

Christine Whyte

From: Sarah King <sarah@archkingtech.co.uk>
Sent: 14 September 2015 12:16
To: Local Plan
Cc: donal@chatsworthland.co.uk
Subject: SADM representations on behalf of Mr Donal McCarthy
Attachments: SADM Response form Site H10 Birchville Court 14092015.pdf

Dear Sir/Madam,

Please find attached a copy of a formal representation in connection with SADM1 Site H10, Birchville Court, Bushey.

Please call me if you have any queries or require any clarification.

Kind regards,

Sarah King

Sarah King BA(Hons) Dip TP MRTPI

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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	Mrs
First name	Donal	Sarah
Last name	McCarthy	King
Job title (where relevant)	Part Owner	Director
Organisation (where relevant)		AKT Planning+Architecture
Address	c/o Agent	Abbeywood 9 Monks Close Dorchester on Thames Wallingford, Oxon
Post Code	-	OX10 7JA
Telephone number	-	01865 340989
Email address	-	sarah@archkingtech.co.uk

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

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



Part B

Name or organisation: AKT Planning+Architecture

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 H10 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 [x] No [] no comment to make []
4(b) Compliant with the Duty to Co-operate Yes [x] No [] no comment to make []
4(c) Sound Yes [] No [x] 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 []
5(b) Justified [x]
5(c) Effective []
5(d) Consistent with national policy [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.

See additional sheet overleaf. (continue on a separate sheet/expand box if necessary)

6. There are three aspects to this submission in connection with Policy SADM1 and specifically Site H10 Birchville Court and adjoining haulage yard, Heathbourne Road, Bushey.

1. The allocation of site H10 Birchville Court and adjoining haulage yard is SUPPORTED.

- 1.1 The site comprises previously developed land and lies in a sustainable and accessible location close to shops, services, facilities and public transport links. The site is currently identified as Green Belt Safeguarded Land, but offers the opportunity to replace the existing low amenity value haulage yard with high quality residential scheme.
- 1.2 Planning permission was granted on the 23 July 2015 for 17 units on the site (including 6 affordable housing units) under application 14/01763/FUL.

2. The estimated number of dwellings set out in the Site H10 allocation

- 2.1 The estimated number of units set out by Policy SADM1 Site H10 is 17, which is consistent with the number of dwellings approved by the recent approval of 14/01763/FUL. However, this capacity and number was based upon the Green Belt Safeguarded Land status of the site. The approved application was submitted on the basis of Green Belt policy, which exerted considerable limitations upon the amount of development that could be achieved on the site.
- 2.2 As an allocated site, without Green Belt restrictions, it is considered that the capacity of the site could reasonably be higher, even taking into account the trees, views, openness, setting issues highlighted in the Council's 'site specific requirements'. The site area extends to 1.4 hectares, which, based upon 17 units equates to a very low density of 12 dwellings per hectare (dph).
- 2.3 The Council's SADM Consultation Draft document originally estimated the capacity at 39 units (28 dph). Representations were submitted to reduce this to 31 units (22 dph), to reflect the site constraints and realistic capacity. The Council's reduction in the Submission Version to 17 units is not considered to be justified or consistent with national policy.
- 2.4 Whilst the number of dwellings is only an estimated figure, it sets a starting point, which may prejudice further proposals on the site for a greater amount of development to that already approved on the site.
- 2.5 The estimated number of dwellings at 17 is not considered to be *justified* insofar as it is not the most *appropriate strategy* taking into account the *reasonable alternatives*. The site can accommodate a greater amount of development without harm to the adjoining Green Belt and can make more efficient use of the site. The NPPF, in paragraph 58, makes it clear that planning policies should optimise the potential of the site to accommodate development. The current scope of the allocation does not, in our view, do this.

3. Representations in respect of the Site H10 allocated area

- 3.1 Notwithstanding the above comments, an enlargement to the allocated site area is considered to be justified, to incorporate Birchville Cottage. Such an enlargement would be justified when considered against the reasonable alternatives, as set out below.
- 3.2 It is noted that the Submission Version of the SADM Policies Plan has removed the Green Belt designation in relation to the dwellings to the south of Birchville Court (paragraph 2.11 c). Sites to the north, including Birchville Cottage, The Callenders and Greenacres House are retained as Safeguarded Land (Paragraph 2.11 c) and Policy SADM2 refers.
- 3.3 However, following the approval of the application for development on the allocated site (14/1763/FUL) and discussions with the neighbouring property at Birchville Cottage, the inclusion of Birchville Cottage within the site allocation H10 is considered to be appropriate and justified.
- 3.4 Specifically, the proposed housing allocation (and approved permission) on the site will give the Birchville Court and haulage yard site a more developed appearance. The Callenders, to the other side of Birchville Cottage, is an extensive flatted development. Birchville Cottage, by comparison, will be sandwiched between these two developed sites and be at odds with this pattern of development.
- 3.5 It is contended that Birchville Cottage could reasonably be included within the Site H10 allocation. To do so would rationalise the form and density of land use in this part of Heathbourne Road and be the most appropriate strategy when considered against the alternatives (of not including it).
- 3.6 Birchville Cottage extends to 0.35 hectares, which, combined with the existing site allocation of 1.4 hectares, would result in a site area of 1.75 hectares. The estimated site capacity would, as a result, be in the order of 38 dwellings (using the same site density of 22 dph as per paragraph 2.3 above).

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.

In order to make the plan sound; specifically, justifiable as the most appropriate strategy when considered against the alternatives and also to be consistent with national policy, the following changes are considered to be necessary.

1. The estimated number of dwellings set out in Policy SADM1 H10 should be increased to 31. This would achieve the realistic (non Green Belt designation) capacity of the site and optimise the potential of the site to accommodate development, in accordance with Paragraph 58 of the NPPF.
2. The allocation of Site H10 under Policy SADM1 should be enlarged to include Birchville Cottage to the north. This would require amendments to Policy SADM1 Site H10 description, the accompanying site plan (see plan attached to this representation), as well as updates to Paragraph 2.11 c) relating to the Safeguarded Land sites. This enlarged site allocation area would provide for a more logical site allocation adjacent to the higher density development at The Callenders and rationalise the form and density of land use in this part of Heathbourne Road. It would, in our view represent a more appropriate strategy when considered against the reasonable alternatives.
3. Extending the allocated site area under Policy SADM1 Site H10 would require revisions to the estimated number of dwellings, which we estimate would be in the order of 38.

(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:

To properly and thoroughly discuss and debate the arising issues from the submission.

(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: 11 September 2015

Part C

(Only needed once)

Name (Print): _____ Mrs Sarah King, AKT Planning+Architecture

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.

Policy SADM1 – Housing Allocations

Site H10: Birchville Court & adjoining haulage yard, Heathbourne Road, Bushey Heath



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