

## Christine Whyte

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**From:** Sue Broadhead <sue@dlatownplanning.com>  
**Sent:** 14 September 2015 16:25  
**To:** Local Plan  
**Cc:** mcorcoran@inlandplc.com; Simon Andrews  
**Subject:** Site Allocations and Development Management Policies Plan (SADM) Publication  
Stage Representation Form  
**Attachments:** SADM-Response-form v2.pdf

Please find attached the above Representations.

Regards  
Sue

Sue Broadhead  
DLA Town Planning Ltd  
5 The Gavel Centre  
Porters Wood  
St Albans  
Herts  
AL3 6PQ



Tel: 01727 850907  
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**Site Allocations and Development Management Policies Plan (SADM)**

**Publication Stage Representation Form**

For office use only

Reference No:

Date received:

**Please use this form to make Representations**

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

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

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

This form has three parts:

**Part A** – Personal details (only needed once).

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

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

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

Part A	1. Personal details*	2. Agent details (if applicable)
Title	Mr	Mr
First name	M	Simon
Last name	Corcoran	Andrews
Job title (where relevant)	Planning Manager	Strategic Planning Manager
Organisation (where relevant)	Inland Homes	DLA Town Planning Ltd
Address	C/O agent	5 The Gavel Centre Porters Wood St Albans Herts
Post Code		AL3 6PQ
Telephone number		01727 850907
Email address		<a href="mailto:simon@dlatownplanning.com">simon@dlatownplanning.com</a>

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

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





**Part B**

Name or organisation: **Simon Andrews, DLA Town Planning**

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

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

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

Paragraph  Policy **SADM 1** Policies Map **B** Other part of Plan (specify)

**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

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

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

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

5(a) Positively prepared  Please tick which box(es) apply  
5(b) Justified   
5(c) Effective   
5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.  
If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**



Inland Homes **supports** the inclusion of the First Place Nurseries site at Falconer Road, Bushey within policy SADM1. The Council's recognition of the development potential of this site is welcome. However, certain changes are needed to make the policy both effective and consistent with national policy, and therefore "sound".

The current approach in SADM1 is to allocate the First Place Nurseries site for development but retain it within the Green Belt. We consider that this causes unnecessary confusion, jeopardises effective delivery of the site and undermines confidence in Green Belt designation. The Inspector considering the Three Rivers Site Allocations DPD had serious soundness concerns about Three Rivers Council's approach of retaining allocated housing sites within the Green Belt (as set out in his letters dated 10 & 30 July, 2 and 12 August 2013). It is acknowledged that the Council considers the proposed development could occur within the Green Belt (as appropriate development) but the situation would be clearer if the site were taken out of the Green Belt. Not only would this serve to aid delivery of the site (and therefore help deliver the Council's Plan) but it would also remove the necessity to designate the Bushey Academy as a "Key Green Belt site". A recommended revised Green Belt boundary is attached, which largely follows the defined Conservation Area boundary.

Without prejudice to the comments above, if the Council remains of the view that the First Place Nurseries site should remain in the Green Belt then additional clarification is required to confirm that development of the type described in the policy is appropriate development and can take place outside the Council's defined "envelope for appropriate infilling" for the Bushey Academy (see also our comments on policy SADM25).

In terms of the details of policy SADM1 H12, we consider the words "and associated hardstanding" should be removed from the policy. Removal of the former swimming pool building is proposed and the area appropriately landscaped. However, the adjacent hardstanding area is the area to be built on to provide the development envisaged by the Council. The current wording suggests that both the former swimming pool building and the hardstanding will be removed and landscaped. Were this to be required then the allocated housing could not be delivered, jeopardising the Council's housing supply.

The figure of 10 dwellings originates from the Council's SHLAA and its estimate of capacity. It is described in the SHLAA as a "round figure", reduced from the Council's "net capacity" assessment of 13 on the basis of needing a high quality scheme suited to its Green Belt location. To help maximise the use of this previously developed site while respecting Green Belt issues the following wording is recommended "The capacity estimate of 10 dwellings is given as a round figure and may increase through the design process, subject to Green Belt openness considerations."

Policy SADM1 H12 refers to Core Strategy policy CS19 in respect of the current nursery use. The Council has recognised that removal of the former swimming pool building currently occupied by the nursery is desirable in policy terms, both to enable the delivery of the anticipated housing and to reduce the impact on the openness of the Green Belt. However, policy CS19 aims to restrict the loss of community facilities and presents numerous hurdles to a relocation. The requirement that any replacement facilities are demonstrated to be "satisfactory for all of its users" appears particularly onerous and potentially obstructive. The securing of an alternative site could easily be dealt with by way of a planning condition or Section 106, therefore allowing the submission of a scheme in advance of securing a new facility. The rigid requirements of policy CS19 regarding the nursery use do not appear to reflect the Council's overall aim to deliver housing on this site and to remove the building itself. Alternative wording to replace the final sentence of SADM1 H12 is recommended as follows "In order to deliver housing on this site and secure the removal of the former swimming pool building, the Council will work with the nursery operator and promoter of this site to secure appropriate alternative premises for the nursery use."

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

**7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan**

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

**You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

- Remove the allocated First Place Nurseries site, Falconer Road, Bushey from the Green Belt;
- Delete the words "and associated hardstanding" from Policy SADM1 H12;
- Add to Policy SADM1 H12 "The capacity estimate of 10 dwellings is given as a round figure and may increase through the design process, subject to Green Belt openness considerations." for example should a scheme come forward consisting of smaller 1 and 2 bed dwellings.
- Replace the final sentence of SADM1 H12 with "In order to deliver housing on this site and secure the removal of the former swimming pool building, the Council will work with the nursery operator and promoter of this site to secure appropriate alternative premises for the nursery use."

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

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

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

Yes

No

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

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

Yes, I wish to participate at the oral Examination

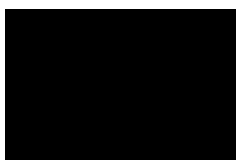
**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

Inland Homes wish to be represented at the Examination to be able to contribute to the debate on Green Belt and housing issues, particularly on the specific policy for this site, and to demonstrate the deliverability of this site.

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

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

Signature: \_\_\_\_\_



Date: 14/09/15

**Part B**

Name or organisation: **Simon Andrews, DLA Town Planning**

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

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

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

Paragraph	<input type="checkbox"/>	Policy	<b>SADM 24</b>	Policies Map	<input type="checkbox"/>	Other part of Plan (specify)	<input type="checkbox"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>
4(c) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	no comment to make	<input type="checkbox"/>

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

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

5(a) Positively prepared	<input type="checkbox"/>	Please tick which box(es) apply
5(b) Justified	<input type="checkbox"/>	
5(c) Effective	<input type="checkbox"/>	
5(d) Consistent with national policy	<input checked="" type="checkbox"/>	

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

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



Paragraph 89 of the NPPF excludes from the definition of inappropriate development “limited infilling in villages”. This is not defined in the NPPF and neither is it limited to particular villages. Local planning authorities are invited to stipulate in local plan policies how “limited affordable housing for local community needs” should come forward (the second element of this bullet point in paragraph 89), but in terms of the first element “limited infilling in villages” is not inappropriate and local plan policies cannot alter that. This is clear in the Court of Appeal judgement in *Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council* ([2015] EWCA 195).

While it may be useful to have a policy that indicates what the Council considers infilling to be and where it considers it most appropriate it does not alter the Government’s definition of appropriate development. On that basis, limited infilling in a village that took place outside of the village envelope defined by the Council or in a village not listed by the Council could still be appropriate development according to the NPPF’s definition. A local plan policy cannot be consistent with national policy if it restricts something that is specifically provided for nationally.

Policy SADM24 should therefore be clearer that it sets out the Council’s view on where limited infilling will be most appropriate and what it would consist of but that each application will be considered on its merits in line with paragraph 89 of the NPPF. The second sentence of policy SADM24 should therefore read as follows “The areas indicated by the village envelopes are part of the Green Belt and are where the Council considers infill development to be most appropriate.”

(See also comments on SADM 25)

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

**7. Please set out as precisely as possibly what change(s) you consider necessary to make the Plan**

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

**You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

- The second sentence of policy SADM24 should therefore read as follows “The areas indicated by the village envelopes are part of the Green Belt and are where the Council considers infill development to be most appropriate.”

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

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

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



Yes

No

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

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

Yes, I wish to participate at the oral Examination

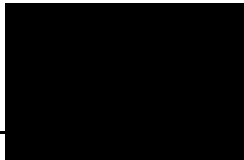
**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

Inland Homes wish to be represented at the Examination to be able to contribute to the debate on Green Belt and housing issues, particularly on the specific policy for this site, and to demonstrate the deliverability of this site.

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

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

Signature: \_\_\_\_\_



\_\_\_\_\_ Date: 14/09/15 \_\_\_\_\_

**Part B**

Name or organisation: **Simon Andrews, DLA Town Planning**

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

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

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

Paragraph	<input type="checkbox"/>	Policy	<input type="checkbox" value="SADM 25"/>	Policies Map	<input type="checkbox"/>	Other part of Plan (specify)	<input type="checkbox"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox" value="X"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input type="checkbox" value="X"/>
4(c) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox" value="X"/>	no comment to make	<input type="checkbox"/>

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

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

5(a) Positively prepared	<input type="checkbox"/>	Please tick which box(es) apply
5(b) Justified	<input type="checkbox"/>	
5(c) Effective	<input type="checkbox"/>	
5(d) Consistent with national policy	<input type="checkbox" value="X"/>	

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

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



Paragraph 89 of the NPPF excludes from the definition of inappropriate development “limited infilling or the partial or complete redevelopment of previously developed sites”. Previously developed land is defined in the NPPF and is not limited to particular sites.

While it may be useful to have a policy that indicates at which sites the Council considers such development to be most appropriate it does not alter the Government’s definition of appropriate development. On that basis, “limited infilling or the partial or complete redevelopment of previously developed sites” that took place outside of the envelope defined by the Council or on a site not listed by the Council could still be appropriate development according to the NPPF’s definition. A local plan policy cannot be consistent with national policy if it restricts something that is specifically provided for nationally.

Policy SADM25 should therefore be clearer that it sets out the Council’s view on where “limited infilling or the partial or complete redevelopment of previously developed sites” will be most appropriate but that each application will be considered on its merits in line with paragraph 89 of the NPPF. The relevant sentence in policy SADM25 should therefore read as follows “The defined “envelope” area in each site is where the Council considers limited infilling or the partial or complete redevelopment of previously developed sites to be most appropriate, taking account of the following factors:”

(See also comments on SADM 24)

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

**7. Please set out as precisely as possibly what change(s) you consider necessary to make the Plan**

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

**You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

- The third sentence in policy SADM25 should read as follows “The defined “envelope” area in each site is where the Council considers limited infilling or the partial or complete redevelopment of previously developed sites to be most appropriate, taking account of the following factors:”

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

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

Yes  No

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

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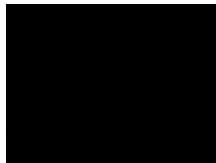
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(continue on a separate sheet/expand box if necessary)

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

Signature: \_\_\_\_\_



Date: \_\_\_\_\_14/09/15\_\_\_\_\_

**Part C**

**(Only needed once)**

Name (Print):    SIMON ANDREWS   

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

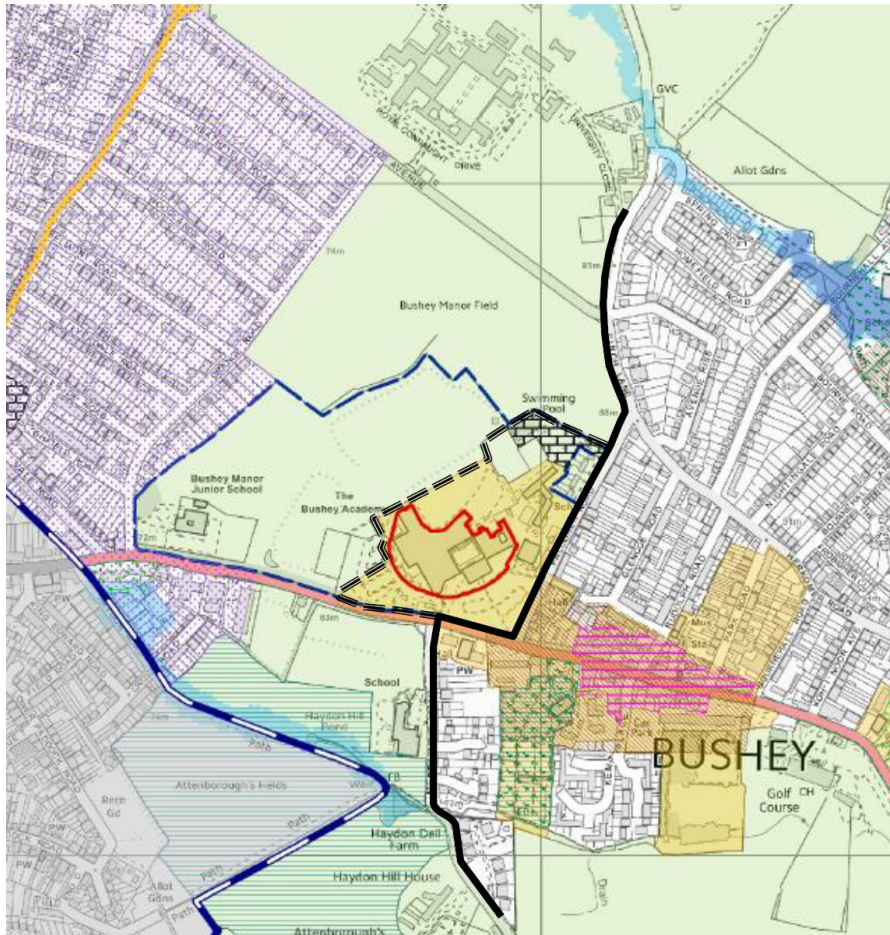
**If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.**



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

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

Representations by DLA Town Planning on behalf of Inland Homes, September 2015

Attachment to representation on Policy SADM1



-  Proposed SADM Green Belt boundary
-  Recommended alternative Green Belt boundary