

4/00787/17/FUL - PROPOSED ALTERATION TO LEVELS TO PROVIDE ADDITIONAL SPACE FOR THE ADJACENT HORTICULTURAL NURSERY. LAND AT RIVER HILL, RIVER HILL, FLAMSTEAD, AL3 8BY. APPLICANT: Majestic Trees.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The proposal is for engineering operations to provide terraces to facilitate the expansion of the Majestic Trees horticultural nursery. No change of use is required as both the existing and proposed use fall within agriculture as defined within the Town and Country Planning Act. The proposal accords with the NPPF which seeks economic growth in rural areas through the development and diversification of agriculture and other land-based rural businesses. There would be no adverse impacts arising from the proposals in terms of the openness, character and appearance of the Green Belt, flood risk, ecology or the amenities of the nearby properties.

Site Description

The 3.0 hectare application site is a strip of land that adjoins the wider Majestic Trees horticultural nursery on its east boundary. River Hill runs along the length of the site on the west boundary. The A5 runs long the northern boundary and to the south the site narrows to a point where River Hill bends to the southwest travelling into Flamstead. Dwellings on the periphery of Flamstead are located to the south and the southwest on the opposite side of River Hill. Allotment gardens, open fields and a wooded area adjoins the site to the east with the horticultural nursery extending from the application site to Chequers Hill. The River Ver bi-sects the site at the lower level from east to west. The site steadily rises from the river 25m to the south.

The site is in pasture and is grazed by cattle. A hedgerow and wire fencing bounds much of the site. At the highest point at the southern end of the site is a public bench provided by the Countrywide Management Service, which allows the public to enjoy views down the slope towards the A5 and across the Ver Valley. The Flamstead public footpath 20 passes the bench from River Hill and travels along the southeast boundary of the site for approximately 70m before crossing the Majestic Trees site in a north east direction.

The nursery itself comprises a total of 7.95 hectares and contains rows of trees served by an irrigation system fed from the reservoirs; offices, agricultural buildings, agricultural workers houses and a parking area. The nursery also contains two reservoirs.

Proposal

The proposals relate to engineering operations to alter the ground levels to create terraces for the growing of trees as an extension to the horticultural nursery. The terraces will enable the trees to sit flat in their 'Airpot' containers.

Vehicle access will be provided from the existing nursery and a new access track will be formed around the site. Informal tracks will be created between the rows with the trees supported by two cables tensioned between telephone poles. Irrigation pipes are to be suspended on the lower cable as with the existing nursery operation.

The existing hedgerows around the perimeter of the site are to be retained with additional reinforced planting. New boundary treatment will be required on the inside of the existing vegetation for security.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Flamstead Parish Council.

Planning History

- 4/01718/14/AGD CONSTRUCTION OF A PRODUCTION AND STORAGE SHED
Prior approval not required
22/08/2014
- 4/00730/10/FUL EXTENSION TO OFFICE AND STORE.
Granted
01/09/2010
- 4/02063/09/AGD REAR EXTENSION TO AGRICULTURAL BUILDING
Prior approval required
20/01/2010
- 4/01945/12/FUL MOVE EXISTING ACCESS TO MAJESTIC TREES SITE AND UPGRADE
AN HISTORIC ACCESS TO WALNUT COTTAGE
Granted
20/12/2012
- 4/03067/16/FUL STORAGE BUILDING
Granted
05/01/2017
- 4/02420/16/AGD TTIMBER FRAMED BUILDING WITH THREE OPEN BAYS FOR THE
STORAGE OF GOLF BUGGIES
Refused
04/10/2016
- 4/01988/16/FHA PROPOSED SINGLE GARAGE
Refused
22/09/2016
- 4/00810/16/DRC DETAILS REQUIRED BY CONDITION 4 (HARD AND SOFT
LANDSCAPING), 5 (CONTAMINATION) AND 6 (CONTAMINATION)
ATTACHED TO PLANNING PERMISSION 4/02984/15/FUL - PROPOSED
DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND
ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE
NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF
EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH
CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO
HORTICULTURAL
Granted
23/05/2016
- 4/00835/16/DRC DETAILS REQUIRED BY CONDITION 4 (HARD AND SOFT
LANDSCAPING), 5 (CONTAMINATION) AND 6 (CONTAMINATION)

ATTACHED TO PLANNING PERMISSION 4/02985/15/FUL - PROPOSED DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
23/05/2016

4/00681/16/FUL PROPOSED CONSTRUCTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY

Granted
27/05/2016

4/03258/15/FUL PROPOSED REPLACEMENT OF FRONTED AND ENCLOSED STORAGE BUILDING AND PROPOSED EXTENSION TO PROVIDE FOR ADDITIONAL OFFICE AND RECEPTION ACCOMODATION

Granted
27/11/2015

4/03257/15/AGD REPLACEMENT PUMP HOUSE BUILDING

Prior approval not required
22/10/2015

4/02984/15/FUL PROPOSED DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
03/11/2015

4/02985/15/FUL PROPOSED DETACHED NURSERY MANAGER'S COTTAGE FOLLOWING DEMOLITION AND REPLACEMENT OF TWO EXISTING OUTBUILDINGS, TOGETHER WITH CHANGE OF USE OF LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
03/11/2015

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS6 - Selected Small Villages in the Green Belt
CS12 - Quality of Site Design
CS25 - Landscape Character
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 79, 99, 108, 109

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (December 2016)

Planning Policy Statement

Summary of Representations

Flamstead Parish Council:

The PC strongly objects to a move which would be a further substantial step in the already disproportionate space in the village occupied by Majestic Trees for the storage of trees in pots. The village is not sufficiently large to accommodate further land use for this purpose since it is having an increasingly adverse impact on the appearance of the landscape and as such is out of keeping. To replace the rural vista of a meadow with artificially graded terracing with hard standing, gravel and underground irrigation pipes to store tubs of trees is a fundamental change to the topography of the local environment combined with the inevitable consequences of noise disturbance from delivery and fork lift vehicles. We have significant concern that this degrades a meadow into a brownfield site which could then in future make it more vulnerable to development. Furthermore there are genuine concerns about the loss of habitat for the wildlife which thrives in and around the river Ver. We would very much hope that the planning department would reject this application. For your interest, the unique oak bench at the top of the meadow was installed at a cost of £2,000 by the River Ver Society for the purpose of enabling walkers to enjoy the views down to the river Ver

Strong objection from the PC.

Highways England:

No objection.

Environment Agency:

Thank you for consulting us on this application, having reviewed the information submitted we have no objection to the proposal and no conditions to request.

Informative This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Countryside Access Officer:

The application site is crossed at the southern end by Flamstead public footpath 20 for a distance of approximately 70 metres.

This section of the footpath gives largely unspoilt views across the Ver Valley. To enable the public to enjoy the view a bench, provided via the Countryside Management Service, has been installed on the footpath. Clearly this proposal would have an adverse effect on any enjoyment derived from the view or using this section of the path.

If the proposal is accepted then the path will need to be afforded adequate protection from the commercial activities, this includes leaving an agreed width clear of obstructions and commercial activity. This is of particular concern as the path goes on to cross the existing Majestic operations site where it is a constant source of public complaints because the path crosses a busy area of the nursery where machinery is in constant use (a obvious public safety risk).

Given the difficulties associated with the public footpath crossing the main nursery site this could be an opportunity for the landowner to explore diverting the path to a quieter area of land thus allowing the public to enjoy using it without the need to worry about the nursery's operations.

Hertfordshire Ecology:

The application site is located within a 500 m radius of a known great crested newt breeding pond in Flamstead. The Hedge to the west of River Hill Road has been identified as of interest, although it is unlikely that the application will impact this directly. To the south of the site there is an allotment, these areas have been identified as suitable for common reptile species, therefore these may also be of concern.

The applicant has stated that they will be maintaining an 8 m boundary from the water course as recommended by the Environment Agency, they are also preserving the current hedge and infilling where necessary to provide adequate screening. No trees are to be removed as part of the application therefore I do not believe that any priority habitats will be impacted by this application.

In terms of protected species there is a possibility that great crested newts and common reptiles may be in the area, I would therefore recommend that the grass area affected is cut to at least 100 mm on a regular basis to deter great crested newts and reptiles from entering the site. I would also recommend that works (including soil strip if necessary) are started within the great crested newts breeding season when they are more likely to be in their breeding ponds. I would therefore recommend the following informative is added to any planning decision.

The area of grass around the proposed development site should be mown/strimmed as short as

possible before and during construction to ensure it remains/becomes unfavourable for great crested newts and reptiles;
Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of great crested newts or reptiles using the piles for shelter;
Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;
If great crested newts or reptiles being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

Considering the proposed use of the site I believe that suitable habitat will remain on site if these species are present once the application has been completed.

Contamination:

The application site forms part of the wider Majestic Trees site. The Design and Access Statement, makes the following points, which are of relevance to this response:

- *The proposals relate to the alteration of the levels to provide for additional land for the growing of trees at the horticultural nursery.*
- *It is not considered that there will be any need for new buildings on the new land.*
- *A new access track around the site will be established as a buffer together with the moving of topsoil around the site to enable trees to sit flat in their 'AirPot' containers. There will be no additional material imported or exported onto the site to change the levels.*

Our records do not indicate any potentially contaminative uses of the application site itself (with the exception of the current agricultural use). No new buildings are proposed or soils to be imported, as such, I have no comments to make in respect of contamination.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No. 1 Trowley Heights:

This is a vista of ONB. Level changes throughout the field will significantly change the landscape with rows of potted trees creating an artificial landscape. The continued expansion of this business now appears to be having a dominating effect on the village and is no longer a small village associated business which when set up it purported to be.

14 Trowley Hill Road:

I strongly object to the above application & would like to make the following comments: (I have posted my comments online but would also like you to see the photos so am sending you this document as well to support my objections)

- The proposed development is not in keeping with the existing prevailing landscape character of the area & would not serve to conserve or enhance the existing natural landscape. The site is currently a gently sloping valley down to the chalk stream, the River Ver. This open landscape continues westwards along the A5 to the Hollybush lane exit to the A5 at least. The proposed development will create an artificial landscape.
- The existing small woodland has already been adversely impacted by the current site of Majestic trees; there has been a loss of the ecologically important woodland edge habitat; also the woodland is littered by debris such as, plastic pots, plastic rubbish & hosepipes which have originated from the Majestic Trees site:

- The site is directly adjacent to the Conservation area in Flamstead. The proposed development does not serve to preserve the rural open nature surrounding the village:
- Extent of Majestic Trees in Flamstead- the area already given over to the business is significantly large in the context of the size of the village & has a significant impact on the natural landscape surrounding Flamstead – this can be seen on satellite imagery from Google or Bing maps. A further extension of this artificial landscape would only serve to further destroy the natural landscape surrounding Flamstead. Currently the site is confined to the lower part of the village leaving a gap which does preserve somewhat the rural landscape; however, if this application is approved, the business would encroach right up to the boundary of the Conservation Area in Flamstead Fundamentally ruins the natural landscape & destroys natural habitats
- Not mentioned in the application is the fact that the footpath though the site & the bench sited at the top of the field are part of the Ver Valley walk no. 2 and the bench is a viewpoint. No provision has been made to address this issue.

3 Trowley Heights:

In our view, this proposal would adversely transform the spectacular natural vista that may currently be viewed from the top of River Hill. It is an iconic vista that constitutes one of Flamstead's defining characteristics. As Flamstead residents we frequently walk down River Hill in order peacefully to take-in the view down to the River Ver from the bench provided expressly for that purpose by the Parish Council. To lose that view in its present form would be a significant loss of amenity.

Water Bailiff. Ver Valley Society

The land earmarked for alterations to levels contains one of the few stretches of the River Ver between Markyate and Flamstead that actually has any water visible during most of the year. This pleasant meadow is home to many different wild fowl and other animals. This would be yet another case of a Herfordshire wildlife environment completely disappearing for ever if this development is allowed.

Majestic Trees already occupy a huge site for their nursery, which prevents the public viewing this stretch of the river (apart from the public footpath/bridge crossing within their nursery).

The proposed additional tree growing areas will need water. The existing nursery is irrigated from Majestic Trees two reservoirs. I just hope the River Ver isn't going to be targeted to provide even more of its precious water, as south of this site the river bed is constantly dry. Just where does all this water go?

1B Singlets Lane:

I object to the proposed development.

Currently the field is an attractive view from the top adjacent to the allotments where there is a public bench down to the Ver valley. The field attracts and supports wildlife with the chalk river Ver providing water and grassland supporting a range of wildlife.

The proposed development will destroy the wildlife habitat and add absolutely nothing to the community. It will destroy an amenity that the village has enjoyed for centuries.

The river Ver is already struggling due to the state of the moor and because of the already expansive use of the adjacent area by Majestic Trees.

To support the business the land will need hard-standing for the large and heavy vehicles needed to move the tubs in which the trees will stand. This will be both noisy and unsightly. The trees will never grow to maturity so will not add to the view nor support wildlife.

A business only has a certain life and at some time will come to an end. This would leave an

exceptionally damaged area due to the hard-standing and churning of the area by vehicles. Use of the field for commercial storage of tubs with trees will have a damaging effect on the area and wildlife.

Further comments received on 21.05.2017:

The land is a village amenity providing a vista across the field to the Ver Valley and is a haven for wildlife. To have Majestic Trees extend its operations into the field would be destruction of wildlife habitat and ruin the beautiful view from the public bench at the top of the field, used by people of the village and walkers taking a rest, across the field down to the River Ver.

The field is currently used by cattle grazing and is purely set to agriculture with no buildings nor hard standing of any sort. The proposal would necessitate digging up land to create hardstanding for commercial vehicles required to move the tubs of trees around and the avenues in which the tubs will stand.

The tubs containing immature trees are very unattractive and would be an eyesore. Immature trees do not support wildlife and the constant turnaround of the tubs would create noise and the vehicle movement would destroy land.

The River Ver runs through the field and is already suffering from the commercial use of the next field currently commercially occupied by Majestic trees.

I strongly object to the extension of Majestic Trees commercial, activity into the field on the grounds it will destroy a wildlife habitat and take away the view and amenity currently enjoyed by the village.

1 The Old Lodge:

I feel the intensifying of this business with more trees on terracing this close to the village is unacceptable and spoils the view from River Hill of the river Ver and the beautiful valley. Furthermore I am concerned that by using the extra land for trees and stating more staff will be needed to service these trees that this is just an attempt to gain reasons/justification to apply for more housing on the site. i.e to facilitate the building of more mega mansions on site. As far as i'm concerned this application should be refused without hesitation.

If (and I do sincerely hope not) the application is allowed then the land in this application should be given permission only on the basis that at no time in the future will there be any buildings on this land, vehicle storage, fuel tanks reservoirs etc, (i.e trees and only trees allowed) and on the basis that no further accommodation /houses/flats will be applied for on the rest of the tree nursery's grounds. Thus preventing further residential development. This business and associated houses/ buildings will soon dwarf our beautiful village, after already changing the whole of the approach into the village from the a5 already.

Wilton Cottage, River Hill:

I am the owner of one of the properties in River Hill, Flamstead to whom you wrote advising of the above planning application to the land at River Hill. I wish to make the following comments.

My first thoughts were that it was good that a local business was planning to expand. The applicant sought to give assurances to minimise the impact on the view from my house. I have subsequently had discussions with other residents in Flamstead and I am concerned about the overall impact of the proposal ...

1. The scheme is disproportionately large for the size of the village.
2. The lovely view from the top of River Hill across the valley of the River Ver will be lost. Similarly, the view from the bottom of River Hill looking up to the village will be lost. The cattle currently grazing the meadow emphasise the value of retaining its rural character.

3. The wildlife – from the insects on the meadow, the birds that nest in the hedgerow, to the aquatic birds along the river – will be detrimentally affected by the loss of the meadow and disturbance caused by day-to-day tree nursery business.
4. The meadow will be permanently scarred – it would be very costly to restore it to its present state if the nursery business no longer required it. It would effectively become a brown-field site and hence a focus for more intrusive developments.
5. There will be on-going noise from vehicles undertaking normal day-to-day nursery business.

Although I wish to see the business flourish, this is an inappropriate location for such an expansion.

Green Hill, River Hill:

My husband and I are the owners of one of the properties on River Hill, Flamstead to whom you wrote advising of the above planning application to the land at River Hill.

Whilst we appreciate that this is a positive short term alternative to a housing development on the plot (which we would vigorously oppose given the material change to the nature of the village) and we appreciate that the applicant sought to give assurances to minimise the impact on the view from my house. I have subsequently had discussions with other residents in Flamstead and I am concerned about the overall impact of the proposal ...

6. The scheme is disproportionately large for the size of the village
7. The natural landscape view from our home at the top of River Hill across the valley of the River Ver will be lost. Similarly, the view from the bottom of River Hill looking up to the village will be lost. The cattle currently grazing the meadow emphasise the value of retaining its rural character.
8. The wildlife – from the insects on the meadow, the birds that nest in the hedgerow, to the aquatic birds along the river – will be detrimentally affected by the loss of the meadow and disturbance caused by day-to-day tree nursery business.
9. The meadow will be permanently scarred – it would be very costly to restore it to its present state if the nursery business no longer required it. It would effectively become a brown-field site and hence a focus for more intrusive developments.
10. There will be on-going noise from vehicles undertaking normal day-to-day nursery business.

Although we wish the business ongoing success and appreciate the engagement of the applicant with the local residents, we believe that this is an inappropriate location for such an expansion.

30b Parsons Close:

As an employee of a global company who was made redundant, I was given the opportunity to work at Majestic Trees and can see that the expansion of the nursery would be a bonus for the village in many ways. Not only would it provide more rural job opportunities but will assure the land remains in-keeping with the rural landscape and assured protection of the river Ver and abundant wildlife. I would rather see a valley of trees than built up housing causing a drain on village resources or unused land being commandeered as a new travellers site.

Oak House:

We live next door to Majestic Trees and have always found them to be excellent neighbours. The alterations they have made to the site already have significantly enhanced the entrance to the village, which is only marred by the appalling state of the Moor. I cannot see that the proposed extension of the nursery to River Hill is going to adversely affect the landscape. Much

comment has been made about spoiling the view over the River Ver, but I would have thought it an advantage to see trees rather than the A5 and certain commercial properties on the other side of it. Much has been made about the River being ruined by either Majestic Trees or the state of the Moor. It flows (or used to) through our garden and it has been dry for 2 years as it is through Markyate and beyond. I have made exhaustive enquiries why the River has dried up, including to the River Ver Society and also a lady seconded by Affinity Water to oversee the chalk streams in Hertfordshire, and I have been assured by everyone that the reason is the lack of water in the underground aquifers. In conclusion we fully support the application. Majestic Trees is a major employer in the village, and more opportunities can only help it.

52A Trowley Hill Road:

Having lived in Flamstead for over 40-years, I would like to express my support for this Planning Application as Majestic Trees provides much need rural employment. Further, the use of the land to plant trees is to be welcomed as it is far more preferable than having buildings on the land.

72 Trowley Hill Road:

Dear Sirs, I was amazed that the parish council have refused permission and backing for Majestic Trees planning application to use the land in River Hill to expand their business. I have on several occasions visited the site at majestic trees and was amazed at the way they run their business, everything they do is environmentally friendly, they employ mostly local people and they care what local people think. The storage of trees will not have a detrimental effect on the outlook in river hill and the local residents agree with this. I think there is a lot of jealousy in Flamstead and I can only assume this is the only reason for the refusal. I think you should reverse this decision and approve their application...

5 Vicarage Gardens:

I have lived in the village for over 10 years and fully support the planning application for Majestic Trees. The business has, over the years, provided the local community with employment opportunities and with its expansion will only continue to do so. I would much rather see green trees rather than housing developments occupy the fields that are inevitably going to be sold off around the village. The Majestic site has always been sympathetic and thoughtfully designed around the local environment so as not to have a detrimental impact on the village. Whilst there will no doubt be change to the field in question I do not feel the Majestic Trees expansion will have a negative impact on our community or local countryside.

Home Farm, Hollybush Lane:

Already unhappy with the changes this company are making to the look of the village and the fact that the river that runs through this field doesn't come out the other side of their business.

29 College Close:

Regarding the above planning application. As a resident of Flamstead since 1995, now over 20 years, I have seen the development of Majestic Trees including the latest additional changes in Chequers Hill.

In all instances, I have not been offended by any of the changes made by the proprietor and his family, but have always found them in keeping with the village 'feel'.

I understand that there has been an application to extend the nursery to the field adjacent for the inclusion of more stock. This is something that I would whole heartedly support for many

reasons list of which the attractive site of trees in all of their glory, full bloom – very picturesque. I trust the proprietor with his taste when he changes areas upon his nurse, the biggest of these (and most obvious when you enter the village) is that of the removal of the building at the bottom of Chequers Hill – tastefully changed to a selection of beautiful trees – something that is always commented by friends and family when they visit the village via this route.

- So once again, I, and my family, have no objection to the use of the field on River Hill to be used by Majestic Trees and positively support this change.

Considerations

Policy and Principle

Paragraph 28 of the National Planning Policy Framework (NPPF) requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This is to be achieved through promoting:

"... the development and diversification of agricultural and other land-based rural businesses." (bullet point 2)

The Core Strategy mirrors the NPPF; the Countryside Place Strategy similarly seeks to support the rural economy. Strategic Planning and Regeneration have previously made comments in relation to the Majestic Trees operation, that the retention and expansion of an established rural business in the Borough, and one that provides a unique and specialised activity would be generally supported.

The site is located within the Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the NPPF sets out certain forms of development that are not considered to be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Engineering operations is one such type of development that is not considered to be inappropriate.

The proposals seek to undertake engineering operations to create terraces on which the trees will sit within their pots and be grown and maintained. The impact on the openness of the Green Belt would be minimal as no structures are proposed. Trees are a usual feature of land within the rural landscape and Green Belt and as such are not considered to compromise its openness.

In terms of the five purposes of the Green Belt as set out in the NPPF, the proposals would continue to: check the unrestricted sprawl in large built-up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land. On this basis the principle of altering the level of the land to enable the horticultural use of the site is not considered to be inappropriate development in the Green Belt and is acceptable in principle.

Section 336 of the Town and Country Planning Act sets out the definition of agriculture as including:

"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed

accordingly

The proposed use of the application site falls within the definition above on the basis that it comprises horticulture and nursery grounds. The site is currently used for grazing of cattle which falls within the above definition of agriculture. As such both existing and proposed uses are defined as agriculture and planning permission is not required for a material change of use.

Impact on Green Belt and Landscape Character

Policy CS5 of the adopted Core Strategy states that small scale development will be permitted in the Green Belt provided it has no significant impact on the character and appearance of the countryside; and supports the rural economy and maintenance of the wider countryside.

The proposals seek to remove the topsoil to create a series of shallow terraces that rise by approximately 3.0m at each bank. The banks will be sown with wildflower seed mix to soften the appearance of the engineered topography. No hardstanding is proposed; the areas around the trees will be permeable.

The applicant has submitted additional planting will take place within the areas of hedgerow where there are gaps so that the overall landscaping around the perimeter of the site will be enhanced. Through discussion with the adjoining residents it has been proposed that smaller trees and hedging would be grown at the top of the hill that would not be higher than the existing hedgerow around the site, so as not to affect the amenity/outlook enjoyed by those residents. This will also enable views down and across the valley from the public bench positioned at the highest point of the site to remain relatively unobstructed. The bench is to be about 2m-3m higher than the next level down. Taller trees will be positioned at the lower levels consistent with this approach.

It is acknowledged that the landscape character will change from open pasture to uniform rows of trees. This uniformity is a feature of horticultural/nursery grounds use which is considered to be an appropriate use within the countryside and the Green Belt as defined in the NPPF. It would not be out of keeping with the character of the surrounding area given that the adjoining land is already in use by Majestic Trees for this purpose. Furthermore there is a mix of uses in the immediate area comprising of commercial development located to the east of the site on the northern and southern sides of the A5; the residential development on the outskirts of the village of Flamstead; open pasture; allotments; and pockets of Woodland. As such the surrounding landscape is diverse. The proposed nursery extension is therefore not considered to disrupt any predominant form of landscape or be discordant within the rural environment.

As outlined above no structures or buildings are proposed as part of the development as the existing buildings and facilities established on the Majestic Trees site will support the extended area. The impact on the openness of the Green Belt would therefore be negligible; any machinery or vehicles in use within the site will be screened from view behind the hedgerows and the trees themselves.

The nursery is the largest horticultural employer in Dacorum Borough with the existing operation involving the employment of 32 people. Employment numbers are likely to increase with the extended nursery area. The proposed expansion demonstrates the success of the existing business and its support to the rural economy. As such it is considered that there would be no significant impact on the character and appearance of the countryside and the rural economy and maintenance of the wider countryside would be supported as a result of the proposals, consistent with adopted Core Strategy Policy CS5.

Flood Risk and Impact on the River Ver

The site is located predominantly within Flood Zones 1 however a band of Flood Zone 3 runs either side of the River Ver which runs in an easterly direction in the northern part of the site.

The proposals have been designed to ensure that no ground is raised within the vicinity of the River Ver (within 60m to the south of the river and about 50m to the north) and that the existing flood storage capacity of the site is maintained. An 8.0m wide margin will be maintained free from planted trees wither side of the top of the bank of the River Ver to provide a natural river corridor. This buffer is also provided in accordance with the requirements of the Environment Agency for future maintenance.

The ground around the trees and access tracks will remain unsurfaced and as such the surface water discharge rates will remain as existing albeit slightly reduced as the trees will increase the amount of water held during intense rainfall events.

The Environment Agency has reviewed the Flood Risk Assessment submitted in support of the application and has no objection to the proposals.

Concerns have been raised by residents about the impact of the extended nursery on the water levels of the River Ver. The applicant has confirmed that all the water irrigated for the nursery comes from the two reservoirs on the site. Since Majestic Trees first moved to the site in 2001 there have been periods of both high and low water levels.

Ecology

Hertfordshire Ecology have reviewed the application and identified nearby sites as being a known great crested newt breeding pond and the allotments as habitat suitable for common reptile species. Recommendations have been made in terms of works to deter great crested newts and common reptiles from entering the site which will be included as an informative to any planning decision.

As the current hedge will be preserved and no trees are to be removed as part of the application, Hertfordshire Ecology has confirmed that they do not believe that any priority habitats will be impacted by this application. They have concluded:

Considering the proposed use of the site I believe that suitable habitat will remain on site if these species are present once the application has been completed.

Impact on Highway Safety

The proposals do not involve any direct access to the public highway as the vehicles used in the nursery operation will access the site from the adjacent Majestic Trees site. The operation is fully contained within the site and as such there will be impact on highway safety.

Public Right of Way

As outlined above the Flamstead public footpath travels along the southeast boundary of the site for approximately 70m before crossing the Majestic Trees site in a north east direction. The Countrywide Access Officer has advised that the path will need to be afforded adequate protection from the commercial activities which would include leaving an agreed width clear of obstructions and commercial activity.

The applicant has confirmed that they would protect the path and provide security for the nursery using a post and rail fence with new planting using native species. Details of this boundary protection will be required by way of condition.

Impact on Neighbours

Whilst there will be additional vehicles accessing the site over and above the existing use of the land for grazing, it is noted that the site is in agricultural use and a range of agricultural uses

could take place without planning permission that would involve greater use of vehicles and activity with associated noise. The site is located in a rural environment which is appropriate for horticultural use and therefore some form of vehicle and worker activity would be expected on a site in this use.

However, by its nature horticultural use is not excessively noisy and it also benefits from the trees themselves which serve to act as a noise buffer. The existing hedgerows will be retained and enhanced further screening the site from adjoining properties. The nearest residential properties are located on the opposite side of River Hill and are all generally well set back from the road.

It is considered that the use of the site for horticulture would not create significant noise and disturbance over and above any agricultural use typical to the countryside. As such there would be no adverse impact on their amenities of the nearby residential properties arising from the proposals.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 3 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the boundary treatment and planting to be erected adjacent to the Flamstead public footpath 20 that crosses the site. At least one metre separation between the boundary treatment and the footpath is to be maintained. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard public access and ensure the safety of the users of the public footpath in accordance with saved Local Plan Policy 79.

4 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Location Plan 37055-2a;
Drawing A 37055 10C.**

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

HERTFORDSHIRE ECOLOGY INFORMATIVE:

The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for great crested newts and reptiles;
Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of great crested newts or reptiles using the piles for shelter;
Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;
If great crested newts or reptiles being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

ENVIRONMENT AGENCY INFORMATIVE:

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.