



East Herts District Council
District Plan
Examination in Public

Hearing Statement
by
Andrew Martin – Planning Ltd

on behalf of

Deville Estates Limited

PART 2
Chapter 8 - Sawbridgeworth



1. INTRODUCTION

- 1.1 This hearing statement has been prepared by Andrew Martin - Planning (AM-P) on behalf of Deville Estates Limited.
- 1.2 Deville Estates Limited is promoting some 27.9 hectares of land – incorporating the Thomas Rivers Hospital in Sawbridgeworth – for a retirement village, as well as the permanent retention of an existing orchard and Wildlife Site. Previous representations to the emerging Local Plan have called into question its soundness on the grounds that the Thomas Rivers Site (hereafter referred to as TR Site) has not been the subject of a fair and equitable assessment in the context of the emerging Plan, its Sustainability Appraisal (SA) and evidence base - in particular a Green Belt Assessment undertaken on behalf of the Council.
- 1.3 The latest proposals for the TR Site have not been fully recognised in the comparative assessment of ‘alternative’ development sites. This ignores the unique benefits of specialist retirement housing and the retention of the TR Orchard and Wildlife Site, proposed to be transferred to a new independent charity to safeguard the significance and long-term future of the Thomas Rivers legacy in this area, and providing a permanent community asset and amenity for the local community.
- 1.4 Formed in May 2014, Rivers Heritage Site and Orchard (RHSO) is a volunteer steering group of Sawbridgeworth Town Council who work to protect, preserve and maintain the remaining Rivers Nursery site in Sawbridgeworth and also maintain historical information about the Rivers Nursery in the group’s archives. RHSO seeks to continue the work of previous volunteers on the current Rivers site. The Rivers nursery was founded by John Rivers in 1725. When it closed in 1987 it was the oldest garden nursery in the UK. Many fruit cultivars and horticultural techniques were developed on the site by Thomas Rivers (1798-1877) and Thomas Francis Rivers (1830-1899). There are almost 600 fruit trees in Rivers Orchard, comprising apples (76 varieties), pears, plums, gages, cherries and one young apricot.
- 1.5 The former nursery site is private land but is currently under a 3-year management agreement to Sawbridgeworth Town Council to allow access and maintenance of the orchard. The site can be accessed through a number of public or permissive footpaths from Sawbridgeworth and High Wych. The site represents an important community asset and is currently used by local people for walking and peaceful enjoyment. Each month the RHSO hold a maintenance day for local people to get involved and learn new skills in orchard maintenance.
- 1.6 Objection has been raised to the Development Strategy of the emerging Local Plan, in terms of the housing target and sources of supply. We acknowledge that the Council has undertaken further work on the District’s Objectively Assessed Housing Need (OAHN), but we continue to have concerns regarding the Council’s ability to meet its short term needs in the first five years of the Plan and whether the needs of older people have been taken into



account. The examination hearing sessions that have taken place in respect of Part 1 of the Plan have discussed its lack of flexibility and the Inspector has stressed that it is important for the Plan to be flexible so that it does not stop sustainable development.

- 1.7 This statement reiterates and expands upon the Green Belt arguments set out in our previous statement, which call into question the robustness of the Green Belt assessment undertaken by the Council and whether a macro level study that refers to large parcel sizes can be relied upon to assess small specific sites being proposed for development
- 1.8 To ensure that the revised housing target is met we submit that there is a need to allocate additional small to medium sized sites, such as the TR Site, that can be delivered in the early years of the Plan. The latest Government housing policy proposal document, issued on 14 September 2017, is at consultation stage and the Local Plan Inspector has stated that as we do not know the outcome of the final document it would only be given limited weight. The Inspector has accepted however that the draft document does show the Government's proposed 'direction of travel'. This also applies to the DCLG figures that accompany the consultation document.
- 1.9 The Government's consultation paper also addresses the issue of planning for older people. It questions how to develop a more streamlined approach to calculating the overall housing need for particular groups such as 'older people' and whether the definition in the NPPF is still fit for purpose. In this hearing statement we expand upon whether the Council is meeting this specialist housing need including the different types of housing to accommodate such a group, ranging from general market and affordable housing to specialised, purpose-built market and rental accommodation and care homes.
- 1.10 This hearing statement supplements formal representations made to the emerging Local Plan in May 2014 and December 2016 and the hearing statements to Part 1 of the Plan, on behalf of Deville Estates Limited. It considers the Inspector's Matters and Issues for Part 2 of the Hearing Sessions (ED127).



2. CHAPTER 8 – SAWBRIDGEWORTH – POLICIES SAWB1 – SAWB5 (INCLUSIVE).

Issue 2 “How and why was the planned level chosen ahead of other potential options? Is the site selection methodology robust and transparent?”

and

Issue 4 “Is the Plan sound in its choice of sites to be removed from the Green Belt?”

- 2.1 We have argued in representations to previous versions of the emerging Local Plan, that the Green Belt review for the District has been conducted on a fairly wide area level rather than a site-by-site basis and as such the individual merits of the TR Site are overlooked. A plan at Appendix 1 represents an extract from the EHDP Pre-Submission Consultation Local Plan – November 2016, Sheet E, Sawbridgeworth Inset Map 23. This identifies the proposed housing allocations SAWB2, SAWB3 and SAWB4 and the TR Site. This clearly demonstrates the point made in the Council’s own Final Sustainability Appraisal (paragraph 6.5.36) that: **(the TR Site) “is relatively well contained and is well related to the existing urban area. It could therefore be argued that, in Green Belt terms, the difference between this proposal and the SAWB2 and SAWB3 sites is marginal”....**
- 2.2 The SLAA evidence base document dated March 2017 confirms on page 19 that: **“Development of the site as a whole would have a significant impact on the countryside in this location. However, development of the eastern part of the site would not reduce the gap between the two settlements and could be considered suitable”** (our underlining). The SLAA goes on to find the site ‘available’ and ‘achievable’ for up to 120 dwellings. An additional note states: **“The site is considered deliverable subject to a review of the Green Belt.”** It is relevant to note that the SLAA finds land to the north and south of West Road i.e. allocations SAWB2 and SAWB3 to be not suitable for development, however like the TR Site they are considered deliverable subject to a review of the Green Belt. To date the recommendations of the 2013 Green Belt Review remain to be undertaken, namely a detailed assessment of individual sites. In the absence of this, the site selection methodology cannot be found to be robust and transparent.
- 2.3 We submit that the attached plan clearly demonstrates that the TR Site would extend less into the Green Belt and impact less on the openness of the countryside around the town of Sawbridgeworth, than the allocated sites and in particular SAWB3. Detailed evidence in support of the TR Site when compared to the emerging Local Plan allocations, is set out in paragraphs 3.11 to 3.18 of our representations to the Pre-Submission Local Plan, December 2016 on behalf of Deville Estates Limited. At the present time the Green Belt boundary to the west of the town is established by an existing waterway that crosses West Road. This is a defensible and established boundary to the existing urban area. In contrast, the edge of the town where it adjoins the TR Site is defined by the backs of existing residential properties. A more defensible Green Belt boundary is established by the Wildlife Site beyond the developed portion of the TR Site, which is proposed to be retained and strengthened as part of a proposed residential scheme. We also refer to our Representations submitted in December 2016 - paragraph 1.7 - *“...site is appraised as part of Area 56 where the boundary around the hospital is described as being ‘arbitrary’ and where there is scope to adjust the boundary to follow the access road and with potential to expand the hospital and to realign the boundary along the*



northern edge of the open area/woodland which together with landform, provides containment. It is submitted that the proposals contained in these representations would have far less impact on the Green Belt and the openness of the countryside than SAWB2, SAWB3 and SAWB4....”.

- 2.4 The final SA considers other sustainability issues in comparing the various options for development. We submit that its conclusions are open to challenge. At page 108 a summary table compares the various sites against key sustainability criteria. The TR Site scores similarly to other sites that have been allocated for development. Indeed if a numerical score is applied then SAWB2 scores 36 and SAWB4 scores 37. The TR Site and SAWB3 both score 38. In addition, we challenge some of the SA findings. The TR Site has received a negative assessment in terms of its impact on a Wildlife Site. However the LWS is within the control of the landowner and its retention and enhancement/preservation is proposed. To this we would add that the TR Site, unlike land allocated in the emerging plan, is currently not in agricultural use. It would enable wider community benefits both in terms of access and enhancement to the Thomas Rivers Nursery and LWS as well as in the form of specialist housing to meet the needs of an ageing population, generation of employment, both direct and indirect, and less overall impact in landscape terms compared with the provision of market homes for families. The TR Site receives a negative response in terms of proximity to Listed Buildings. The nearby Listed Buildings are shown on the plan at Appendix 1 and given their considerable distance from the TR Site we challenge this particular matter as raised in the SA.
- 2.5 Aside from Green Belt considerations the TR Site is only marginally further from the town centre than the allocations in West Road. It also has other benefits that have been ignored in the comparative sustainability assessment undertaken on behalf of the Council. The TR Site is intended for specialist housing in the form of a retirement facility, catering for graded levels of care and health provision as residents grow older. The site lies in close proximity to the healthcare facility of the Thomas Rivers Hospital. The quality of life for elderly resident would be enriched from being adjacent to the setting of the Wildlife Site and retained TR Orchard. There is the potential to provide additional facilities as part of the development proposals for the TR Site, such as a small shop to cater for everyday needs, café/bar/restaurant and communal facilities. These are commonly provided in retirement schemes where sufficient critical mass would support them. The proposals would result in less pressure on the need for school places than family housing and would generate less traffic than the allocated sites. Excellent bus services are operated by Sawbridgeworth Town Council (known as ‘SAWBO Bus’), which provide regular and frequent services to Harlow and Sawbridgeworth centres. Proximity to bus stops along High Wych Road, adjoining the TR Site are shown on the plan at Appendix 1.
- 2.6 Other conclusions of the SA regarding the TR Site remain open to challenge. It is found that “development would have a negative impact on the nature conservation value of the wildlife site”, and that using the existing hospital road for access would cut across the countryside to serve a smaller area of development adjacent to the urban edge, causing harm to the Green Belt in terms of encroaching upon the countryside and making the remainder of the site vulnerable to pressure for further development (page 84). In response we contend that the remainder of the site that is retained in the Green Belt would be far less vulnerable to



pressure for further development than any other Green Belt site because it will be handed over to an independent charity whose function it will be to protect and enhance the orchard and wildlife site for generations to come. Finally the proposed retirement scheme would have lower traffic generation due to the elderly in such specialist accommodation having lower car ownership per head compared with families in market housing.

2.7 Any comparative assessment with the allocated sites in West Road and north of Sawbridgeworth needs to consider transport impact issues and the need for infrastructure upgrades to the west of the town. Development of the scale proposed along West Road will have significant infrastructure requirements. In contrast a preliminary transport assessment of the TR Site undertaken by Peter Brett Associates (PBA) in 2010 and based on development proposals of 8000m² additional healthcare facilities and 160 dwellings/retirement homes found:

- On the basis of the preliminary transport work, it is considered that development at the TR Site represents the most sustainable direction for growth as it is located geographically within the existing built up area of the town between existing developed areas on The Crest and High Wych Road, providing the opportunity to integrate with the existing built-up area of Sawbridgeworth. The location adjacent the existing built up area would promote access to existing facilities in Sawbridgeworth Town Centre (within a 15-20 minute walk from the centre of the site) and provide opportunities for existing residents to access the employment and healthcare facilities in Rivers Hospital without having to travel by car.
- The location of the site close to existing public transport services combined with the potential to provide enhanced pedestrian connections to existing areas of the town presents an opportunity to minimise the levels of traffic generation from the proposals, reducing the impact on the local town environment.
- Furthermore, the provision of further employment opportunities within Sawbridgeworth would not only help to reduce additional levels of traffic generation (through the provision of a mixed use site), it would also help reduce the level of out commuting from the town, promoting self-sufficiency and increasing the economic prosperity of the town.
- The results of the transport work show that the site access would continue to operate within capacity with the flows from the development proposals and that with suitable enhancements to the A1184 / High Wych Road junction, there is no reason why the development could not proceed on grounds of traffic impact.
- Overall, it is considered that the TR Site represents one of the most sustainable and deliverable options for location for new development in Sawbridgeworth.

2.8 We confirm objection to the SA and its supporting evidence base in the form of the Green Belt Review and SLAA. The comparative assessment of the TR Site with allocations to the west and north of Sawbridgeworth demonstrate findings that are both flawed and based upon



incorrect information. This is insufficient to justify the allocations SAWB2 and, SAWB3 and SAWB4 and rejection of the TR Site at this settlement.

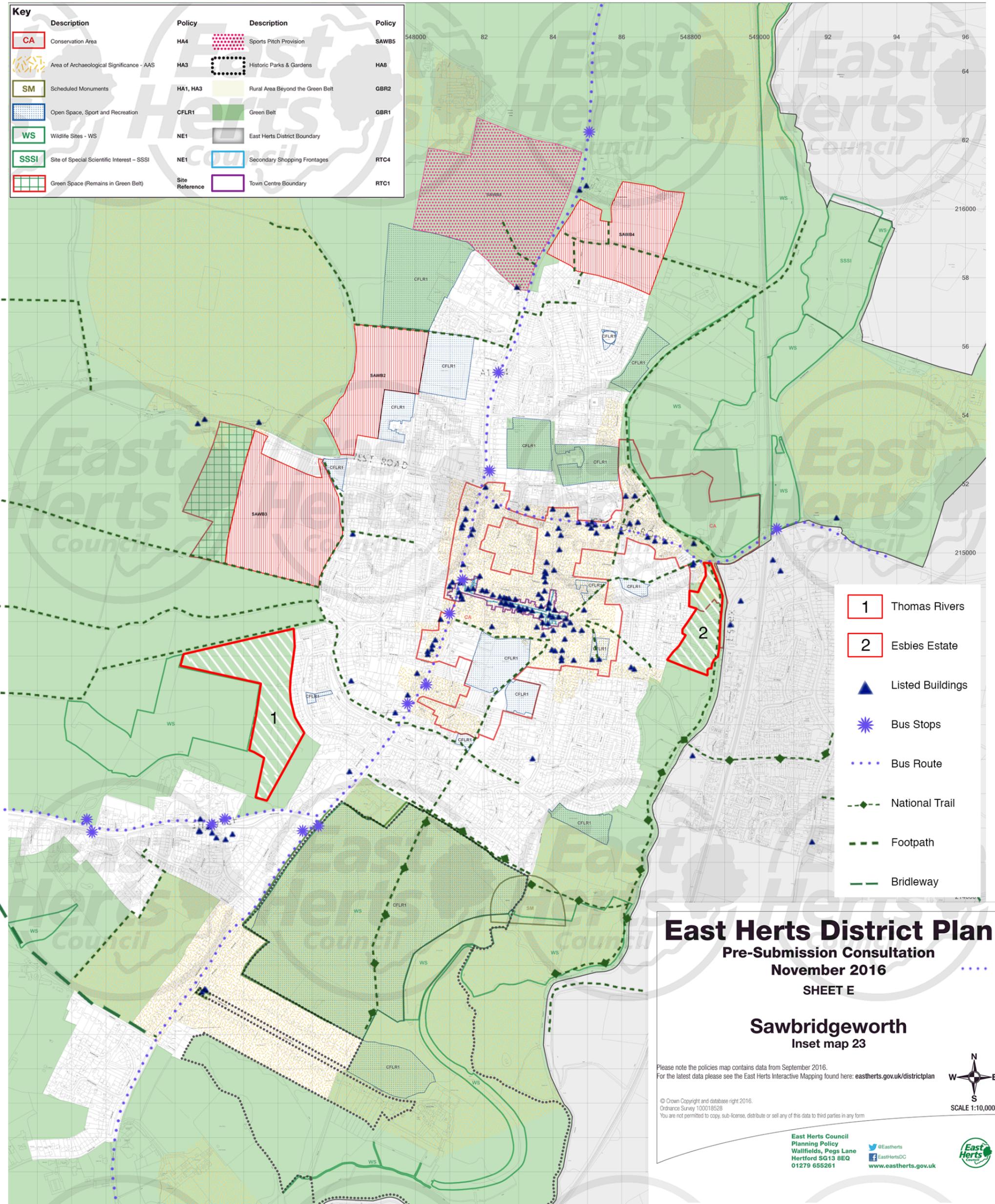
- 2.9 The need for Specialist Housing for Older and Vulnerable people is dealt with in Policy HOU6 of the Local Plan. This states a requirement for 530 bed-spaces to help meet such needs. We refer to the West Essex and East Herts Strategic Housing Market Assessment (SHMA) of 2015 (subsequently updated), which identified that **“if fewer older people are expected to live in communal establishments than is currently projected then the needs of any additional older people in the household population would need to be counted in addition to the assessed OAN”** (paragraph 6.24). Furthermore, evidence was said to show that there is a need for 10% market housing and 15% affordable housing to meet Category 3 requirements (i.e. those with wheelchair housing requirements). This version of the SHMA recognises the changing demographics of the area and provides an element of choice for households that need wheelchair user dwellings now and those considering how their needs may change in the future. The Examination Document ED112 recognised that the SHMA of 2015 was out of date and this was reviewed in July 2017, based on up to date household projections. The revised paper does not address housing need for older people or take account of the issues identified above. We submit that the Council needs to undertake further assessment to address the needs of older people and that these should be counted in addition to the revised OAN identified in the 2017 SHMA. This more detailed assessment of housing need for older people is consistent with the ‘direction of travel’ as set out in the government’s latest consultation paper on housing.



APPENDIX 1

East Herts District Plan : Proposals Map Sheet E
Sawbridgeworth Inset Map 23 revised to show
Thomas Rivers and Esbies Sites

Policy	Description	Policy	Description
CA	Conservation Area	HA4	Sports Pitch Provision
SM	Scheduled Monuments	HA3	Historic Parks & Gardens
WS	Wildlife Sites - WS	HA1, HA3	Rural Area Beyond the Green Belt
SSSI	Site of Special Scientific Interest - SSSI	CFLR1	Green Belt
Green Space (Remains in Green Belt)		NE1	East Herts District Boundary
		NE1	Secondary Shopping Frontages
		Site Reference	Town Centre Boundary
		SAWB5	
		HA8	
		GBR2	
		GBR1	
		RTC4	
		RTC1	



East Herts District Plan
Pre-Submission Consultation
November 2016
SHEET E

Sawbridgeworth
Inset map 23

Please note the policies map contains data from September 2016.
 For the latest data please see the East Herts Interactive Mapping found here: eastherts.gov.uk/districtplan

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Land at Thomas Rivers Site and Esbies shown on East Herts District Plan Inset Map 23 - Sawbridgeworth		
Drawing	Revision	Revision detail
Drawn By	Date	Scale
CH	10/17	NTS

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