
**Rye Works, Rye Road, Hoddesdon, Hertfordshire EN11
0EG**

***"Scrapyard for end of life vehicles with associated
warehouse, site office, Weybridge and Lindemann
infrastructure"***

Appellant's written representation statement of case

August 2025



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1.0 INTRODUCTION AND SUMMARY OF PROPOSAL

- 1.1. The application which is the subject of this appeal was submitted by this Firm on behalf of E&J Properties Ltd. on 27th September, 2023 and was for development described as follows:

“Use of site as scrapyard for end of life vehicles together with associated warehouse, site welfare office, Weybridge and “Lindemann” processing infrastructure”.

- 1.2. The application was assigned local planning authority reference **07/23/0798/F** and was refused at committee on 24th June 2025, with the decision notice being subsequently issued on 1st July 2025, for the following two reasons:

- 1 The development by reason of its physical appearance and location near to residential areas, historic sites and visitor attractions would have a severely detrimental impact on visual amenity which, as a result, would be directly contrary to Policy DSC1 'General Design Principles' of the Borough of Broxbourne Local Plan 2018-2033 adopted June 2020.**
- 2 The use of Fishermans Way to access the site by Heavy Goods Vehicles, including car transporters, would have a materially adverse impact on amenity for residents of that road by reason of noise and general disturbance. As such the proposal would be contrary to Policy EQ1 : 'Residential and Environmental Quality' of Borough of Broxbourne Local Plan 2018-2033 adopted June 2020**

- 1.3. We come to run through the application process in some detail but by of introductory summary confirm that the site is a long linear one of 1.09 hectares sited within the defined settlement limits of Hoddesdon.

- 1.4. It lies alongside the River Lee navigation and beyond that on the eastern side an area of open land to include the Rye House gatehouse, a Grade I listed building.

- 1.5. To the west of the site is a designated employment site with a series of industrial units to the west of Plumpton Road and beyond that residential development and open space.
- 1.6. To the south and noting that the access to the site is via Rye Road is the Rye Road mainline train station and Fishermans Way which provides access into town, principally via Normandy Way, and supports residential development.
- 1.7. The proposal is for an end of life vehicle (ELV) processing facility.
- 1.8. On the southern side of the site is a site office and staff welfare building sited parallel to the road, beyond which is a warehouse, a long linear building running alongside the site boundary.
- 1.9. At the top end of the site is the Lindemann processing infrastructure (effectively the machine that appears in the formal description of development).
- 1.10. In short, an end of life vehicle is transported onto the site via the usual car transporter, stripped of anything that could be reused (with parts to be stored within the on-site warehouse), drained of all oil and other fluids (brake fluid, windscreen wash) and placed at one end of the infrastructure and moves through the machine along the conveyor belt.
- 1.11. Magnets within the machinery separate the various metals and again any steel or other valuable metals are taken away to be melted down and reused. The waste material is then shredded and taken away and again there is a use for this.
- 1.12. We made the point at application stage that many of us drive cars and move on to better ones as and when we need to or are able to afford to. The end of life vehicles need to be dealt with in a proper and sustainable manner and the process provided by the Lindemann shredder is, as the appellants submit, the most sustainable and comprehensive one on the market and certainly in the UK at the moment. It is seen as being preferable to the crushing that typifies most ELV processes currently.

- 1.13. We also confirm that the site has an industrial past and an extant industrial use and also that it is allocated for housing within the adopted Local Plan. The inability to bring forward any residential scheme is a key matter in the determination of this appeal proposal and there is an accompanying statement prepared by Vanderpump Solicitors (on behalf of the appellants) explaining what has been undertaken over a significant period of time in order to resolve this matter.
- 1.14. In short, the small section of road to the frontage is unregistered and will not be adopted by the County Highway Authority and no developer finance can be raised within the context of a site which has no reliable/controllable access.
- 1.15. The County Highway Authority will not adopt this section of road.

The application documents

- 1.16. We lists below the plans and documents upon which the decision was based.
- 1.17. We do note that the scheme was reduced in height during the determination of this proposal and so we explain the difference between the plans upon which the final decision was made and the earlier iterations which show a much higher plant.

The application plans

- 1.18. All plans are prepared by John Finch Architects unless otherwise stated:
- **3685.01 rev C, dated 6th June 2025: proposed block plan (replacing the earlier iteration, namely 01B dated 25th May 2023 and the later iteration of 01C and so using the same reference number but dated 1st March 2024);**
 - **3685.02 rev B, dated 6th June 2025: proposed site section. There are two versions of this both with the same date and reference no. and one has the tree cover as viewed from the east and one does not (this replaces the 02 iteration dated 25th**

May 2023 and the 02A version dated 7th September 2023): the maximum height is notated as 9 metres;

- **3685.03: proposed warehouse plans and elevations;**
- **3685.04: proposed welfare office plans and elevations.**

1.19. We clarify that we do still submit the earlier versions of the plans as it demonstrates the extent to which the scheme has been reduced; the earlier (now superseded) versions show the maximum height as being 18.59 metres.

The application reports

- **Planning supporting statement dated September 2023 prepared by this Firm;**
- **Addendum planning statement dated June 2024 to address a series of related matters that had arisen at that stage;**
- **Addendum letter from Collins & Coward dated 2nd October 2024 in response to comments from Natural England and the RSPCB;**
- **EAS delivery and servicing management plan, dated June 2023;**
- **EAS transport statement dated July 2023;**
- **EAS draft workplace travel plan dated June 2023;**
- **EAS FRA and SuDS report dated January 2024;**

- **EAS email extract, redacted by the local planning authority responding to a flooding issue raised at the time (addressed to Ian and from Stephan Adams);**
- **Habitat regulation assessment prepared by Mr Steve Plumb on behalf of the local planning authority and dated 25th July 2024: this is a formal application document but not one which was prepared by the applicants;**
- **SLR noise impact assessment dated 6th July 2023 rev 1;**
- **SLR noise memo dated 6th June 2024 to specifically address noise impacts upon the SSSI and SPA;**
- **BNG metric spreadsheet;**
- **Open Spaces strategic landscape plan ref. OS2788.24.1.**

2.0 PLANNING HISTORY

2.1 The planning statement dealt with the planning history as follows.

2.2 There has been a great deal of planning history associated with the site and the historical list of applications is as follows:

Former rail goods yard

- **7/0590/80 Demolition of existing office and construction of 2 storey office block**

Granted September 1980; implemented

- **7/0579/82 Two storey extension to office block and asphalt plant**

Granted November 1982; Extension implemented; asphalt plant now removed.

- **7/0273/82 Four industrial units of 116 sq m each (outline)**

Granted June 1982

- **7/0462/85 Asphalt Production Plant and Associated Works and Storage of Raw Materials**

Appeal dismissed May 1986

- **7/0514-88 Site for Mobile Asphalt Plant, Improved Vehicular Access and Landscaping**

Granted October 1988 (the permission under which the site most recently operated)

- **7/0819/89 Ground and first floor extension to offices.**

Granted October 1990 and implemented.

- **Section 52 agreement dated September 1990 associated with 7/0514-88 and 7/0819/89 regarding construction of two sections of road across property and financial contribution thereto (£300,000); HGVs not to use Rye Road (other than to cross it to Normandy Way).**
- **7/0420/92 Alteration and extension of existing workshop toilet block**

Granted August 1992

- **7/0286/97 Extension to stock bays and construction of screening embankment**

Granted August 1997

- **7/0697/01 Part single/part 2 storey portacabin for office and laboratory use**

Granted October 2001

2.3 We stress that applications reference 7/0514-988 and 7/0819/89 and the associated S106 directed traffic from Rye Lane to Fisherman’s Way. The same point was made in the committee report at 4.1 as follows:

4.0 RELEVANT PLANNING HISTORY

4.1 Permission was granted 1st October 1988 for Site for Mobile Asphalt Plant, Improved Vehicular Access & Landscaping of Existing Site

The approval was subject a s.106 legal agreement to secure a contribution towards building what became Fishermans Walk and for HGVs to use that route rather than Rye Road

- 2.4 A copy of the permission and S106 is attached at **appendix 1** and clause B of the legal agreement reads as follows:

“B From the date of the adoption of the Section 1 road aforesaid all HGV vehicles which leave the first and second properties aforesaid shall be prohibited from the use of Rye Road in any direction save to cross the said Rye Road for access to the section 1 Road via the existing route across the Third Property and when adopted for access to the section 2 Road”.

- 2.5 One of the cited applications is that pursuant to **07/17/0663/F** which was for change of use from Class B2 to Class B8 storage and distribution.

- 2.6 This was pursued on behalf of Wren Kitchens and was refused for the following three reasons:

1 The proposed continued use of the site as a place of haulage and distribution is contrary to the Council's vision and adopted development brief for the site and to the provisions of the adopted and emerging local plans. The development conflicts with the provisions of Policy HOD2 of the emerging Local Plan and the Turnford Surfacing Site Development Brief (June 2011).

2 As a result of the adverse impacts on the local and wider environment in terms of light pollution, noise and general disturbances caused by the operation and activities at and around of the site there has been a harmful impact on the amenities of local residential communities and on the wider environment generally, contrary to the provisions of Policies H6, HD13 and HD16 of the Local Plan Policies EQ2 and EQ3 of the emerging plan and the NPPF.

3 The submission has not provided a transport plan to support the application and the operations and activities at the site have adversely impacted on the free flow and safety of the local highway network contrary to the provisions of Policies T3 and HD13 of the Local Plan and the NPPF.

2.7 In terms of obtaining a view as to the lawfulness of the site we refer to the lawful development certificate submitted on behalf of Wren Kitchens.

2.8 This was refused on 8th November, 2017 pursuant to **07/16/1141/LDP** and was for development described as follows:

“Certificate of lawfulness for the assembly of pre-prepared kitchen and other furniture orders for off-site installation under existing B2 use (general industrial)”.

2.9 This was refused in November, 2017 for the following single reason plus our emphasis as relevant:

“The proposed activities to operate a haulage and assembly depot, as described within the application, falls outside the provisions of the existing lawful B2 use class. Furthermore the site undertaken also includes onward distribution. The proposal therefore results in a material change of use consisting (sic) development as described in Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore requires express planning consent”.

2.10 The officer’s delegated report is a useful source of information and the introduction to the assessment of this case under the heading **“Application Site”** reads as follows, with our emphasis added:

“The application site comprises a strip of land of 0.95 ha area, located to the east of the mainline rail route and to the west of the route of the River Lee in north-east Hoddesdon. It is access via an access on Rye Road which is located opposite the turning onto Fisherman’s Way and it lies close to Rye House Station and Rye

Bridge, at the end of the borough. Traditionally the site has been used in various industrial ways (B2 use), initially as a railway’s goods yard then as a site for manufacture of breeze blocks, aggregates and surfacing materials, all of which have now ceased and more recently the site gained temporary permission for use for storage and distribution (B8 use). The most recent application for a change of use at the site, to B8, has now expired and the use class designation has returned to B2. The site is laid to a concrete hardstanding base and the only structure on site is a temporary single-storey (portacabin) type office building. The site falls mainly within flood zone 2 and partially in zone 3A and is in the borough accessibility corridor, it has also been identified as a potential site for future residential development in the SHLAA assessment; no other constraints apply”.

2.11 This is very clear formal statement that the site is in B2 use.

2.12 This point was again reiterated in the first sentence under the **“Appraisal”** section of the officer’s report in the following terms:

“The existing and established use class of the site is for B2 (general industrial) use”.

2.13 This particular LDC was refused as it contained an element of B8 storage and distribution: the Wren Kitchen was therefore not a “neat fit” into the established and accepted B2 extant lawful use as clearly expressed (both then and now).

2.14 The next key iteration was a residential scheme as alluded to earlier in this statement.

2.15 This was resolved to be approved at committee on 15th December 2020 under the terms of application reference **07/20/0467/FUL** for development described as follows:

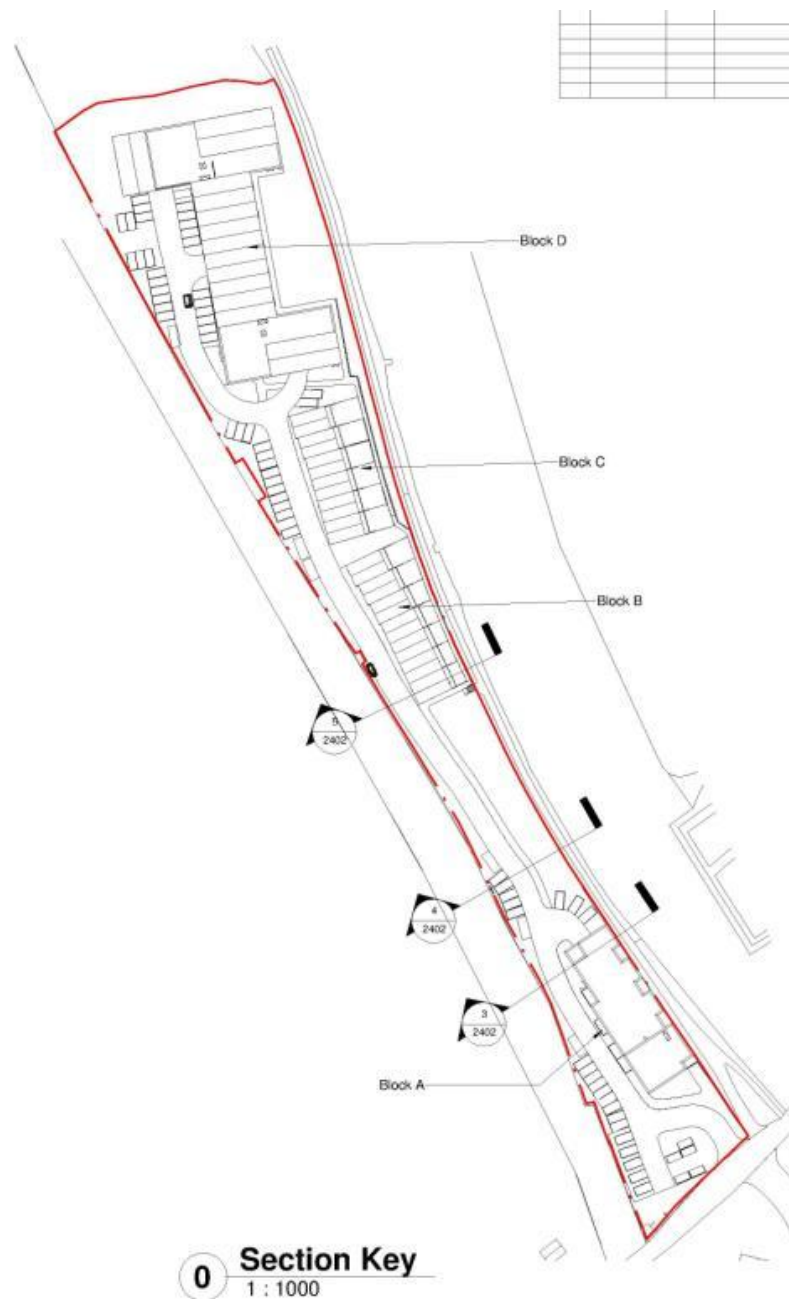
Redevelopment of a brownfield site to provide 104 residential units, consisting of 29 one bedroom apartments, 62 two bedroom

apartments and 13 three bedroom town houses and one small commercial unit for A1/ A2/ A3/ B1a/ D1 or D2 use. Associated junction improvement works to Rye Road/ Fishermans Way and public tow path improvement works

2.16 At **Appendix 2** we enclose as follows:

- **The composite plan pack for the scheme as resolved to be approved; and,**
- **The committee report.**

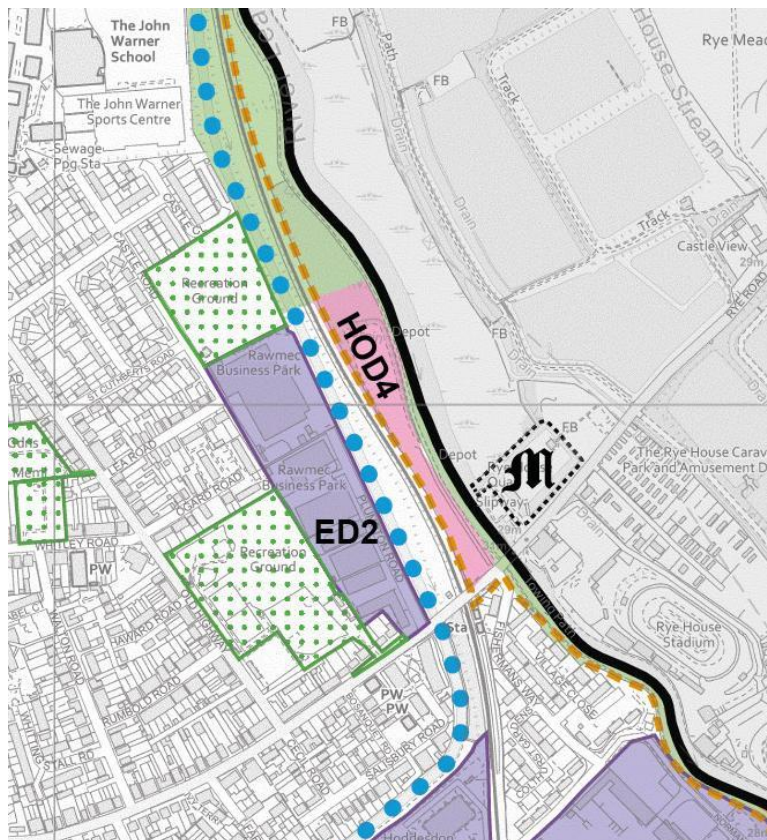
2.17 The residential scheme was in 4 blocks and an extract from application plan 2402 rev B shows blocks A, B, C and D working up the site as per the extract below:



- 2.18 The application report confirms that the application was supported by a variety of reports at paragraph 6.5 as one would expect for a residential development of this size.
- 2.19 The committee resolved to approve this scheme subject to the completion of the Section 106 as per the recommendation.
- 2.20 Due to the issue with the access road the resolution is sitting extant with no decision having been issued.
- 2.21 The resolution will have its fifth anniversary in December, 2025.

3.0 PLANNING POLICY

3.1 The statutory Development Plan comprises the Broxbourne Local Plan adopted June 2020 with a Plan period running from 2018-2033. An extract from the adopted Local Plan to show the appeal site is below:



3.2 The key designations are as follows:

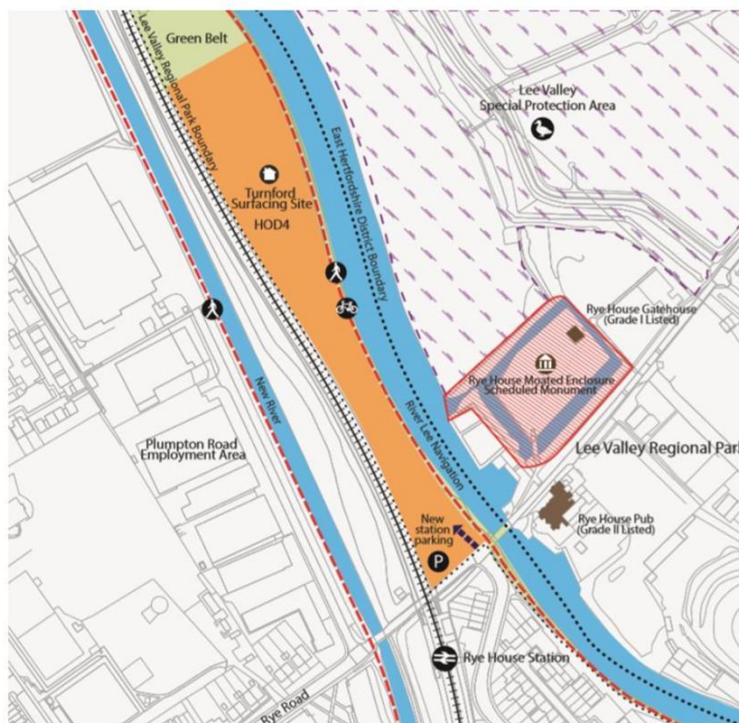
- The administrative boundary (the thick black line) runs to the east of the site;
- The site is the subject of the pink shaded “HOD 4” designation; and,
- The site to the west is the subject to the purple shaded ED2 employment designation.

- 3.3 As notated on the extract below the site is the subject of policy HOD4 which reads as follows:

Policy HOD4: Turnford Surfacing Site

The Turnford Surfacing Site is allocated for around 40 dwellings and a small car park to serve Rye Park station. Development should be of a suitable design and layout to enhance this gateway to the Lee Valley Regional Park and conserve the historic environment. Development should conserve and enhance the setting of the listed assets associated with the Rye House Gatehouse and Rye House public house. Further detail will be added through an update to the existing Development Brief

- 3.4 And the related extract from the text of the Local Plan is as follows:



3.5 In respect of the more general planning policy context the local planning authority list a series of policies within the main body of the committee report at paragraph 6.1 of the original report (noting that two subsequent committee addendums were added and we cover this matter at section 4 of this statement).

3.6 The two reasons for refusal rely upon the following two policies:

- **DSC1: General Design Principles;**
- **EQ1: Residential and Environmental Quality.**

3.7 A full compendium of policies to include those are as follows (in addition to HOD4):

- **DS1: The Development Strategy;**
- **IMP1: Delivery of Development;**
- **DSC1: General Design Principles;**
- **DSC3: Design Affecting the Public Realm;**
- **ED1: New Employment Uses;**
- **ED2: Employment Areas;**
- **NEB1: General Strategy for Biodiversity;**
- **NEB2: Wildlife Sites;**
- **NEB4: Landscaping and Biodiversity in New Developments;**

- **TM1: Sustainable Transport;**
- **TM2: Transport and New Developments;**
- **TM3: Access and Servicing;**
- **W1: Improving the Quality of the Environment;**
- **W2: Water Quality;**
- **W3: Water Efficiency;**
- **W4: SuDS;**
- **W5: Flood Risk.**

3.8 The policy compendium is set out below:

Policy DS1: The Development Strategy

Provision will be made for at least 7,718 homes in the period 2016-2033, as set out in the housing trajectory.

Provision will be made for between 5,000 and 6,000 net additional jobs focusing on Brookfield, Park Plaza, Cheshunt Lakeside and the town centres;

Provision will be made for approximately 24,000 square metres of new retail development and approximately 10,000 square metres of new leisure development, primarily at Brookfield Riverside.

Strategic development sites will be at Cheshunt Lakeside, Waltham Cross High Street North, Brookfield Riverside, Brookfield Garden Village, Rosedale Park, High Leigh Garden Village, and Park Plaza.

Provision will be made for five new primary schools and a new secondary school, subject to the conclusions of the Secondary School Sites DPD (policy INF10).

Provision will be made for road, rail, educational and other infrastructure.

The countryside, the Green Belt and the Lee Valley Regional Park will be protected and enhanced

Policy IMP1: Delivery of Development

The Council will as a last resort consider the use of compulsory purchase or other appropriate powers to deliver the policies of this Local Plan.

Policy DSC1: General Design Principles

I. The Council expects a high standard of design for all development. Wherever possible, development proposals must:

- (a) enhance local character and distinctiveness, taking into account: existing patterns of development; significant views; urban form; building typology and details; height; roof form; fenestration detail; materials; building lines and other setbacks; trees; landscaping; and features of local and historic significance;**

- (b) significant natural features on site such as trees, waterbodies, habitats, etc. should be dealt with sensitively and retained where-ever possible;**
- (c) increase permeability of the area by providing easy to navigate and safe physical connections with surrounding spaces, streets, paths and neighbouring development;**
- (d) consider surface drainage requirements from the outset and work with the local topography to create low maintenance SuDS;**
- (e) reinforce existing pedestrian connections and create new ones with a clear hierarchy of paths and streets that promote pedestrian friendly environments and active lifestyles;**
- (f) provide coherent and logical layouts with active frontages and good natural surveillance;**
- (g) create local landmarks and marker features for a well-defined townscape;**
- (h) increase accessibility to open spaces, sports and play facilities where-ever possible;**
- (i) avoid the creation of blank walls on public fronted elevations;**
- (j) mitigate against flooding and climate change through incorporation of features such as trees and planting, water bodies, retention/filter beds, permeable paving,**

green energy features and the retention/selection of appropriate materials.

II. All developments should have regard to the Council’s Supplementary Planning Guidance in relation to design.

Policy DSC3: Design affecting the Public Realm

Development proposals which create, or have a significant impact on, the public realm should:

- (i) maximise legibility and permeability of the public realm through the layout of buildings, landmarks and landscaping;**
- (ii) seek to maintain flexibility of use, uncluttered spaces and easy movement through the space through the use of public art, street furniture and infrastructure including signposting/way finding;**
- (iii) maximise opportunities for urban greening and opportunities for climate change adaptation through planting. This should involve native planting where possible. In no cases should non-native invasive species be used in sensitive landscapes including water-courses;**
- (iv) avoid creating ‘left-over’ spaces with no clear purpose or function**

Policy ED1: New Employment Uses

I. New knowledge-focused, employment uses will be strongly encouraged within the Borough.

II. For all employment uses, a suitable location should be accessible by several modes of transport, and the proposed use should not conflict with other policies within this Plan.

III. New employment floorspace should be flexible and able to respond to the changing needs of large, medium, small and growing enterprises

Policy ED2: Employment Areas

I. Designated Employment Areas (as defined on the Policies Map) are reserved for employment use and other uses which support, or are wholly compatible with, the designation.

II. Within these areas, the Council welcomes proposals for redevelopment and intensification of sites for uses within the B1 and B2 use classes.

III. Wherever possible, new employment floorspace should be of a flexible design, able to adapt to the changing needs of occupiers, and be of energy efficient construction.

IV. Development must not prejudice the continued operation and viability of the Employment Area and neighbouring employment uses.

V. Within the Employment Areas identified on the Policies Map, the Council will permit development, re-development or change of use for an alternative employment use subject to the following criteria:

- a) the proposal would not significantly affect the amenities enjoyed by occupiers of properties adjoining the employment area;**

- b) the proposal would not create an unacceptable impact on the local and/or strategic transport network;**
- c) the proposed use provides a complementary benefit to the Employment Area and serves the needs of local workers;**
- d) any retail element must be ancillary to the main business use;**
- e) the use maximises the employment potential of the area.**

Policy NEB1: General Strategy for Biodiversity

- I. Development proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation.**
- II. Development proposals should result in net gains to biodiversity wherever possible.**
- III. The Council will seek the creation of new networks of biodiversity, as well as the extension, enhancement and active management of existing sites.**
- IV. Opportunities to connect habitat fragments through the creation of stepping stones, using built form, vegetation or green areas will be assessed as part of all relevant applications.**
- V. When granting permission for any proposals that include measures to improve biodiversity, the Council will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in perpetuity**

Policy NEB2: Wildlife Sites

Internationally Designated Wildlife Sites

- I. Development at Cheshunt Lakeside should ensure that adverse impacts on the Lee Valley SPA, either alone or in-combination, are avoided and mitigated through the implementation of the mitigation strategy, in accordance with Policy CH1;**
- II. Where necessary, financial contributions towards the measures set out in any Epping Forest mitigation strategy for recreational impacts will be sought from residential developments within the Epping Forest ZOI in order to mitigate and avoid in-combination effects on the SAC;**
- III. Development proposals which may have an adverse impact on any internationally designated wildlife site, either alone or in-combination, must satisfy the requirements of the Conservation of Habitats and Species Regulations, determining site specific impacts and avoiding or mitigating against impacts identified.**

Nationally Designated Wildlife sites

- IV. Development which would harm the nature conservation or geological interest of a nationally important wildlife site, as shown on the Policies Map, will not be permitted unless:**
 - (a) it is required in connection with the management or conservation of the site; or**
 - (b) the development provides appropriate avoidance or mitigation measures and as a last resort compensation to**

offset any adverse impacts on the interest features of the site; and

(c) there is no alternative to the development.

Locally designated sites of wildlife value

V. Development on, or which negatively affects, a Local Wildlife Site or Local Nature Reserve, as shown on the Policies Map, will not be permitted unless:

(a) local development needs significantly outweigh the nature conservation value of the site; and

(b) the development provides appropriate avoidance or mitigation, and as a last resort compensation measures to offset any detriment to the nature conservation interest on the site.

Policy NEB4: Landscaping and Biodiversity in New Developments

I. Proposals for new development must submit details on how existing landscaping will be protected, enhanced and integrated into the development.

II. New landscaping must be well planned taking into consideration:

(a) the outlook and amenity of existing and future residents,

(b) the safety of inhabitants,

(c) the practicalities of future management and maintenance,

(d) opportunities for biodiversity creation, and

(e) street scene and character.

III. Landscaping schemes should ensure that there is no residual land, which no one takes responsibility for, such as on the edge of development sites or house plots.

IV. New developments must make connections to biodiversity features and habitat networks outside of the site, particularly through the use of a strong landscape framework and green infrastructure to strengthen and widen wildlife corridors.

V. Landscaping schemes should maximise their benefits to biodiversity by using locally appropriate native species wherever possible.

VI. Integrated features for wildlife e.g. Swift, House Martin and bat boxes should be incorporated into all suitable buildings.

Policy TM1: Sustainable Transport

Sustainability initiatives

I. The Council will expect all major development proposals to show how ways to reduce car use and promote alternative ways to travel have been considered and incorporated into the development. Detailed evidence of this process must be included in the Transport Assessment and supporting Travel Plan accompanying a planning application.

Pedestrian movement

- II. Development must not detrimentally impact upon existing footpaths and public rights of way and proposals should, wherever possible, extend, enhance or provide for new pathways, rights of ways and equestrian routes.**
- III. Development proposals must clearly demonstrate how pedestrian movement and connections have been prioritised and provided for.**
- IV. All new paths should be safe, direct, appropriately lit and signed. They should be suitably constructed for all users, and provide direct and easy access to services and facilities.**
- V. The Council will support proposals that protect and enhance the New River towpath, pedestrian routes to, and within, the Lee Valley Regional Park and connections by foot to other open spaces.**

Cycling provision

- VI. Development proposals must provide for cycle facilities through the use of accessible and safe routes to and around the site, the provision of cycle storage and cycle parking areas. Guidelines regarding the number of cycle spaces can be found in Appendix B.**

Public transport

- VII. All major developments should contribute to improved public transport, including infrastructure and revenue contributions for enhanced services, and should ensure that internal layouts do not impede the passage of buses.**

Policy TM2: Transport and New Developments

- I. Development will not be permitted where there would be a severe impact on the transport network. Development proposals must ensure that the safety of all movement corridor users is not compromised.**

- II. To demonstrate the likely impact of a development proposal on movement patterns and flows in an area, a Transport Assessment or a Transport Statement will be required.**

- III. Travel Plans must be submitted where the development involves major residential development, employment and other commercial development, and non-residential institutions such as schools and colleges. The Travel Plan will need to demonstrate that mitigation of the transport impacts of the proposal is achievable, and include provisions for monitoring.**

- IV. The Council will encourage the use of appropriate design and traffic calming measures to meet the needs of various movement corridors users.**

Policy TM3: Access and Servicing

- I. New development proposals must provide for adequate, safe and convenient servicing arrangements, access points and drop-off areas.**

- II. Adequate provision must be made for the movement and turning of emergency vehicles and refuse vehicles in all developments**

Policy W1: Improving the Quality of the Environment

- I. The Council will resist any development which has an adverse impact on river channel stability or quality and the potential to significantly damage wildlife habitats;**
- II. Development proposals will be required to preserve and enhance the water environment, creating space for the natural functioning of watercourses.**
- III. On sites adjoining or in close proximity to a water body, the Council will seek opportunities for removal of culverts, river restoration and naturalisation, improving in-channel habitat and reducing levels of shade, as part of any development adjacent to a watercourse.**
- IV. A landscaped buffer strip of an appropriate size should be maintained alongside all main rivers and ordinary watercourses.**

Policy W2: Water Quality

- I. Proposals should not result in a deterioration of surface or groundwater quality.**
- II. A drainage strategy or plan must be submitted with all applications showing how:**
 - a) rain water runoff will be managed on site both during and following heavy rainfall; and**
 - b) how foul and surface water will be managed and disposed of.**

III. Drainage on the site must clearly delineate, and provide separation between, foul and surface flows.

See also policy on SuDS

Policy W3: Water Efficiency

I. All major developments must minimise the use of mains water by:

- (a) Incorporating water saving measures and equipment;**
- (b) Incorporating the recycling of grey water and utilising natural filtration measures where-ever possible; and**
- (c) Designing residential development so that mains water consumption would meet a target of 110 litres or less per person per day.**

II. Commercial and retail buildings will need to demonstrate the BREEAM excellent standard (or equivalent successor rating) linked to efficient use of water.

III. Proposals to retro-fit existing development with water efficiency measures will be Supported

Policy W4: SuDS

I. Sustainable Drainage systems should be designed and implemented in ways that deliver multiple benefits, including improvements in water quality, biodiversity, amenity and recreation. Where practicable, SuDS should be designed to ensure the sustainable drainage networks have the additional

capacity required to cope with infrequent adverse weather conditions and therefore reduce flood risk.

- II. Development should aim to achieve Greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.**
- III. Development must utilise the most sustainable forms of drainage systems in accordance with the SuDS hierarchy. The Council will resist the use of underground holding tanks.**
- IV. The provision of balancing ponds as part of an area of public open space for recreation or wildlife should be designed to ensure the safety of users of the space.**
- V. Where SuDs are provided as part of a development, applicants should detail how it will be managed and maintained in the long term.**
- VI. The Council will require retrofitting of sustainable drainage systems (SuDS) and other water management measures where-ever possible, to improve water quality and reduce the responsiveness of catchments in the Borough to high intensity rainfall events.**

See also policies on Water Quality and Flood Risk

Policy W5: Flood Risk

- I. The functional floodplain will be protected from development. Wherever possible, developed areas within Flood Zone 3b should be returned to Greenfield status with an enhanced level of biodiversity.**

II. Overland flow routes and flood storage areas will be protected from all development.

III. Development proposals, including the raising of land, in areas at risk from flooding will only be considered if they pass the flood risk sequential test and if necessary, the exception test and they do not:

- a) increase the risk of flooding elsewhere;**
- b) impede flood water flows, unless by design;**
- c) endanger river channel stability;**
- d) reduce the capacity of the floodplain.**

Redevelopment on Floodplains

IV. Any proposal for intensification or redevelopment of a site within Flood Zone 3, as currently defined, must include on-site flood storage and flood resilient features.

4.0 THE DECISION MAKING PROCESS

4.1. We attach at **Appendix 3** the committee report.

4.2. The application went to three separate committees as follows:

- **26th November, 2024** at which it was resolved to be refused;
- **20th May 2025** at which more information was requested; and
- **24th June 2025** at which it was refused.

4.3. The local planning authority prepared a detailed report for the first committee and then short addenda for the subsequent two committees and all are appended in a single composite document (which was the manner in which they were all presented by the local planning authority).

4.4. All three recommendations were to grant planning permission.

4.5. The second committee, namely that of May 2025 warned members that the appellants could seek costs if the November 2024 policy HOD4 resolution was relied upon.

4.6. The resolution from the November 2024 committee was 2-fold as follows:

RESOLVED that: (a) the Committee is minded to refuse the application as being contrary to adopted Policy HOD4 and adverse environmental impacts; and (b) the issue of the decision notice be held in abeyance to enable appropriate legal advice to be sought on the proposed reasons for refusal

4.7. The report went on to state at paragraph 1.2 as follows:

1.2 Legal advice has now been obtained from Counsel, with the advice concluding that the chances of success at any appeal would be limited. Members of the Committee will be aware of the option for an appellant to apply for costs at appeal. The Planning Inspectorate can impose costs at all levels of appeal from written representations up to full public inquiry

4.8. And also 2.1:

2.1 In parallel with the process of reviewing the draft reasons for refusal, officers have also explored ways of ‘unfreezing’ the scheme for 104no. dwellings resolved for approval by the Committee in December 2020 (planning application ref.07/20/0467/F). The access problem remains as the highway which is Rye Road outside the access to this site is not adopted highway and the land ownership is unknown (the land is unregistered). Approaches to Herts County Council by both the applicant and this Council, seeking a method of achieving road adoption to allow finance to be secured to build-out the residential scheme, have been unproductive. The road remains in private hands and it seems that even if this Council were to pursue Compulsory Purchase this would not necessarily unlock residential development as a private management company would be unlikely to take responsibility for a highway used by heavy traffic, in effect adopting public highway as part of a private site.

4.9. As part of the process we had met with officers of the local planning authority on 18th December 2024 to seek to progress matters in respect of the “unfreezing” of the access.

4.10. In response to this process and the local planning authority’s consistent and persistent request of the County Highway Authority we received the text below via the local planning authority from the legal team at Hertfordshire County Council:

Hi Peter. Comments below from our Legal team outlining their views at this current time. Feel free to pass onto the developer:

- Vanderpump & Sykes previous argument seems to refer to marketability rather than deliverability, and there is no requirement in law or elsewhere that HCC should take on a significant (and at this moment unknown) liability in order to make a private developer’s site commercially viable.

- It is normal for a developer to take out an indemnity policy when they construct a road that fronts onto unadopted highway. These are commercial considerations and not pertinent to the Highway Authority’s considerations.

- The site can be made deliverable in planning terms with the highway in question remaining in private use. In exercising its Highway function, HCC is obliged to consider Highway safety, impact on the Highway network, risk to the public purse, etc, but not the profit margins or other considerations of the developer. Doing so would be 'Wednesbury unreasonable' in relation to the exercise of the Highway Authority function. If the Developer is unable to obtain an indemnity policy as is normally the case this should be reason for HCC to be cautious regarding undertaking any adoption.

- HCC should be careful regarding entertaining the use of s.228 powers to adopt streetworks without an adequate understanding of the infrastructure that HCC could be liable for. We would need to see what the Developer’s discussions with indemnity insurers have turned up, or indeed if they have any such discussions at all. HCC is not an insurer of last resort and it is not appropriate in principle to cost shift this responsibility to us.

- Further work would be needed to try and determine where the toll road actually ceases and determine whether this land is affected by the toll road in any way given that it is adjacent to it.

- 4.11. At the committee of 20th May 2025 members did not make a decision but instead resolved as follows (as subsequently recorded in the next and final committee of 24th June 2025):

RESOLVED that planning application be deferred for further information on the practical operation of the site, scalable CGI images of the proposed development and the visual impact assessment of the development in relation to the adjacent area to the application site.

- 4.12. Between the second and third committees the applicants revisited the construction of the infrastructure and were able to reduce the height of it quite significantly. It is therefore the June 2025 version of the plans that represents the final version upon which the decision was based and also extracts from these plans are incorporated within the final committee report.
- 4.13. The height of the lindemann infrastructure was reduced from just 18m at its highest point to 9m as a total maximum height.
- 4.14. We did not, in the event, prepare CGIs.
- 4.15. The lead time was too great and in view of the long delays the applicant was not prepared to counter this and committee cycles during the summer become more problematic. Instead the scheme was reduced as visual impact was the main issue which had been discussed at second committee. Also we prepared two separate plans those with tree cover and those without as members had previously expressed concern that the trees (which in fact exist on the site) obscured what they were assessing.
- 4.16. We would also add that we attended all three committees and have made a presentation to them as did the same objector. The number of objections lodged against the proposal is high and we did anticipate a great deal of live objections at the committees themselves: in the event it was the same two to four people who attended all three committees.

- 4.17. We are not suggestion that a written objection should be given less weight in view of this point but we do consider the low level of actual attendance to be relevant matter which we wish to record especially as we have also attended committees where live objection has been high.

5.0 ASSESSMENT

- 5.1. Prior to addressing the two reasons for refusal we start with a number of agreed and preliminary matters.
- 5.2. We do so as it is quite clear that the original reason for refusal was not found to be legally sound and members moved on to seek an alternate reason (s).
- 5.3. This conclusion is reached by comparing the reason why the committee resolved to refuse the scheme back in November 2024 (as recorded in the May 2025 committee) which was on HOD 4 grounds and made no reference to its physical appearance or traffic impacts with the two reasons for refusal which are the two reasons for refusal upon which the committee finally rested. We also note that from November 2024 to May 2025 the scheme was reduced in height from 18.59m at its highest point down to 9m.
- 5.4. The November 2024 resolution which referred to “environmental effects” cannot reasonably be seen as covering the very specific allegations now alleged.
- 5.5. We reiterate that the local planning authority obtained counsel’s opinion as to the extent that the November 2024 resolution could be defended at appeal and at the May 2025 committee the officers of the local planning authority did point members in the direction of more subjective allegations.
- 5.6. There is no criticism of the officers of the local planning authority making this point as throughout the entire two-year process they have been extremely supportive of the scheme, no doubt being mindful of the problems with the access, the extant resolution which is simply going nowhere five years later, and, the need to find an appropriate use for a large site within the settlement boundary.
- 5.7. We now address the series of miscellaneous preliminary matters.

Highways and Transportation

5.8. We acknowledge the more subjective highway objection in the second reason for refusal but in technical terms there is no objection.

5.9. The final section of paragraph 7.8 of the committee report reads as follows:

Nevertheless, HCC as local highway authority does not raise objection to this planning application, subject to conditions which would require an amended Travel Plan, a Construction Environmental Management Plan and submission of a Servicing and Deliveries Plan which mitigate any impact on the local road network. Conditions to cover these three points are included at the end of this agenda report and these details would be submitted to council officers for verification/approval

5.10. And paragraph 7.9 reads as follows, with our addition of the **emphasis:**

7.9 In terms of car parking, the Council’s SPG standard specifies 4.5 spaces for the office/welfare building and 5.5 spaces for the warehouse building or 10 overall. The layout shows 10 parking spaces for the 25 full time employees. While HCC has commented that this is relatively few spaces for this number of employees, the site is opposite Rye House railway station and a Travel Plan has been submitted to support the application. As the site is 90% hard-surfaced, overflow parking is considered to be unlikely to occur even if the 10 allocated spaces were on occasion to be filled. The Travel Plan would help to encourage multimodal transport and an updated version would need to be submitted to the Council in the six months after the business opens in order to maximise its effectiveness. Two of the ten parking spaces would need to be equipped with EV charging facilities and this would be secured by condition. Although the highways implications of the proposal have been a source of strong objection from local residents, the highway authority is not minded to oppose this proposal and against this backdrop

it is considered that the highways, access and car parking provision are acceptable for the proposed development in the context of Policies TM2, TM4 and TM5 of the Local Plan (2020).

Ecology

- 5.11. The site is laid to hardstanding and the boundary trees are not touched by the proposal.
- 5.12. The open space’s strategic landscaping scheme shows the existing canopies to be retained and new planting proposed in terms of new trees and a proposed native scrub reinforcement planted hedge (this matter will also be covered by condition).
- 5.13. The BNG uplift is 28.86% which is well over and above the mandatory 10% figure.
- 5.14. The RSPCB and the Lee Valley Regional Park Authority objected to the scheme and in particular we refer to its submissions as follows:
- **Natural England email (redacted by the local planning authority) written by Betsy Brown MCS and its letter of 22nd August 2024;**
 - **RSPB letter of 22nd August 2024.**
- 5.15. Both sought baseline noise data.
- 5.16. In response the applicants instructed their noise consultant to prepare an addendum statement, namely the technical memorandum of June 2024. This explained the reality of the position.
- 5.17. The local planning authority took this a stage further and instructed a habitat regulation assessment (HRA) which was published in July 2024 and addressed this matter very clearly [Prepared by Steve Plumb MCIEEM CEnv CMLI on behalf of the Borough of Broxbourne Council – 25th July 2024].

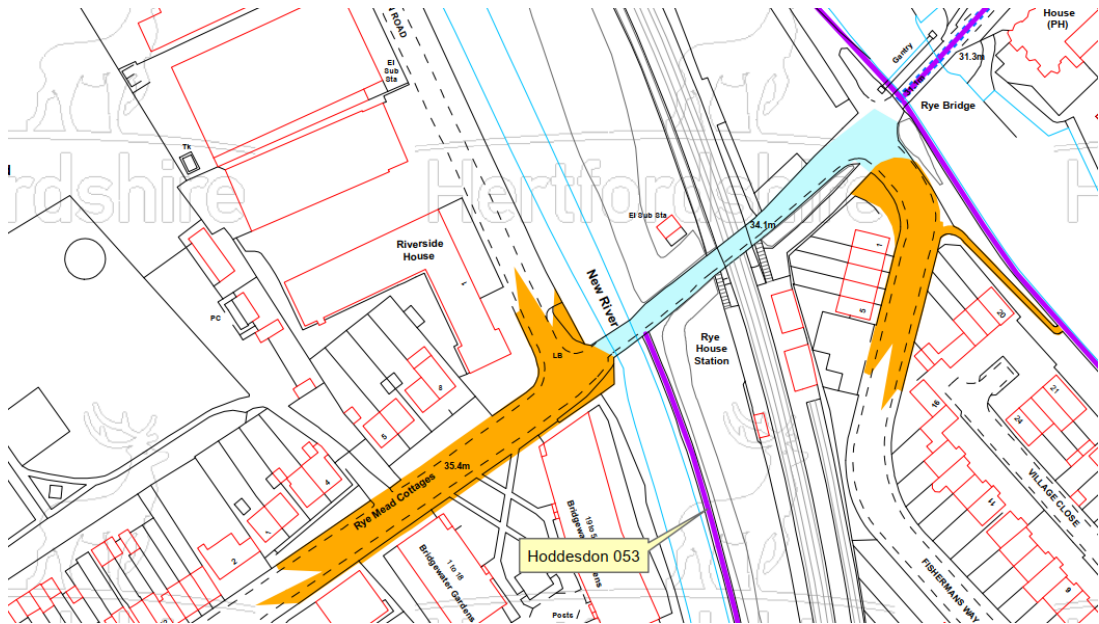
- 5.18. Neither Natural England nor the RSPCB became involved in the application process post the receipt of the HRA.

Noise to local residents

- 5.19. A great deal of the objection appears to arise from a fear of a noise impact.
- 5.20. The committee report at paragraph 5.4 records no objection from the local planning authority’s environmental health officer subject to conditions. There is no technical evidence to support the view that there will be any issue of adverse noise.
- 5.21. We also note that the nearest residential property is 234m from the plant (the nearest property being the 5 semi-detached properties along Fishermans Way to the south).

HOD4

- 5.22. The scheme is clearly contrary to HOD4.
- 5.23. We conclude in the next section with an overarching Development Plan assessment but at this stage make the point that if the allocation is not sound a scheme in compliance with the policy designation can never go ahead. The history in this case is of course of the applicants trying to pursue a residential scheme and, indeed, spending a great deal of time and money in doing so.
- 5.24. We have explained the issue and this has been a long-term one.
- 5.25. If the land is unregistered (see final appendix 8 to Vanderpump and Skyes appeal submission) and the County Highway Authority will not adopt it there is no way forward: the land in question is shown below in blue:



5.26. We refer again to the “robust” email of February 2025 from the County Highway Authority, with our **emphasis:**

- Vanderpump & Sykes previous argument seems to refer to marketability rather than deliverability, and there is no requirement in law or elsewhere that HCC should take on a significant (and at this moment unknown) liability in order to make a private developer’s site commercially viable.

- It is normal for a developer to take out an indemnity policy when they construct a road that fronts onto unadopted highway. These are commercial considerations and not pertinent to the Highway Authority’s considerations.

- The site can be made deliverable in planning terms with the highway in question remaining in private use. In exercising its Highway function, HCC is obliged to consider Highway safety, impact on the Highway network, risk to the public purse, etc, but not the profit margins or other considerations of the developer. Doing so would be 'Wednesbury unreasonable' in relation to the exercise of the Highway Authority function. If the Developer is unable to obtain an indemnity policy as is normally the case this should be reason for HCC to be cautious regarding undertaking any adoption.

- HCC should be careful regarding entertaining the use of s.228 powers to adopt streetworks without an adequate understanding of the infrastructure that HCC could be liable for. We would need to see what the Developer’s discussions with indemnity insurers have turned up, or indeed if they have any such discussions at all. HCC is not an insurer of last resort and it is not appropriate in principle to cost shift this responsibility to us.

- Further work would be needed to try and determine where the toll road actually ceases and determine whether this land is affected by the toll road in any way given that it is adjacent to it.

5.27. It is not about marketability.

5.28. No financier would land on a site for which access is not clear.

5.29. No mortgage company will do so for entirely the same reasons.

5.30. Indemnity insurance still needs to be paid for and this would fall on the home owner with time at considerable cost, noting the “significant” liability involved (quote from HCC email).

5.31. The short point is that any residential scheme (not least 104 new build units) needs a clear and robust access.

5.32. In addition to this the applicants spent a great deal of time and money post the December 2020 resolution trying to address this matter.

5.33. We also reiterate that the local planning authority sought legal advice on the November 2024 resolution to make a decision based on the current scheme being contrary to HOD4. The applicants have not seen the cited counsel’s opinion and we suspect that it will not be tabled as part of the appeal but its conclusions are clearly set out in the committee report. We add that even the elected members are not pursuing their objection on the basis of a HOD4 objection.

- 5.34. We also make the point that the 104 residential unit scheme which was resolved to approve but which cannot go ahead does not itself align entirely with HOD4.
- 5.35. The large quantum of 104 units is not quite the 40 that the Local Plan designation cites and the Local Plan designation did refer to character issues but either way this point falls away as the residential scheme will not go ahead.

The reasons for refusal

- 5.36. We now turn to the **two reasons for refusal** with the first reading as follows:

1 The development by reason of its physical appearance and location near to residential areas, historic sites and visitor attractions would have a severely detrimental impact on visual amenity which, as a result, would be directly contrary to Policy DSC1 'General Design Principles' of the Borough of Broxbourne Local Plan 2018-2033 adopted June 2020.

- 5.37. This is a visual concern only. It uses the words “physical appearance” and “impact upon visual amenity”.
- 5.38. Policy DSC1, upon which the local planning authority rely (the only policy in the first reason for refusal), is a very general and multifaceted development management policy.
- 5.39. At this stage we make the point that something should be done with the site. It is within the urban area and in a sustainable location, indeed being very close to the mainline train station and, in reality, not far from the town centre.
- 5.40. The position of the local planning authority (we stress this is a corporate position acknowledging the support of officers) does not address this.
- 5.41. The scheme cannot be a residential scheme, not the 40 units as allocated nor the 104 as resolved to be approved 5 years ago. The view that it will be “sorted one way or the other” as expressed at the committee has no basis in the history of

this matter or the legal advice received. We stress that HCC Highways would not adopt and take on, to quote “a significant (and at this moment unknown) liability”.

5.42. The site is an industrial site.

5.43. It is in fact called the “Turnford surfacing site” and at paragraph 7.4 the committee report states as follows:

7.4 In a situation where the allocated residential use, for the foreseeable future, cannot be established on the site, the question clearly arises as to what beneficial use the owner can make of the land which is at the edge of the builtup area, has a significant history of commercial use and a lawful permission as a road surfacing depot with operational plant.

5.44. As per the planning history section of this statement the extant use is B2.

5.45. If there is no other option than the appellants will have no choice but to market it as a surfacing site or any other industrial use.

5.46. It is germane to appreciate that the extant use can therefore go ahead with only the dated conditions and is an established use accepted by the local planning authority. In the context of the issues raised by the first reason for refusal it is clearly not an attractive proposition or a more palatable fallback.

5.47. In terms of the visual impact of the current appeal scheme we make the following points. The office/ welfare building and warehouse do not seem to be particular concerns. They are not oversized in context and have not been the subject of any discussion at the committee and have not been criticised in any direct terms in the reasons for refusal.

5.48. The infrastructure is a complex machine and the height is confirmed on the scaled plans. We are of course assessing the much reduced scheme. It is some considerable distance from the 5 semi-detached houses which lie immediately to

the east of the mainline train station: the agreed figure (see committee report and paragraph 7.6 of the original version) is 234m which is considerable.

- 5.49. From the first floor windows of these properties the infrastructure as proposed will clearly be part of a longer distance and lateral view. There simply be no views of the facility from either the ground floor rear windows or the front of these properties.
- 5.50. Rye Road itself is not a particular pedestrian route and there are no footpaths so we do not particularly assess views from this point.
- 5.51. There is a footpath route along the River Lee.
- 5.52. We are not suggestion that the Lindemann infrastructure will be completely hidden by trees but the view of it will be mitigated to a significant extent by them. It is not just the pre-existing and mature vegetation but the additional planting to come forward by means of planning condition. We have covered the issue of biodiversity net gain.
- 5.53. We also make the point that the residential scheme had a much greater impact. This was of course designed to make the best use of the more attractive views to the east but the scheme was still nonetheless a large scheme and 5 storeys in height at its tallest point which his furthest north into the site. No doubt the local planning authority’s view is that it was a much better design as compared to the shredder but it is still nonetheless a very large intervention on this long linear site. It also highlights the need to make a productive use of the site and so reinforcing the point we have made earlier.
- 5.54. The amount of built form and associated paraphernalia with a very large residential scheme is not a matter to be ignored albeit of course the point is largely counter intuitive as this scheme will not go ahead.
- 5.55. We are simply confirming that this is what the local planning authority did countenance for the site and the scheme that the Hoddesdon Society would like to see go ahead.

- 5.56. Visual amenity is largely subjective and this is why the scheme was refused on these grounds but it is material to appreciate that this has always been an industrial site historically and this gives rise to a certain character and that this character is in fact well established now.
- 5.57. The listed structures on the opposite side of the road include the listed gatehouse and the listed public house. In isolation there is an attractive green environment immediately around these but they also lie in very close proximity to the Parkhouse site which has literally no frontage planting and beyond that the significant sewage works. The redundant sports stadium also has a large car park to the frontage.
- 5.58. An aerial view of the context as well as an image from this point looking toward the appeal site is shown below:

Aerial view of the site and context (google)



View of the unrelieved park home site



View towards the site



- 5.59. Beyond that is the Plumpton Road employment site and these matters – namely the sewage works, the Parkhouse site, the stadium, the Turnford surfacing site – represent the broad character of the context with the reduced and landscaped infrastructure sought to be placed.

5.60. We therefore conclude some impact arising from the much reduced scheme but one which is acceptable within context and one which to be fair aligns wholly with what is seen locally.

5.61. We therefore rebut the first reason for refusal and turn to the **second** which reads as follows:

2 The use of Fishermans Way to access the site by Heavy Goods Vehicles, including car transporters, would have a materially adverse impact on amenity for residents of that road by reason of noise and general disturbance. As such the proposal would be contrary to Policy EQ1 : 'Residential and Environmental Quality' of Borough of Broxbourne Local Plan 2018-2033 adopted June 2020

5.62. This is a residential amenity concern arising from what the local planning authority consider to be a large amount of heavy vehicular traffic.

5.63. Car transporters are cited as of course ELV will be brought on the site by these means. The recyclable biproducts (for example good quality tyres that can be reused, alloys; some upholstery, radios, and suchlike) are taken away in smaller vans and transits and the steel in dumper trucks. There will be a variety of vehicles but it is fair to say that the car transporters will be the largest and so represent the best focus for the assessment.

5.64. We turn to the EAS highways report of July 2023 and specifically section 5 entitled **“Development Impact”** it is the case that the site is sometimes used as a car park for a nearby film studio but this is a short-term opportunity and not a long-term use for the site. It is also relatively ad hoc in response to periods of filming.

5.65. The trip generation arising from the appeal proposal is shown at table 5.1 and this is imported below:

Table 5.1 – Recorded existing use vehicle trip generation (allow for rounding)

Trip generation	AM Peak Hour 08:00 – 09:00			PM Peak Hour 17:00 – 18:00			All Day 07:00 -19:00		
	In	Out	Total	In	Out	Total	In	Out	Total
Total vehicle trip rate (per 100sqm)	0.313	0.075	0.388	0.022	0.075	0.097	1.690	1.671	3.361
Total Vehicles – proposed (10,700sqm)	33	8	42	2	8	10	181	179	360
HGV trip rate (per 100sqm)	0.037	0.015	0.052	0	0	0	0.252	0.245	0.497
HGVs – proposed (10,700sqm)	4	2	6	0	0	0	27	26	53

5.66. And paragraph 5.10 reads as follows:

5.10 Based on the TRICS data it could be expected that the proposed use could be expected to generate 42 and 10 vehicles movements in the respective AM and PM peak hours –with 6 and 0 HGV movements in the respective AM and PM peak hours – expressing a significant decrease in peak hour vehicle movement when compared to the existing car park use

5.67. The committee report records the matter in the following terms at paragraph 7.8 with our emphasis:

7.8 The proposal is accompanied by a Transport Statement which assesses the traffic implications by comparing the proposed use with the existing lawful use and with the residential scheme which was resolved for approval. In doing so, the Statement sets out the details of the vehicle access, pedestrian/cycle access, vehicle parking [including cycles], accident data, trip generation and general servicing to include refuse freighters. There are different profiles of use for the original industrial use with significant numbers of HGV movements required to service tarmac and road stone operations and transport the finished products from the plant to highway applications. In terms of the residential use resolved for approval in 2021, this would of course be characterised by substantial private vehicle movements to the 104 dwellings with intermittent use by commercial vehicles involved in servicing and deliveries. The proposed use is projected to have fewer HGV traffic movements than the surfacing materials depot use and many fewer traffic movements than a residential scheme at most times of the day. The direct route to the main industrial area along Normandy Way does

have areas where there are parked cars on both sides of the road and the twin bridges when heading along Rye Road are far from ideal for larger vehicles. Nevertheless, HCC as local highway authority does not raise objection to this planning application, subject to conditions which would require an amended Travel Plan, a Construction Environmental Management Plan and submission of a Servicing and Deliveries Plan which mitigate any impact on the local road network. Conditions to cover these three points are included at the end of this agenda report and these details would be submitted to council officers for verification/approval.

- 5.68. It is accepted that the likelihood is that the route in and out will be down Fishermans Way and into Normandy Way as expressed above. We have made the point in terms of the planning history that this is entirely the route that the traffic s required to go.
- 5.69. There is a weight restriction on the bridge over the railway immediately to the west of the site entrance and this clearly direct traffic down Fishermans Way.
- 5.70. In response the site is established and so is the Plumpton Road industrial estate which will also use the same route.
- 5.71. Fishermans Way is relatively short and then Normandy Way serves the main industrial area of Hoddesdon as per the aerial screenshot below courtesy of Google.



- 5.72. The allegation is of disturbance arising from the scheme to the residents of Fishermans Way and in response we make a series of points. The first is that there is no technical objection to the scheme albeit we accept we accept that the concern is a subjective amenity one and not a technical one.
- 5.73. The local planning authority’s position (again the corporate position) does not account for the lawful use of the site and the fallback of the surfacing use (controlled by now very dated conditions) and any other B2 use.
- 5.74. Hours of operation will be controlled by condition and we refer to Condition 15 of the committee report. The hours on the application form were 0700 to 1800 Monday to Friday and Saturday 0700 to 1200 and nothing on Sunday or bank holiday. These are very palatable hours of operation and outside of these times the site will be entirely silent and unoccupied (save for the security guard).

- 5.75. The evidence is of a low level of traffic and this has been quantified by the relevant professional.
- 5.76. Car transporters are not uncommon in our towns and cities. There are multiple car dealerships in Hoddesdon as one would expect and all are inevitably served by car transporters.
- 5.77. The residential scheme for 104 units would not of course attract a car transporter but would still involve a large number of movements and now it is also the multiplicity of delivery vans such as Amazon or supermarket deliveries that characterise a residential use.
- 5.78. We submit that the concern is the perception of fear and disturbance but the fact and evidence do not support the fear.
- 5.79. It is wrong to ignore the implications of a lawful use. The current scheme is in fact based on a low level of traffic: there will be car transporters but these are not uncommon and already serve our towns and cities.
- 5.80. The actual movements along Fishermans Way will be limited and not the constant parade of industrial traffic that was the nature of the final decision.
- 5.81. We therefore rebut the second reason for refusal for these reasons.

6.0 CONCLUSION

- 6.1. The scheme recycles ELV.
- 6.2. It uses the best infrastructure in the country and the investment is significant.
- 6.3. Whereas the most typical methodology is to crush cars this separates the metal and shreds.
- 6.4. Everything that can be recycled will be and this is clearly a sustainable process.
- 6.5. It will not be a poor quality and unregulated scrapyard with piles of rubbish everywhere: it is in fact a very involved and highly designed industrial process and to a point an intricate one. The planning system should accommodate such uses and so why not on a site which has had nothing but an industrial past.
- 6.6. It will employ 25 staff and will be efficient and planned. It will take place on a site that has always been industrial, even the local planning authority’s allocation for residential development described this as the Turnford surfacing site.
- 6.7. The fallback position is a relevant matter in this case. At paragraph 7.2 the local planning authority accept that the lawful use is a surfacing use. If the current use is not able to go ahead then the applicants will have no option but to market the site for this use. It would be literally have nowhere else to go in terms of finding a use for the site and the evidence is that the residential scheme could not go ahead and having gone to three committee it is quite clear that any form of new industrial use on the site is to meet with objection.
- 6.8. The significant level of written objection which does not translate into live objection at any of the three committees, is, in the applicants’ opinion, based on a fear and perception of noise and disturbance and we comment on all of these matters as we conclude our case.

- 6.9. Noise is simply not an issue.
- 6.10. The process will take place 234m away from the nearest residential property, namely the 5 semi-detached properties to the south at Fisherman’s Way.
- 6.11. Sound Solutions, the applicants’ noise consultants, and the local planning authority’s EHO have been fully in agreement since day one that noise is not an issue. It was wrong of members (as expressed verbally at the June 2025 committee but not translated into the reasons for refusal) to allege noise.
- 6.12. Noise in the context of ecology is also not an issue.
- 6.13. The concerns of Natural England and the RSPCB fell away post the habitat regulation assessment which is very clear in its conclusions.
- 6.14. We would also add that the BNG is well in excess of the statutory minimum by almost threefold.
- 6.15. Visual impact is subjective but the subjective assessment must also have regard to the site’s history, the extant use and the context. By context we have referred to the Parkhouse site which lies in close proximity to the listed buildings and is unrelieved, the significant sewage works, the redundant Trye lane stadium and the significant established industrial estate along Plumpton Road.
- 6.16. The new chapter in the site’s history that the members and the Hoddesdon Society wanted, namely the residential scheme was not able to be delivered: but it was the applicants who tried to delivery this.
- 6.17. We accept that we have made earlier references to the cost of this application but it does fairly bear some analysis to illustrate the commitment to it. With the cost of architectural work, the planning fees (*which if submitted today would be £41,676 albeit we accept that fees were less in 2019 when this proposal was first submitted*), the full list of consultant reports needed to support this application

(planning statement, design and access statement, GO environmental report, noise statement, preliminary ecological survey, flood risk and drainage report, transport statement, flood risk assessment, archaeology/ heritage statement, landscape and visual assessment, arboricultural survey and method statement) it is clear that this was not an arbitrary attempt and was intended to be built out.

- 6.18. Post that there have been significant legal fees and time in trying to address the matter of the road access.
- 6.19. The issue of traffic has been quantified as per professional protocols.
- 6.20. The site will attract car transporters but not many (see EAS transport assessment) and they are a common feature of our towns and cities. We submit that Fishermans Way already supports a great deal of traffic and in context the additions will not be harmful or even noticeable. The access via Fishermans Way is the historical access and the history confirms that the applicant paid a contribution towards it and entered into a S106 such that traffic did not use Rye Road. **It is, in short, the accepted and planned access to the site.**
- 6.21. We now conclude with the Development Plan assessment.
- 6.22. We will have to conclude that the scheme does not comply with the Development Plan as HOD4 seeks a residential scheme and not an ELV processing facility.
- 6.23. It is rather unfair that we have to conclude this as the allocation is not sound as it simply cannot be delivered.
- 6.24. In respect of other components of the Development Plan and the policies as cited earlier we comment in respect of compliance.
- 6.25. It complies with DS1 namely development strategy which states that provision will be made for necessary infrastructure (“other infrastructure” in the words of the policy).

- 6.26. IMP1, **“Delivery of Development”**, is tangentially relevant. A CPO was considered but is not realistic and this is covered in the Vanderpump statement submitted on behalf of the applicants, however the local planning authority did consider what they could try and bring forward this site and it is simply not possible.
- 6.27. We comply with policy DSC1, **“General Design Principles”**, as the scheme enhances as far as it can an industrial site with BNG and landscaping particularly along the eastern edge.
- 6.28. It complies with ED1, **“New Employment Uses”**. Criterion (I) is strongly encouraging of new knowledge-focused employment uses within the Borough. The proposal is a new employment use and as we have said it is not a run of the mill scrapyard with all the negative connotations that that entails but a well-designed industrial process. In respect of (II) it is accessed by several modes of transport. It does conflict with HOD4 and this has been covered in detail.
- 6.29. In respect of criterion (III) this is less relevant as it is not really new floorspace that is being provided.
- 6.30. Compliance with ENB1, **“General Strategy for Bio-Diversity”**, is addressed by the fact that no bio-diversity is being lost and a 28% biodiversity net gain is being provided.
- 6.31. ENB4 entitled **“Landscaping and Biodiversity in New Development”** is complied with via the new landscaping on the river edge and the fact that this will be protected by a planning condition.
- 6.32. The scheme complies with all transportation and water quality policies with flooding not being an issue.
- 6.33. If we were to discount policy HOD4 then the scheme would wholly accord with the Development Plan.

6.34. We submit that HOD4 should be able to be discounted as it is not sound however we do not choose to do this but accept conflict and rely upon the significant material consideration namely the fact that it is not deliverable and the fact that the scheme complies with all other cited policies in the Plan.

6.35. We would add that the material consideration upon which we rely is perhaps the best possible one in terms of any assessment.

6.36. For these reasons we request the appeal is allowed.