

Dear Mr Longmuir,

I am writing to offer a number of important points of consideration, some based on new information that has come to light to me. Each refers to the relevant section of the appellant's Statement of Case, with comments in italics.

All points are highly relevant, but the two key ones (found in 9.2 and 'Additional Notes' **highlighted red**) are:

1) a mathematical analysis showing the developed area of the site is c50% more dense than the claimed density across the site, due to the large amount of undevelopable area. This will cause knock-on effects on the overlook of neighbouring properties and filtering of property density out to the greenbelt.

2) a communication between the developer and council that shows both parties were aware of the significant proposed uplift in numbers in this proposal *before* the Local Plan was approved, yet chose not to amend the numbers in the plan and, I believe, the public were not made aware of this.

If you have time to read only ONE, I urge you to consider point 9.2. Plus, if you can, the ADDITIONAL NOTES section. Thank you.

1. INTRODUCTION

1.4: "...the Committee Report concluded:

7.3 "The principle of residential development is considered to be acceptable under the terms of Policy G05."

- While the principle of development is acceptable, due to it being in the Town Plan, the scale (58 houses) is significantly higher than the c26 laid out in the Town Plan.

7.4 "...in accordance with adopted Policy DSC1."

- DSC1 requires the scheme to "take into account existing patterns of development; urban form; building typology and details; height" however the density of housing is significantly higher than that found on Millcrest Road or in direct neighbour Edward Close. It also does not meet the requirement to become less dense on the urban extremities, which is where this site is.

7.16 "...a net gain of 1% in biodiversity overall...the scheme is considered to be acceptable in accordance with Policies NEB1 and NEB4."

- It may be worth noting that Under the Environment Act 2021, permissions will have to deliver at least 10% biodiversity net gain from November 2023. Given the scale and location of this site, and the opportunities to meet Government housing requirements in other areas on the Local Plan, some consideration should be given to the fact this site is already teaming with nature and, if left undeveloped or, even better, re-wilded, could help to offset other sites in the Local Plan that are less so. I have camera evidence of badgers, deer and red kites in trees in the area, plus we have newts in our nearby pond.

9.1 "...the site and views from neighbouring houses would change fundamentally as a result of *any* residential scheme built under this Local Plan allocation for housing."

- *The proposed number of houses on the on boundary to Edward Close will create significant overshadowing and overlooking on the neighbouring properties. The cluster of properties on the North East corner of the site will be seen as a clump of buildings from gardens on Robinson Avenue / Millcrest Road. If the site were to be developed to the Local Plan's proposal of 26 dwellings, there would be space to even out this impact and reduce it significantly.*

9.2 "The number of dwellings proposed is more than double the amount estimated in the Local Plan policy but the density of development would be less than 16 dwellings per hectare."

- *This figure is IMPORTANT and worth checking in detail. The site is just under 3.71ha (as stated in 4.1 of the application) and with 58 dwellings this averages $58/3.71 = 15.6$ dwellings per hectare. HOWEVER, due to TPO restrictions, one large single section of the site is non-developable. This section is mentioned in documentation submitted to the appeal as being approximately one third (33%) of the site, so the actual density of the housing on the DEVELOPABLE AREA of the site is closer to $58/2.47 = 23.45$ dwellings per hectare. This is, by simple mathematics, 50% more dense than suggested.*

6. APPEAL PROCEDURE...

6.4 "It is unclear what evidence the Local Planning Authority intends to present to justify that departure from professional advice given to members which led them to withhold planning permission, contrary to the development plan..."

- *To clarify, the decision to withhold planning permission is NOT contrary to the development plan. As mentioned 7.3 above, the Town Plan defines the site as allocated for development, but stipulates this at a level of c26 dwellings, not 58, and this over-development was the cause for the decision to withhold.*

8. CASE FOR THE APPEALANT

Issue 1: Principle of Development

8.8 "...the site is allocated for housing as part of an adopted Development Plan and therefore the principle of development is already firmly established through the plan making process."

- *Principle of development is established, but for c26 dwellings.*

8.9 "....the proposals are consistent with the site-specific policy G05."

- *Policy G05 states clearly that the sites are allocated as follows: CG Edwards – approximately 20 homes (Now completed, 23 homes); Fairmead Nursery – approximately 12 homes; Rosemead Nursery - approximately 14 homes. Again, this allocates 26 homes for this site, not 58. As such, the proposals are NOT consistent with the site-specific policy G05.*

Issue 2: Design Principles

8.12 “...the scale of development is entirely appropriate for this site...”

- When presented with evidence, particularly density and size of buildings, this claim should be carefully considered in relation to the surrounding properties and the site's location away from the village centre and on the fringes of the greenbelt.

Issue 5: The Planning Balance

8.24 “The appeal proposals accord with the Development Plan, because amongst other things, the site is allocated for residential development. As such, the appeal proposals should be approved without delay in accordance with paragraph 11c of the NPPF.”

- 11c states ‘Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay.’ This application DOES NOT directly accord with the Town Plan due to the number of houses. Indeed, NPPF 12 goes on to state: ‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

8.26 The Council's Housing Delivery Test triggers a presumption in favour of sustainable development, in accordance with NPPF paragraph 11.

<https://www.broxbourne.gov.uk/downloads/file/1853/housing-delivery-action-plan-july-2021>

- In a July 2021 report (link above), the Borough of Broxbourne stated it had delivered 74% of its housing requirement in the previous three years (2017-2020). However, this 74% was caused by an unprecedented and nationwide slump due to Covid and Brexit and could reasonably be considered an anomaly. It is also worth noting NPPF 12, mentioned above, in relation to this. Additionally, in the report, the Council stated: “The presumption in favour of sustainable development puts pressure on Councils to approve development that would otherwise be considered inappropriate.’ The document also notes the Indicative dwelling numbers for the site designated ‘North of Cuffley Hill’ to be “45, with 23 dwellings on CG Edwards nearing completion” which would leave 22 available for the rest of the site. The report concludes by stating: “Broxbourne Council's planning service is not prepared to waive design and placemaking requirements in pursuit of the rapid delivery of poor quality housing.”

ADDITIONAL NOTES: Discussions preceding the Town Plan confirmation

<https://www.broxbourne.gov.uk/downloads/file/2954/a3-planning-statement-dated-december-2018>

Section 6.5 of this Planning Statement, submitted by the developer in 2018, before confirmation of the Local Plan, states: “It is accepted that the policy G05 sets the housing provision at 26 dwellings across the entire site. We have been

working with the Council's planning policy team to seek agreement to a proposed main modification of the policy, allowing a greater number of dwellings to be constructed."

- Following this submission, the Local Plan was NOT changed and was approved and published in 2020 with the commitment to 26 dwellings retained. As such, it should be noted that (1) the Council planners knew about this proposal to more than double development on this site but held it back from public knowledge and (2) the c26 dwellings were committed to in the Town Plan despite full knowledge of this proposal, implying a commitment not to divert from that number.