

Standing up for Hertfordshire's countryside

Andrew MacDougall
Broxbourne Borough Council
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ

Our Ref:

Your Ref: 7/13/0899/O

29 November 2013

Dear Mr. MacDougall,

Application No. 07/13/0899/O

Outline planning application for a residential/mixed use development incorporating housing up to 523 units (with delivery of a 1fe primary school) or up to 485 units (with delivery of a 2fe primary school), a shop, a hotel (with ancillary gym/restaurant), commercial floor space, public open space and allotments, with all matters reserved except for means of access from the Dinant Link Road and Lord Street and a sustainable urban drainage system with associated earthworks to enable delivery of Phase 1, on land to the west of Hoddesdon and east of the A10 incorporating land to the north and south of the Dinant Link Road between Hertford Road and Lord Street and land to the south of Lord Street, Hoddesdon, Hertfordshire

While accepting that this is an outline application, we are concerned that the number of variables put forward in the documentation make the ultimate quantum of development that the Council is being asked to approve, very open-ended. In addition to the two alternatives for the number of residential units put forward in the headline description, there are options for the proposed hotel accommodation and amount of prospective B1 commercial uses. If the statement at paragraph 3.3 of the Planning Statement is accepted (i.e. *The proposals will be built out over a number of years and it is important therefore that the scheme has flexibility to respond to changing market circumstances.*) the applicant effectively reserves the right to change all aspects of the design and the ultimate development could bear little relationship to the outline put forward in this application.

It is accepted by the Applicant that the proposal constitutes inappropriate development in the Green Belt under the provisions of the National Planning Policy Framework (NPPF) and that consequently very special circumstances are required to justify the granting of planning permission (para. 6.1 of the Planning Statement). The Applicant then proceeds to refer to two studies (Scott Wilson and Prospect Planning) the first of which concluded that "*the site could be removed without increased risk to the openness of the Green Belt*" and the second that "*there was no need to keep land west of Hoddesdon permanently open.*" The Applicant's conclusion is that consequently, *in comparison with other locations it* (i.e. this

site) *has been found to make a lesser contribution to Green Belt purposes and has been identified as a priority for early development.* (para 6.11).

In para 7.7 it is stated that *“It is expected that the local plan review would realign the green belt boundary west to the A10.”* The Applicant then goes on to detail possible revisions to the Green Belt boundary.

All of this is entire speculation and underlines the point that it should be the Council redefining Green Belt boundaries through a new Local Plan, not developers through ad hoc planning applications such as this. This is made explicit in para 83 of the NPPF which says that Green Belt boundaries should only be altered in exceptional circumstances, through review of the Local Plan. This is something which the Council has yet to do.

Exceptional circumstances do not exist which necessitate a change to Green Belt boundaries in the short term, in advance of a Local Plan document that addresses this issue. In looking at the Council’s abortive draft Core Strategy the Inspector concluded that: *“At present sufficient urban sites have been identified to meet housing needs without the release of Green Belt land in the first five year period ... the detailed boundaries of the Green Belt would be appropriately refined in the Site Allocations DPD which is programmed for preparation and examination following adoption of the Core Strategy.”* (Final Inspector’s Report para. 13)

The application also directly conflicts with the development plan which in this case is the Second Review Local Plan 2005, and specifically Policies GBC1 and GBC2 of that Plan which define the Green Belt boundary and specify development that will not be permitted in the Green Belt. By law, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF para 11)

In looking in detail at the purposes of the Green Belt as set out in the NPPF (Planning statement paras 6.17 - 6.20) the Applicant concludes that Purpose 1 *“to check the unrestricted sprawl of large built up areas”* does not apply because the dictionary definition of ‘sprawl’ is “unregulated and uncontrolled”, and, as their proposal is planned and regulated it cannot be defined as sprawl. This is merely playing with words. Substantial residential expansion into the Green Belt in this way would spread Hoddesdon into the countryside. Furthermore the third stated Green Belt purpose in the NPPF is *“to assist in safeguarding the countryside from development”*. Given that the NPPF is also clear in stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence, we find the Applicant’s statements contrary to both the content and the intent of recently adopted national policy.

The Applicant states that because land values are such that derelict and other urban land will inevitably come forward for development irrespective of the development of this site, means that NPPF Green Belt Purpose 5, *“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”* does not apply. This is a purely speculative

argument that directly conflicts with the basis for Green Belt Policy set out in paragraph 80 of the NPPF.

We do not consider that the precedent set by the Council in approving residential development on the Everest Sports Ground in Cheshunt, cited by the Applicant in para. 6.26, to be a ‘very special circumstance’ that could justify the proposed development.

Nor is the intent to build a “*high quality, sustainable community applying the principles of the Garden City movement*” (paras. 6.28 - 6.31), a very special circumstance. We would expect all development within the Borough to be to a high standard of design. In fact section 7 of the NPPF requires it.

With reference to the quote in para 6.33 from Planning Minister Nick Boles that “*it is an absolute tenet of Government policy that housing need should be met*”, we draw the Council’s attention to the subsequent clarification from the Prime Minister on 19 March 2013 (in a reply to Crispin Blunt M.P.) in which he stated that “*the presumption (in favour of sustainable development) therefore does not trump Green Belt policy*” and the written ministerial statement of 1 July 2013 which made it clear that: “*the single issue of unmet demand ... for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the Green Belt.*”

The ability of the development to meet housing needs (paras 6.32 - 6.48) is not, in itself, a very special circumstance. There are a significant number of assumptions made in the analysis of housing need and potential delivery put forward by the Applicant, and the Council should ensure that these are borne out by its own analysis before accepting the Applicant’s conclusions on housing need.

Similarly the Council should consider carefully the analysis of affordable housing set out in paras. 6.49 - 6.53, and that for care home provision in paras 6.54 - 6.59.

The provision of retail and hotel uses are entirely at the discretion of the applicant, and, from many variables included in the outline proposals, aspects of the proposals on which final proposals have yet to be set out. These cannot possibly be considered to be ‘very special circumstances’ sufficient to outweigh Green Belt Policy.

We do not consider that any benefits arising from the issues cited above, or those contained in para. 6.76 outweigh the harm that would be caused to the openness of the Green Belt and other harm likely to arise as a result of both of the applicant’s proposed developments.

There are several other aspects of the proposals that are of concern to us, but on which it is not possible to comment in detail because of the outline and variable nature of the application. These include concerns about all three dimensions of Sustainability, including:

- Under Social Sustainability, how the need for health and medical facilities will be met; and

- Where is the community infrastructure necessary to support development on this scale? For example who decides if 1 or 2 primary schools are to be built as part of the development, and when, and will the necessary utility and services requirements generated by development on this scale, including for water supply and sewerage, be funded and provided at the time they are needed, taking into account competing demand from other developments?
- Under Economic Sustainability, the claimed level of job creation (para. 6.76) is between 172 and 284 jobs, but there is a very big difference between these figures, and are they credible?
- Similarly, the Applicant states that “The development will generate gross retail expenditure of £6.5 million”, but are the assumptions on which this figure is based both realistic and justified, and where will the benefits of such expenditure be realised?
- In terms of Environmental Sustainability, in addition to the loss of countryside features, we are particularly concerned that the development facilitates an increased proportion of private car movements via new direct links to the A10 feeder Dinant Link Road, and about the likely impact of traffic flows on rural roads such as the rural Lord Street to Mangrove Road route to Hertford, and cross-flows of local traffic generated by the two halves of the development.

These matters, particularly in terms of ensuring that major development proposals are planned in parallel with infrastructure provision, are matters that can only be properly resolved through the development plan process, and the application should be considered to be premature pending the anticipated consultations on the emerging new Local Plan in 2014. To do otherwise is likely to compromise key decisions on the scale and location of future development for the period to 2030 and beyond.

For the above reasons, we urge Broxbourne Council to refuse the application.

Yours sincerely,



Steve Baker
Planning Manager