in accordance with the advice at Annex C to PPG2. To be consistent with the treatment of other sites in the Plan, the County Council suggests that these sites be designated as “Secondary schools in the Green Belt” under a new Social and Community Facilities policy, similar to the “Employment areas in the Green Belt” in the Employment section.
- 11.6.8. I agree that these two school sites should be classed as major developed sites in the Green Belt, for the reasons I set out in Chapter 4 (see paragraphs 4.11.28 to 4.11.39). However, as I indicate in that chapter, I believe that the best approach is to include all such sites in a new Green Belt policy, in which the scale of permissible development can also be established. I recommend Policy 3A to achieve this objective, and I include the two school sites within the list of major developed sites (see paragraph 4.11.41). It is therefore unnecessary for a separate policy to be included in the Social and Community Facilities section of the Plan.

(c) *Consequential change – gypsy and traveller sites*

- 11.6.9. In response to Objection 4213 from the Berkhamsted Gypsy Support Group, the Council proposes to add a new Social and Community Facilities Policy (72A) to establish a framework for gypsy site provision. However the objection was made to the Housing section of the Plan, and as I indicate in Chapter 7, I believe this to be the appropriate place for the inclusion of a policy on gypsy and traveller sites (see paragraphs 7.15.4 to 7.15.11). Consequently it is not appropriate for FC83 to form part of the Social and Community Facilities section of the Plan.

Recommendation

- 11.6.10. **No modification be made in response to these objections.**
- 11.6.11. **FC83 should not be adopted.**

11.7. PROPOSAL SITE C1: DURRANTS LANE / SHOOTERSWAY, BERKHAMSTED

Objections

Rep No
1487

Name
HCC Environment Department

Rep No
1951

Name
Taywood Homes Ltd

Key Issues

- (a) Whether Social and Community Proposal C1 should be part of a larger development package. (1951)
- (b) Should the proposal be brought forward to be developed within the Plan period. (1951)
- (c) Whether an adjacent grassland wildlife site should be considered as part of the planning requirements. (1487)

Inspector’s Conclusions

(a) *Part of larger development package*

- 11.7.1. The Plan seeks to facilitate the provision of a new or enlarged facility for the Egerton Rothesay School, either by extension or redevelopment on its existing site or through relocation onto adjoining land. The objector supports the provision of a new school with playing fields, but argues that it should be associated with a larger housing allocation than that proposed as Site H52. Initially the objector proposed that the entire C1/L1 site should be developed for housing, which would have removed the option of the school relocating onto adjoining land. Shortly before the close of the inquiry the objector submitted a revised scheme in which the existing school site would be developed for housing, and the school would be relocated within C1/L1. The revised scheme generally accords with the Council’s proposals for the area.
- 11.7.2. I have dealt with the scale of housing development in Chapter 7, where I conclude that the size of the housing allocation is appropriate (see section 7.45). Once Site H52 is developed for housing, however, it would no longer be available for school use. As the school now supports the relocation option, there seems to be no purpose in combining Sites H52 and C1. Whilst I acknowledge that the individual developments remain part of an overall package, for the sake of clarity I believe that they should be separately identified in the Plan unless there is a good reason not to do so. I therefore recommend that the Council amend the combined H52/C1 to identify the housing allocation separately from the new school site.
- 11.7.3. An important consequence of endorsing the relocation of the school site is to sanction building on land that is currently in the Green Belt. I deal with the issue of the Green Belt boundary, in Chapter 4 (see paragraphs 4.19.2 to 4.19.15). The only other matter to consider is whether it is appropriate to retain the combined allocation for sites C1 and L1. Although as a general rule I think it preferable to have separate allocations, in this instance there may be some merit in the flexibility that the combined allocation brings, particularly as there is an element of shared use of the leisure space.

(b) *Development within Plan period*

- 11.7.4. The provision of the new school would be linked to the development of Housing Site H52, which is included as part of the housing land reserve for implementation after the Plan period. The objector considers that the housing site should be brought forward in the Plan so that the benefits of a new school site can be achieved at an early date. Again this is a matter that I have considered in Chapter 7, and I am satisfied that Site H52 should be brought forward for the reasons I have previously given in sections 7.4, 7.5 and 7.45 of my report. I acknowledge the difficulties currently faced by the school

because of a shortage of accommodation, and the benefits of consolidation on a single site. Nevertheless, I share the Council’s view that these factors would normally not be sufficient on their own justify the release of greenfield, Green Belt land in advance of an identified need for new houses.

- 11.7.5. However, in this case I have found that there is a need for the proposed housing. I also note that substantial benefits would arise from securing a sizeable area of public open space in a town that is seriously deficient in this commodity. In the circumstances, I am satisfied that there is sufficient justification in this particular instance to warrant amending the Plan to allow for the development to take place during the Plan period. I recommend that the Plan should be modified accordingly.

(c) *Adjacent Wildlife Site*

- 11.7.6. The County Council believes that the planning requirements for Site C1 should recognise the proximity of the site to an adjacent grassland wildlife site. The small meadow in question lies on the south-western side of Shootersway and has a relatively short frontage to the road. As this site is separated from the C1/L1 Site by the road, I do not consider that the development of either the school or the leisure space would have any material impact on its nature conservation interest. I recommend no change to the Plan in response to this objection.

Recommendation

- 11.7.7. **The Plan be modified as follows:**

- (a) **amend the Proposals Map to separately identify housing proposal site H1 from the C1/L1 allocation;**
- (b) **alter the site area in Proposal C1 to reflect the revised area of the C1/L1 allocation;**
- (c) **revise the requirements under Proposal C1 so that they are consistent with the changes to Proposals H52 and L1 and the separation of the areas on the Proposals Map.**

11.8. PROPOSAL SITE C3: ASTLEY COOPER SCHOOL, HEMEL HEMPSTEAD

Objection

<i>Rep No</i>	<i>Name</i>
2140	Miss M Fraser

Key Issues

- (a) Whether land at Astley Cooper School, Hemel Hempstead should be designated as Social and Community Facility Site C3. (2140)
- (b) Whether an alternative site should be identified for social and community facilities around Henry Wells Square. (2140)

Inspector’s Conclusions

(a) *Designation of Site C3*

- 11.8.1. The development of Site C3 for a new church and meeting rooms is part of a package of interrelated proposals that have been the subject of planning applications to the Council. The objector is primarily concerned about the details of the development, arguing that the scale and height of the proposed building is excessive, that the traffic generated by the church would cause serious problems on St Agnells Lane, and that the building would threaten the trees bounding the site. She also considers that the proposal is contrary to the open land policy, and that more appropriate sites are available within the Grovehill area. The objector rejects the Council’s view that there are special community benefits from the package of proposals that justify a decision contrary to the open land policy.
- 11.8.2. It seems to me that the allocation of Site C3 is more a reaction to events than a proposal to meet a recognised deficiency. Moreover, with the Council having resolved to grant planning permission subject to the completion of a planning obligation, the appropriateness of the allocation is largely academic. Whilst I can understand the concerns of the objector about the scale and impact of the development proposed for the site, these are matters of detailed planning control which go beyond my consideration of the allocation in the local plan. The one matter that does need to be addressed, however, is the conflict with the open land designation. The development of a church and meeting rooms, whatever its scale or design, would represent a significant encroachment into the open land that surrounds the school, and would be particularly noticeable because of its position on the road frontage. Such a proposal is clearly contrary to Policy 110, which seeks to protect open land from building and other inappropriate development.
- 11.8.3. The question of whether the harm to the open land is outweighed by the community benefits of the package of schemes before the Council is a matter of planning judgement that can only be determined after consideration of the full facts of the cases. As this information is not available to me, it would not be appropriate for me to comment. Nevertheless, if the development does proceed, I believe that the Council’s proposal to retain the site within the open land is inappropriate. It seems to me that at least the southern (built) part of the site should be included within the residential area. This would be consistent with the current boundary between the two uses, which shows the existing Methodist Hall within the residential area. If the approved design includes a car park to the north, as the Council’s committee report suggests, this element could reasonably be retained as open land as it would form part of a reduced gap between the ribbon of frontage development on St Agnells Lane and the complex of school buildings. I recommend that the open land designation on the Proposals Map be amended accordingly.

(b) *Alternative site*

- 11.8.4. As part of her objection to Site C3, the objector argues that an alternative site for the proposed church would be preferable and suggests that land could be found around Henry Wells Square. No information about the alternative location has been provided, however, and it is not possible for me to reach a conclusion on this or any other potential alternative sites. Even if an acceptable alternative site was available which

did not involve the use of open land, it is not possible to make a comparative assessment of schemes because it is not known whether the community benefits associated with the current package of proposals would remain. I recommend no change in response to this objection.

Recommendation

11.8.5. The Proposals Map be amended to exclude from the open land at least that part of Site C3 upon which the proposed church and meeting rooms are to be built.

11.9. PROPOSAL SITE C5: WEST HERTS HOSPITAL, HEMEL HEMPSTEAD

Objection

<i>Rep No</i>	<i>Name</i>
4179	English Partnerships

Key Issue

(a) Whether the planning requirements are appropriate. (4179)

Inspector’s Conclusion

(a) *Planning requirements*

11.9.1. Whilst not objecting to the principle of Proposal Site C5, English Partnerships believes that the detailed wording of the ‘planning requirements’ is too prescriptive and might unduly constrain the preparation of a development scheme. I consider, however, that there is nothing inappropriate in this part of the proposal, which is designed to establish the framework for the development brief. As I indicate in my response to the related objection to Housing Site H28, part of the land has been declared a Wildlife Site, so there is a definite requirement for some land to be retained as open space. To my mind there is little difference between “most significant” and “important”, particularly in the context of the Wildlife Site designation, and the suggested change would therefore serve no useful purpose. The reference to hedgerows and meadowland is also important in the Wildlife Site context, and I see no reason to qualify the requirement to retain and supplement hedgerows and trees. I recommend no change in response to this objection.

(b) *Consequential amendment*

11.9.2. In my consideration of Site H28 I conclude that, for the sake of clarity and precision, it would be better if the Plan was amended to show the specific allocations as separate areas, rather than giving the impression of one large development site. Consequently I recommend that the area required for hospital expansion and staff accommodation (Site C5) should be separately identified on the Proposals Map, and the site area amended accordingly.

Recommendation

- 11.9.3. Site C5 be separately identified on the Proposals Map, and the site area be amended.

11.10. PROPOSAL SITE C6: LAND AT WEST HEMEL HEMPSTEAD, HEMEL HEMPSTEAD

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1829	Wilcon Development Group Ltd	2813	Friends of Shrubhill Common
2568	The Boxmoor Trust	2819	Mr & Mrs Pearce
2737	Mrs L Patterson		

Key Issues

- (a) Whether a new community hall and social facilities are required at West Hemel Hempstead. (2568, 2737, 2813, 2819)
- (b) Whether the details of Proposal Site C6 are appropriate in terms of the scale and timing of provision. (1829)

Inspector’s Conclusions**(a) *Need for social and community facilities***

- 11.10.1. All the objectors oppose the principle of housing developments at West Hemel Hempstead and the associated loss of Green Belt land. None of them objects to Proposal Site C6 in its own right, but they oppose the scheme as part of their wider objection to the housing proposals. It is clear that a new community hall and social facilities are wholly dependent upon the housing allocations, so the inclusion or deletion of Site C6 is entirely consequent upon the decision made in respect of Housing Proposal Sites H34 and H51. I recommend in Chapter 7 that the inclusion of the housing developments at West Hemel Hempstead be reconsidered. It therefore follows that Site C6 should similarly be reconsidered.

(b) *Scale and timing of provision*

- 11.10.2. As part of the housing development proposed for West Hemel Hempstead, the objector supports the provision of land for social and community facilities provided it is commensurate with the scale of the development and is appropriately phased. The objection to Site C6 relates to the implication that the community hall and social facilities themselves are required to be provided as part of the development, rather than just the land. The objector believes this to be inconsistent with Policy 68, in which the Plan merely seeks the provision of sufficient land for a range of such facilities.
- 11.10.3. The ‘planning requirements’ element of Site C6 states that the provision of community facilities is linked to Proposal H51 and the comprehensive development of housing at West Hemel Hempstead. It also indicates that a development brief is required. From

this I am not entirely clear as to the nature of the provision that is required of the developer. Indeed, the matter seems to be more precisely addressed in the ‘planning requirements’ sections of the respective housing sites, where the provision of a community hall and social facilities is specifically stated as a requirement of the development. In principle it seems reasonable that a housing development of the size proposed would generate a need for such facilities, and if the Council does intend that these are provided as part of the scheme, I believe that this should be more clearly stated within the text of Site C6. Perhaps the simplest way of achieving this would be to replace the words “linked to” with “required in association with”.

- 11.10.4. Clearly in view of my conclusion that the proposed development at West Hemel Hempstead, including the community (C6) and leisure (L12) proposals, should be considered for deletion, I judge that no further modification is necessary in response to this objection.

Recommendation

- 11.10.5. The Council seriously considers deleting Proposal Site C6.

11.11. SOCIAL AND COMMUNITY FACILITIES: SUGGESTED NEW PROPOSAL SITES

Objection

<i>Rep No</i>	<i>Name</i>
5808	South Hill Church

Counter Objections

To pre-inquiry change 124

5615PC	Berkhamsted Town Council	5788PC	Alfred McAlpine Homes East Ltd
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Supports

For pre-inquiry change 124

5443PC	CPRE - The Hertfordshire Society	5689PC	Sunrise Assisted Living
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Key Issues

- (a) Whether land adjacent to South Hill Church, Cemetery Lane, Hemel Hempstead, should be allocated for an extension to the church site. (5808)
- (b) Whether land at New Lodge, Bank Mill Lane, Berkhamsted (Proposal Site C1A) should be allocated for a new social and community facility. (5788PC)
- (c) Whether the proposed social and community use at New Lodge is appropriate in the Green Belt. (5615PC, 5788PC)

Inspector’s Conclusions

(a) Land adjacent to South Hill Church

- 11.11.1. South Hill Church is seeking to build a multi-purpose hall for both church and community use, but has insufficient land for such a facility within its present site on

Cemetery Hill. The site adjoins an unused area of land that was formerly part of South Hill School, and it is suggested that part of this surplus land could be used as the car park for the church, thereby freeing the existing site for the erection of the community hall. The objection site is designated open land, and the objection was principally lodged against Policy 110, which, it is argued, is not sufficiently flexible to allow such a development to proceed. As an alternative, it is acknowledged that the site could be allocated specifically for social and community use. It is this latter matter that I shall address in this section, for I deal with the open land policy aspects of the objection in my consideration of Policy 110.

- 11.11.2. The Church is involved in many activities that benefit the wider community, and the need for expansion is not questioned. Furthermore, the principle of allowing social and community uses within open land is well established. Many schools and a number of churches in Hemel Hempstead are located in such areas, and by proposing Site C3 the Council accepts that a new church and meeting rooms would be acceptable, albeit as part of a package of developments. While I question the appropriateness of new buildings in open land (see Policy 110), I have fewer reservations about predominantly open uses such as car parks in such areas, as I indicate in my consideration of Site C3. Moreover the impact of a limited amount of parking on this particular site would not be significant, for the land cannot be seen from nearby roads or from public views across the valley to the west.
- 11.11.3. However there are two potential constraints on the suitability of the objection site as a car park for an enlarged church facility. The first concerns the access to the site. The local highway authority considers that the high level of on-street parking in the vicinity of the proposed access severely restricts visibility for vehicles leaving the site, and also believes that the width of the access is inadequate to enable two vehicles to pass. In these circumstances it argues that a car park on the objection site would be prejudicial to highway safety. The second matter is the effect of a car park on the mature trees on the site, which are visible from many vantage points and are protected by a Tree Preservation Order. The proposed access would encroach significantly within the canopy spread of a group of these trees, and the Council believes that the health and continued survival of these trees could be threatened by the construction works.
- 11.11.4. The objector believes that these problems can be overcome. The width of the proposed access can be increased, and it is considered that a safe access can be designed from the Church land on to Cemetery Hill. An arboriculturalist’s report indicates that it is technically feasible to design an access that crosses the tree root zones without jeopardising their health or safety. I acknowledge that there may be ways of overcoming the constraints, but in my view there is no certainty that an acceptable solution could be found. No detailed scheme has been produced which demonstrates that a safe access can be provided, and I remain to be convinced that the “no-dig” method of construction suggested by the arboriculturalist is appropriate for the substantial area of tree root zone that would be affected. In view of this uncertainty it would not be appropriate, in my opinion, to make a site-specific allocation in the local plan.
- 11.11.5. This should not mean, however, that the Church expansion scheme could not proceed if the constraints can be overcome. As I indicate in my consideration of Policy 110, I believe that social and community provision should be added to the list of acceptable uses in open land areas under Policy 7. The additional flexibility provided should

enable schemes such as that proposed by the objector to be considered favourably, subject to the impact on the open land being acceptable. I recommend no change to the Plan in response to this objection.

(b) *Land at New Lodge, Bank Mill Lane (Site C1A)*

- 11.11.6. Land at New Lodge, Bank Mill Lane, Berkhamsted was allocated in the Deposit Draft as Housing Site H1. This is proposed for deletion by PIC35 and replacement with a new social and community facility, Site C1A (PIC124). The objector supports the principle of housing development, arguing that the site is more sustainable than the alternatives preferred by the Council, and that it would represent a logical rounding-off of the settlement boundary. This is a view I share, for I conclude in Chapter 7 that the site has considerable merits for housing and should be allocated for this purpose. I therefore recommend that PIC35 should not be adopted (see paragraphs 7.17.1 to 7.17.24). As a consequence, it follows that the land cannot also be allocated for social and community purposes, and that PIC124 should not be adopted. I recommend that the Plan be modified accordingly.

(c) *Social and community facility in Green Belt*

- 11.11.7. Objection 5788PC to Site C1A is primarily on the grounds that it is inconsistent to retain the site in the Green Belt, in that a social and community facility would be contrary to PPG2 and Policy 3. A similar concern is raised by Objection 5615PC, for Berkhamsted Town Council believes that PIC124 weakens the case for Green Belt designation. This matter is now largely academic in view of my recommendation that Site H1 be reinstated (see above), for the housing allocation is associated with the removal of the land from the Green Belt. Nevertheless I believe that the objections are well founded, for it is difficult to see how the development of a residential institution on the site could be compatible with Green Belt policy.
- 11.11.8. The Council indicates that the allocation is a response to the needs of the Hospice of St Francis, which needs a new site in Berkhamsted because its current premises on Shrublands Road are inadequate. It argues that such a facility, which typically takes the form of a communal building in an open setting, would respect the open character of the site and have limited impact in terms of built development and associated activities. The site is accessible and sustainable, and the development would be associated with the redevelopment of the vacated hospice site for housing, thereby contributing to urban regeneration. The authority acknowledges that the proposal would represent inappropriate development contrary to the provisions of PPG2, but argues that the merits of the scheme amount to the very special circumstances needed to outweigh the harm to the Green Belt. It also considers that the site could meet the needs of an as yet unidentified community use with similar requirements if the Hospice did not want it.
- 11.11.9. I find it difficult to reconcile the Council’s argument that very special circumstances exist with their desire to retain the site in the Green Belt. It seems to me that if very special circumstances are found to exist which justify inappropriate development in the Green Belt, then as part of the process of allocating the site, it should also be removed from the Green Belt. This was the situation with Housing Site H1, and the fact that a less intensive scale of development might occur makes little difference, in my view. Indeed, paragraph 3.3 of PPG2 advises that development plans should ensure that any

planning applications for inappropriate development would not be in accord with the Plan. Whatever the merits of the case that the Hospice scheme would amount to very special circumstances, I believe that any decision on such a matter should be taken at the planning application stage rather than being presaged in a local plan.

11.11.10. Notwithstanding this conclusion, in view of my recommendation that the site be allocated for housing, I recommend no further change in response to these objections.

Recommendation

11.11.11. **PIC124 be not adopted**

END OF CHAPTER 11